



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 7, 2014
AGENDA DATE: August 14, 2014
PROJECT ADDRESS: 3626 San Remo Drive (MST2009-00325)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4550
 Renee Brooke, AICP, Senior Planner *RLB*
 Daniel Gullett, Project Planner *DFG*

I. PROJECT DESCRIPTION

The proposed project involves changes to the four lot subdivision approved by the Planning Commission on October 14, 2010 and an amendment to the subdivision conditions in Planning Commission Resolution No. 015-10. The 1.53 acre project site is adjacent to San Roque Creek and is currently developed with a single-family residence, studio apartment with attached garage, and lath house.

The proposal includes the following revisions to the approved Tentative Subdivision Map: adjustment of development envelopes; removal of four additional coast live oak trees on Lot 4; a shift in the property line between Lots 3 and 4 approximately three feet to the north; a shift in the property line between Lots 2 and 3 approximately four inches to the north; revision to grading quantities resulting in approximately 1,422 cubic yards of cut and 70 cubic yards of fill (the original approval included 125 cubic yards of cut and 25 cubic yards of fill), balanced on-site; removal of proposed creekside berm; removal of proposed private creekside pedestrian path; changes to common storm water management facilities; and adjustment to the sidewalk curvature and related San Remo Drive right-of-way dedication. The project includes planting of additional coast live oak trees to replace the additional trees proposed for removal.

The proposal also includes a Condition Amendment to Condition B.2 that requires the setback from San Roque Creek be expanded from the existing 35 feet to 45 feet if the historically-significant façade of the existing residence cannot be restored in its location. The new proposal includes demolition of the existing façade and reconstruction consistent with the Secretary of Interior Standards for Reconstruction within 35 feet of the top of bank, instead of restoration.

The Single Family Design Board is the decision-making body for the subdivision grading plan and the future residences on Lots 1, 2, and 4. Historic Landmarks Commission is the decision-making body for reconstruction and alterations to the historically-significant residence on Lot 3.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are a revised Tentative Subdivision Map and an Amendment to the Conditions of Approval in Planning Commission Resolution No. 015-10.

III. RECOMMENDATION

If approved as proposed, with the previously-granted Public Street Waivers, Street Frontage Modification, the project would conform to the City’s Municipal Code, and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section XI of this report, and subject to the revised conditions of approval in Exhibit A.



Figure 1: Project Vicinity

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant	Vince Amore, Capital Pacific Development Group	
Property Owner	Madsen Family Trust	
Site Information		
Parcel Numbers: 053-231-010 & -011	Lot Area:	66,372 sf
General Plan: Low Density Residential, Maximum Density: 5 units per acre	Zoning:	E-3 (One Family Residence Zone) SD-2 (Upper State Street Area)
Existing Use: Residential	Topography:	11% avg. slope
Adjacent Land Uses		
North – Single Family Residential	East – Single Family Residential	
South – Multiple Family Residential	West – Single Family Residential	



Figure 2: Aerial Photograph

B. PROJECT STATISTICS

Approved Tentative Subdivision Map					
	Slope	Net Area Required	Gross Area Provided	Net Area Provided	Development Envelope
Lot 1	9%	7,500 sf	14,356 sf	14,356 sf	~4,662 sf
Lot 2	8%	7,500 sf	14,166 sf	14,166 sf	~3,492 sf
Lot 3	10%	11,250 sf	15,507 sf	15,507 sf	~4,185 sf
Lot 4	9%	7,500 sf	22,338 sf	16,543 sf**	~2,958 sf
Proposed Tentative Subdivision Map Revisions					
	Slope	Net Area Required	Gross Area Provided	Net Area Provided	Development Envelope
Lot 1	9%	7,500 sf	14,190 sf	14,190 sf	4,475 sf
Lot 2	8%	7,500 sf	14,094 sf	14,094 sf	4,517 sf
Lot 3	10%	11,250 sf*	14,925 sf	14,925 sf	5,089 sf
Lot 4	9%	7,500 sf	23,249 sf	17,350 sf**	4,428 sf

* The E-3 Zone requires 1.5 times the base lot area for lots with average slopes between 10-20%

** Excludes the resulting San Remo Drive right-of-way

V. BACKGROUND

The Planning Commission reviewed the original application for a four lot subdivision proposal on this property on September 2, 2010. That proposal included a 35 foot creek setback for all four lots. That proposal included removal of four coast live oak trees in the northwest corner of Lot 4 and protection of two large oak trees on Lot 4 closer to San Remo Drive. The Planning Commission continued the project with Commissioners encouraging the applicant to provide additional creek setback and a broader view of the historic residence from the street. Commissioners commented that proposed Lot 4 was highly constrained by the creek, view corridor, oak trees and the front setback on San Remo Drive. Commissioners encouraged the applicant to pursue a three-lot subdivision or creatively add additional units behind the existing house.

The project returned to the Planning Commission on October 14, 2010 with a 40 foot creek setback for Lots 1, 2, and 4 and a widened view corridor. Project revisions included a reconfigured development envelope for Lot 4, which protected the four coast live oak trees now proposed for removal, but resulted in removal of the two large oak trees closer to San Remo Drive. The Planning Commission approved the project, including the street frontage modifications and waivers, with conditions requiring an expanded view corridor easement; a minimum creek setback of 45 feet for Lots 1, 2, and 4; and a condition requiring that the creek setback be expanded to 45 feet for Lot 3, if the historically-significant façade was not restored in place.

Capital Pacific Development Group (Capital Pacific) is the new project applicant. The applicant's development team includes a new designer, architect, landscape architect, and civil engineer. The Single Family Design Board and the Historic Landmarks Commission have conceptually reviewed houses proposed by Capital Pacific on each lot.

VI. TENTATIVE SUBDIVISION MAP CHANGES

As described in the applicant letter (Exhibit B), the proposed changes to the Tentative Subdivision Map include: adjustment of development envelopes; removal of three additional coast live oak trees on Lot 4 (the fourth oak tree originally proposed for protection - a four inch oak tree according to the 2009 inventory - is no longer on the site); a shift in the property line between Lots 3 and 4 approximately three feet to the north; revision to grading quantities resulting in approximately 1,422 cubic yards of cut and 70 cubic yards of fill, balanced on-site; removal of the proposed creekside berm; removal of the proposed private creekside pedestrian path; changes to common storm water management facilities; and adjustment to the sidewalk curvature and related San Remo Drive right-of-way dedication.

Four additional coast live oak trees in the northwest corner of Lot 4 would be removed with the revised proposal to provide a larger development envelope. Lot 4 is constrained with a conservation easement, view corridor easement, 20-foot front setback, common driveway and right-of-way dedication. The Single Family Design Board supported the additional oak tree removals on Lot 4, as discussed in the Design Review section below. Although staff generally discourages mature oak tree removals consistent with City policies and guidelines, staff supports these additional removals to allow for additional space to appropriately design a residence sensitive to the reconstructed historic structure on Lot 3. With the substantial riparian habitat restoration area provided and the additional restoration area provided with the

removal of the private creekside pedestrian path and cobble splash pads in the conservation easement, the site provides viable opportunities for additional replacement oak trees.

The change to the grading quantities includes construction of building pads. Since the existing soils are loose, grading to create building pads and subgrade for the driveway is expected to result in substantially less volume with compaction. Grading is expected to be balanced on site, with no import or export of soil.

VII. DESIGN REVIEW

The project was originally reviewed by Single Family Design Board (SFDB) and the Planning Commission in 2010 as a dry lot subdivision, without any proposed residences. Capital Pacific, as the new applicant, has since submitted design review applications for residences on each lot that have been reviewed concurrently. SFDB approvals are required for the subdivision grading plans and the proposed residences on Lots 1, 2, and 4. Historic Landmarks Commission (HLC) approvals are required for the proposed residence on Lot 3.

The subdivision grading plan was reviewed once by SFDB prior to the 2010 Planning Commission approval. The revised Tentative Subdivision Map including the proposed changes to the development envelope on Lot 4 was conceptually reviewed by SFDB March 24, 2014. SFDB previously discussed the proposed oak tree removals with review of the proposed residence on Lot 4 on January 13, 2014 and supported the oak tree removals with replacement with larger (24 inch and 36 inch) boxed oaks at the front of the property. At the March 24th hearing, SFDB reiterated support for the replacement trees. SFDB echoed neighbors' concerns about adequacy of driveway width for fire access and the lack of guest parking provided with the project.

Capital Pacific submitted design review applications for houses on each of the four lots in 2014. This year, SFDB conceptually reviewed plans for Lots 1 and 4 three times and reviewed plans for Lot 2 four times. SFDB requested and viewed story poles for the proposed houses. At each of the hearings for Lots 1, 2, and 4, the SFDB asked for reductions in floor area for the three houses. For Lots 1 and 2, SFDB also asked for guest parking to be studied. For Lot 4, SFDB asked for a reduced second story due to the public visibility of the house and its proximity to the to-be-reconstructed historic house on Lot 3.

HLC conceptually reviewed a proposed residence on Lot 3 twice. HLC commended the applicant for continuing the building's life and supported reconstruction of the building façades rather than the restoration. HLC completed the project compatibility analysis and recommended that the Planning Commission approve the proposed 35-foot creek setback for a reconstructed structure on Lot 3.

Design Review minutes are attached as Exhibit D.

VIII. GENERAL PLAN CONSISTENCY

The City's General Plan has been updated since the 2010 approval of the Tentative Subdivision Map. Relevant current General Plan Goals, Policies, & Implementation Strategies are attached at Exhibit E.

Historic Resources Element

The Historic Resources Element calls for the protection and enhancement of historic resources (HR1) and respect and compatibility of adjacent development with historic resources (HR2). The Historic Resources Element also discourages demolition of historic resources (HR3).

In 2010, it was known that the existing historically-significant residence was in disrepair, but it was thought that the façades could be restored. As discussed below, the structural engineer determined that the building could not be saved. The applicant proposes to replicate the historically-significant portions of the building instead of restoration. The view corridor from San Remo Drive, which was enhanced by the Planning Commission in 2010, will maintain an existing public view of the structure with the proposed building envelope on Lot 4. While the General Plan discourages demolition of historic resources, the structural engineer's report concluded that house could not feasibly be restored. The proposed reconstruction of the historic façades can therefore be found consistent with these policies. SFDB and HLC will review proposals for buildout of the subdivision for compatibility with the historically-significant building.

Environmental Resources Element

The Environmental Resources Element includes Biological Resources Policies that call for the preservation, protection and maintenance of native and non-native urban trees (ER11) and the protection, maintenance, and expansion of the City's remaining wildlife habitat (ER12), particularly riparian woodlands (ER12.5). The Environmental Resources Element also calls for the protection and restoration of creeks and their riparian corridors to improve biological values, water quality, open space, and flood control in conjunction with adaptation planning for climate change (ER21).

The revised project results in the same creek setbacks as the approved project with a 35 foot setback on Lot 3 and a 45 foot setback on Lots 1, 2 & 4. The revised project removes the previously-proposed private pedestrian path, resulting in additional area for creek restoration and additional creek protection. The previously-approved demolition of the existing driveway and reorientation of the vehicle access to the west side of the property coupled with the riparian woodland habitat restoration and protection of the conservation easement are consistent with policies ER12, ER12.5, and ER21. The revised project results in the loss of four additional coast live oak trees on Lot 4. The subdivision would include a total of 11 coast live oak tree removals to be replaced with 33 coast live oak trees with a minimum 15 gallon tree size. In balancing General Plan policies regarding creek protection and enhancement, historic resources, and tree protection, the project can be found consistent with these policies.

Land Use Element

The Land Use Element includes policies that require that the character and quality of life of low density single family zoned residential areas be maintained (LG14). The approval of the original Tentative Subdivision Map resulted in lot sizes and configurations appropriate for, and compatible with, the E-3 Zone. The Single Family Design Board and Historic Landmarks Commission will review any future development of the lots for neighborhood compatibility.

IX. CONDITIONS OF APPROVAL

The Conditions of Approval for the original project are provided in Planning Commission Resolution No. 015-10 (Exhibit G). The applicant requested that Condition C.1 be amended to allow the historically significant façades to be reconstructed in their original footprint. Staff also recommends additional condition changes to reflect the changed project and provide clarification. Exhibit A includes the original conditions with recommended changes shown with strikethrough and underline. Changes to conditions related to the Lot 3 creek setback and the previously-included private pedestrian pathway are discussed below.

Lot 3 Creek Setback

The Historic Structures Report accepted by Historic Landmarks Commission on March 30, 2010 found portions of the façade of the existing house to be eligible as a Structure of Merit, due to the building's street presence and architecture. Then, the project included the retention of the historically significant portion of the house: the south façade, the curved staircase on the west elevation, and the gable and entrance on the east elevation. Since the 2010 Planning Commission approval, the house was added to the City's List of Potential Historic Resources, changing the design review jurisdiction of Lot 3 from the Single Family Design Board to the Historic Landmarks Commission.

The applicant provided an evaluation of the historically-significant elements of the building prepared by a structural engineer that concluded those elements were structurally unsound and should not be retained. The structural engineer's report and an addendum to the Historic Structures Report were accepted by the Historic Landmarks Commission on February 12, 2014. That addendum concluded that the revised project would meet the Secretary of Interior's Standards for Reconstruction and that reconstructing the house 45 feet from the creek top of bank would be detrimental to the integrity of location and constitute a significant historic impact. A separate addendum accepted by the Historic Landmarks Commission on May 21, 2014 reviewed the proposed changes to the building envelope on Lot 4, the view corridor, and the spatial relationships between a proposed house on Lot 4 and a reconstructed house on Lot 3, and concluded that the project, as proposed, would be consistent with the Secretary of Interior's Standards for Reconstruction. The Historic Structures/Sites Report Addenda are attached as Exhibit F.

Staff recommends that the requirement for a larger creek setback with demolition of the existing house on Lot 3 be removed as requested. Reconstruction in place retains the historic status of the building and preserves the historically significant view of the building from San Remo Drive. With the proposed driveway, the orientation of the building and the width of the front façade, a reconstruction shifted ten feet further from the creek is not possible. Relocation of the building or demolition without reconstruction would result in potentially significant adverse impacts to the historic resource.

Pedestrian Pathway

The originally approved project included a private creekside pathway that accessed each of the residences. The applicant proposes to remove the pathway. Staff supports removal of the pathway to provide additional area for riparian restoration, limit potential disturbance of the habitat area, and provide added privacy for the residents. Staff recommends removal of

Condition B.6, which required design review for the pathway, and addition of new Condition B.8, which requires differentiated paving along the driveway for enhanced pedestrian access to the residences from San Remo Drive.

X. ENVIRONMENTAL REVIEW

In 2010, the City Environmental Analyst determined that the project qualified for an exemption from further environmental review pursuant to Section 15315 (Minor Land Divisions) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines). Section 15315 exempts projects involving the division of property into up to four parcels when certain conditions are met. The project was determined to meet these conditions because: it is located within an urbanized area; it conforms with General Plan and zoning with the requested modifications and waivers; all services and access to the proposed parcels are available to City standards; the parcel was not involved in a division of a larger parcel within the previous two years; and the parcel does not have an average slope greater than 20%. The City Environmental Analyst determined that the revised project continues to qualify for a categorical exemption pursuant to CEQA Guidelines Section 15315.

XI. FINDINGS

The following approval findings for the Street Frontage Modifications and Street Frontage Waivers to provide no public street frontage for Lots 1, 2, and 3, which were made by the Planning Commission on October 14, 2010 in Resolution No. 015-10, remain valid:

A. Public Street Waivers for Parcels 1, 2 and 3 (SBMC §22.60.300)

1. The private driveway will provide adequate access to the new parcels. The proposed driveway is acceptable to the Fire Department and Public Works Department.
2. The proposed driveway will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveway will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. The project conditions require that the owner(s) of the proposed lots maintain the private driveway pursuant to a shared maintenance agreement that will run with the properties. The shared maintenance agreement would be recorded concurrent with recordation of the Parcel Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with a private driveway rather than a public street allows for an increased creek buffer. In addition, the subdivision includes a pedestrian pathway for access to the future residences. The driveway minimizes impacts to existing adjacent residences and does not require expenditure of public money for maintenance.

B. Street Frontage Modifications for Parcels 1, 2 and 3 (SBMC §28.15.080 & 28.92.110)

As discussed in Section V.C. of the Staff Report dated August 23, 2010, these modifications are consistent with the purposes and intent of the zoning ordinance and necessary to secure an appropriate improvement because the resulting lots would have

frontage on a private driveway rather than a public street, which is preferable because of the site constraints of the creek, historic building and mature trees.

The findings to support approval of the Tentative Subdivision Map for the subdivision of 3626 San Remo Drive into four lots, which were made by the Planning Commission on October 14, 2010 in Resolution No. 015-10 can still be made with the requested changes to the project and conditions. The Tentative Subdivision Map is consistent with the updated General Plan as discussed in Section VIII of the Staff Report dated August 7, 2014.

C. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the Subdivision Map Act, and the General Plan and Zoning Ordinance of the City of Santa Barbara as discussed in Sections IV and V of the Staff Report dated August 23, 2010 and Section VIII of the Staff Report dated August 7, 2014. The site is physically suitable for the proposed development due to the creek buffer, the relatively flat topography above the creek bank, and the soil composition. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections IV and V of the Staff Report dated August 23, 2010, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage with the conservation area in the creek buffer, the preservation of the historic resource and the view corridor, and associated improvements will not cause serious public health problems as discussed in Section V of the Staff Report dated August 23, 2010.

Exhibits:

- A. Recommended Conditions of Approval (showing changes from the original approval)
- B. Applicant's letter, dated July 15, 2014
- C. Proposed Revised Tentative Subdivision Map, Conceptual Landscape Plan and Conceptual Creek Restoration Plan, Site Plans (provided to the Planning Commission under separate cover)
- D. Design Review Minutes
- E. Relevant General Plan Goals, Policies, & Implementation Strategies
- F. Historic Structure/Sites Report January 24, 2014 and April 24, 2014 Addenda
- G. Planning Commission Resolution 015-10
- H. Approved Tentative Subdivision Map (Reduced)

PLANNING COMMISSION CONDITIONS OF APPROVAL

3626 SAN REMO DRIVE

TENTATIVE SUBDIVISION MAP, STREET FRONTAGE MODIFICATIONS, PUBLIC STREET WAIVERS

AUGUST 14, 2014

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants 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:
- II. Said approval is subject to the following conditions:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. **Design Review Approvals.** Obtain all required design review approvals for public and private improvements related to the subdivision including ~~the partial demolition and addition to the existing residence and creek restoration landscaping.~~ Refer to Section B "Design Review."
 2. **LDT Recovery Fee.** Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 3. **Demolition Permit.** Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Parcel Map, ~~not including the historically significant portions of the main residence.~~ A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Refer to Section E "Construction Implementation Requirements."
 4. **Public Works and Building Permits for Private Improvements.** Obtain Public Works and Building Permits (PBW and BLD) for the following private and public improvements, which must be completed prior to approval of the Map. Refer to Section ~~DD~~ "Requirements Prior to Permit Issuance," and Section E "Construction Implementation Requirements."
 - a. **Construct Private Water Line and Onsite Treatment of Runoff.** A private water line, ~~a new private fire hydrant, and the required water treatment facilities on each proposed Parcel~~ shall be constructed prior to constructing the finish course of the new shared on-site driveway access.
 - b. **Construct New Private Sewer Laterals.** Install new sewer wye and laterals from the existing sewer main to serve the new undeveloped parcels, and replace any existing private sewer laterals that are damaged and/or require replacement.
 - c. **Construct New Shared On-Site Driveway Access.** The new shared on-site access driveway shall be constructed with a hard surface material to meet minimum Fire Department access requirements of 60,000 pounds. Plans shall include cross sections for driveway construction and specifications using standardized construction methods to meet this condition.

d. **San Remo Drive Public Improvements.** All public improvements as identified in Condition D.7 of these Conditions of Approval, shall be either constructed prior to approval of the Parcel Map, or securities and a Land Development Agreement shall be submitted to the Public Works counter prior to approval of the Map.

5. **Inclusionary Housing In-Lieu Fee.** Pay Inclusionary Housing In-Lieu Fee.

~~5-6.~~ **City Council Approval.** Obtain City Council approval of the Parcel Map and Agreements and record said documents. Refer to Section C "Recorded Conditions Agreement" and Section F "Public Works Submittal for Parcel Map Approval."

~~6-7.~~ **Construction.** During construction, including demolition and grading, all conditions identified in Section E "Construction Implementation Requirements" must be followed.

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

B. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant ~~preliminary Project Design approval~~ Approval of the project until the following Planning Commission land use conditions have been satisfied

1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, required street lighting, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map.

2. **San Roque Creek Setback.** The Conservation Easement referenced on TM1 shall be ~~expanded to include the entire area within 45 feet of the top of the western bank of San Roque Creek, with the exception of the footprint of the existing historically-significant building on Parcel 3, that which would remain at 35 feet if the façade could be restored in its location, otherwise it shall be expanded to 45 feet.~~ The Mitigation Monitoring and Reporting Plan prepared by Althouse and Meade, Inc., dated May 27, 2010, shall be revised to include the ~~expanded entire conservation easement area.~~ The revised Mitigation Monitoring and Reporting Plan shall be subject to the review and approval of the City Creeks Division and the resultant landscape plan shall be subject to review by the SFDB.

~~3. **Residence Alterations.** The Owner shall obtain approvals for the partial demolition and reconstruction of the historically significant main residence with parking as required by the Zoning Ordinance from the Single Family Design Board (or Historic Landmarks Commission, as appropriate). Demolition of the portion of the main residence encroaching into Parcel 2 and the interior setback of Parcel 3 is required prior to Parcel Map recordation.~~

~~4.3.~~ **Tree Removal and Replacement.** All trees greater than four inches (4") in diameter at four feet (4') above grade that are removed, except oak trees, fruit trees, and front setback trees approved for removal without replacement by the Parks Department, shall be replaced on site on a one-for-one basis with minimum 15-gallon size trees of an

appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

- ~~5.4.~~ **Tree Protection/Replacement Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
- a. **Arborist's Report.** ~~The arborist's report prepared by Bill Spiewak, dated September 28, 2009, shall be revised to reflect the removal of trees 35 and 36 and the protection of trees 31, 32, 33, and 34. The revised report shall be subject to the review and approval of the City Environmental Analyst. Include a note on the plans referencing the arborist's report prepared by Bill Spiewak, dated November 11, 2013, revised arborist's report and noting that the recommendations/conditions contained in the revised report shall be implemented.~~
 - b. **Landscaping Under Trees.** Landscaping provided under trees shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
 - c. **Oak Tree Replacement.** Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum fifteen (15) gallon size, from South Coastal Santa Barbara County stock, as recommended by Storrer Environmental Services in the Biological Assessment dated November 13, 2009.
- ~~6. **Pedestrian Pathway.** A separate decomposed stone pedestrian pathway shall be provided within the westerly ten feet of the Conservation Easement to access each of the four parcels from the San Remo Drive sidewalk.~~
- ~~7.5.~~ **View Corridor.** Appropriate landscaping shall be provided in the view corridor so as not to exceed 42 inches in height at maturity. The existing oak trees and jacaranda tree located within the view corridor exceeding 42 inches in height referenced in the Oak Tree Inventory & Mitigation Plan dated September 28, 2009 as Trees 38, 40, 41, and 42 shall remain. The three pittosporum trees located on the left side of the existing driveway between the jacaranda tree and the main house shall be removed. Canopies of trees in the areas adjacent to the view corridor may encroach into the view corridor provided that an adequate view of the building from San Remo Drive is retained at the time the vegetation reaches maturity.
- ~~8.6.~~ **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- ~~7.~~ **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- ~~8.~~ **Pedestrian Pathway.** To improve pedestrian access, a separate pedestrian pathway serving all four lots shall be provided along the driveway from the sidewalk using a different material and/or color.

- C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on ~~October 14, 2010~~ August 14, 2014 is limited to the subdivision of a 66,372 square foot property into four lots ranging in size between ~~14,166-094~~ square feet and ~~16,453-17,350~~ square feet with development envelopes for each lot; demolition of the existing garage, studio apartment, ~~a portion of the existing residence, shed, lath house, and driveway;~~ construction of a new driveway, ~~construction of parking for Lot 3,~~ drainage improvements, implementation of a creek restoration plan, and approximately ~~150-1,492~~ cubic yards of total grading; documentation of the existing residence; a view corridor easement; conservation easement; ~~preservation of the façade of the existing residence;~~ and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara, with the following changes:
 - a. ~~The development envelopes shown on the parcel map shall be located no closer than 45 feet from the San Roque Creek top of bank, except the development envelope on Parcel 3 shall include the existing footprint of the existing historically significant building and patio within 45 feet of the San Roque Creek top of bank. Except at the location of the existing patio on Parcel 3, the development envelopes shall exclude the view corridor.~~
 - b. ~~The Conservation Easement shall be expanded to include the entire area between the eastern property line and eastern line along the reconfigured development envelopes. With the exceptions of the pedestrian pathway, utilities and the accommodation of stormwater management elements, no development including buildings, grading or other ground disturbance is permitted within the Conservation Easement.~~
 - e. ~~The public utilities easement shall be relocated under the westerly edge of the new driveway.~~
 - d.a. ~~The portion of the View Corridor on Parcel 4 shall be expanded westward to include the area between the western top of bank and a line 45 feet west of and parallel to the western top of bank.~~
 2. **Design Review for Future Residences.** Any new residence proposed for construction on any of the ~~1~~ Lots 1, 2, or 4 created by the subdivision, shall be subject to the review and approval of the Single Family Design Board (SFDB). Demolition of, and/or alterations to, the existing residence on Lot 3 require approval by the Historic Landmarks Commission (HLC) because the existing house is on the City's List of Potential Historic Resources.
 3. **Tree Removal Timing.** No tree greater than four inches (4") in diameter at four feet (4') above grade shall be removed for the development of the individual lots until after the tree removal receives Final Approval by the Single Family Design Board in association with the subdivision grading plan or a landscape plan for the development of each of the

individual lots. Tree removals may occur, however, if it is demonstrated that a tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity, the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, the tree is dead, or the Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.

4. **Lighting.** All outdoor lighting shall conform with the City's Outdoor Lighting and Streetlight Design Guidelines and Chapter 22.75 of the Municipal Code (Outdoor Lighting). Exterior lighting shall be designed to control glare, minimize light trespass into the riparian habitat area and onto adjacent properties, and minimize direct upward light transmission.
5. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
6. **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).
7. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) or Historic Landmarks Commission (HLC), as applicable. Such plan shall not be modified unless prior written approval is obtained from the SFDB or HLC, as applicable. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB or HLC, as applicable, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:
 - a. **Tree Protection.** The existing trees shown on the Oak Tree Inventory and Mitigation Plan prepared by Bill Spiewak dated September 28, 2009 shall be preserved, protected, and maintained in accordance with the recommendations contained in the accompanying arborist's report prepared by Bill Spiewak.
 - b. **Irrigation.** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - c. **Herbicides and Fertilizer.** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree except as provided by the Tree Protection Measures in the aforementioned Arborist's Report.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Storm Water Management Plan BMP Guidance Manual). 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 applicant 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.

9. **Development Rights Restrictions.** The Owner(s) shall not make any use of the property contained in the Conservation Easement ~~described in condition C.1~~ other than passive recreation, native plantings, creek restoration, and stormwater facilities, ~~and a pedestrian path.~~ The restricted areas shall be shown on the Parcel Map. The Owner(s) shall continue to be responsible for ~~(i)~~ maintenance of the restricted area, and ~~(ii)~~ compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
10. **Required Private CC&Rs.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, including landscaping; common access ways; common utilities and other similar shared or common facilities or improvements of the development, including the driveway, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
 - b. **Garages and Carports Available for Parking.** A covenant that includes a requirement that all garages and carports be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages or carports were designed and permitted.
 - c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
11. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Conservation Easement area ~~described in Condition C.1~~ adjacent to San Roque Creek.
12. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from

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

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.

Public Works Department

1. **San Remo Drive Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on San Remo Drive. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following to City Standards: *installation of a new City Standard residential dome-style street light, five-foot wide sidewalk, realignment of curb and construction of sidewalk around existing tree encroaching into the existing sidewalk area, driveway apron modified to meet Title 24 requirements, saw-cut and replace any existing damaged curb and gutters, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting hydrology report for installation of curb drain outlets, supply and install directional/regulatory traffic control signs, storm drain stenciling per the MUTCD during construction, and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
2. **Land Development Agreement.** The Owner shall submit an Engineer's Estimate, signed, and stamped by a registered civil engineer, securities for construction of improvements, and an executed *Agreement for Land Development Improvements*, prepared by the Engineering if public improvements are not constructed prior to recordation of the Parcel Map.
3. **Encroachment Permits.** Any encroachment or other permits from the City or the County Flood Control and Water Conservation District for the construction of improvements (including any required appurtenances) within their rights of way or easements.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

Community Development Department

5. **Park and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park and Recreation Commission for the removal of trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground in the front yard-setback.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
7. **Documentation and Archive.** The applicant shall provide documentation of the main house at 3626 San Remo Drive consistent with the City of Santa Barbara's "Required Documentation of Buildings Prior to Demolition." The photo-documentation and a copy of the Historic Structures/Sites Report shall be submitted to the Santa Barbara Historical Museum's Gledhill Library prior to permit issuance.
8. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees identified for protection in the Oak Tree Inventory and Mitigation Plan during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
9. **Mitigation Monitoring and Reporting.** Submit to the Planning Division an executed contract with a qualified expert to implement the Mitigation Monitoring and Reporting Plan for the subdivision restoration area. The contract shall include:
 - a. The monitoring schedule.
 - b. Performance criteria with target dates and success rates.
 - c. A list of reporting procedures, including content of monitoring reports.
 - d. Submittal of annual monitoring reports outlining compliance with performance standards and providing recommendations to achieve compliance until the performance criteria are met.
10. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
11. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall

contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

12. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board or Historic Landmarks Commission, as applicable, outlined in Section B above.
13. **Nesting Birds.** Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting birds is provided to the satisfaction of the City Environmental Analyst and, if nesting bird species are identified, the affected area is avoided.
14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, ~~if required,~~ and any related Conditions of Approval, ~~as follows:~~
- ~~14.~~15. **Grading Plan Notes.** Notes on the grading plan that specify the following:
 - (1) No grading shall occur within three feet of the driplines of the existing trees indicated on the plans to remain.
 - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (3) All excavation within the dripline of the trees shall be done with hand tools.
 - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (7) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - (1) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
 - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the driveways and

development plans for individual lots. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
- (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
- (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
- (6) Landscaping provided under the oak trees shall be compatible with preservation of the trees. No irrigation system shall be installed under the dripline of any oak tree.

c. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.

~~15.16.~~ **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño

Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

~~16.~~17. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

~~17.~~18. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day

January 1st*

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

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

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

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.

- d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
 11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors telephone numbers, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
 15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 16. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 17. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 18. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

19. **Complete Public Improvements.** Complete public improvements, as shown in the improvement and building plans, including utility service undergrounding and installation of street trees, or provide securities to complete public improvements within six months.
20. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if a backflow device is installed on a separate fire line.
21. **Manhole.** Raise new sewer manhole in San Remo Drive to final finished grade, if needed.
22. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- F. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or proof of completion of the following, to the Public Works and Community Development departments for review and approval:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance and shall comply with the Tentative Subdivision Map signed by the chair of the Planning Commission on ~~October 14, 2010~~ August 14, 2014 and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval.

2. **Dedications.** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, are subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division. The public easement dedications shall be offered on the Parcel Map (Map), the private easement documents shall be recorded as separate instruments prior to recordation of the Map, and the Recorded Instrument Numbers of the private easements shall be referenced on the title sheet of the Map:
 - a. A variable width ~~35-50 foot~~ private Conservation Easement for passive recreation, native plantings, ~~and creek restoration,~~ and stormwater facilities.
 - b. A variable width Right of Way for All Street Purposes along San Remo Drive.
 - c. A public sewer easement on the northwest corner of the subject site.
 - d. A 4-foot wide public utilities easement (PUE).
 - e. A 15-foot wide easement for storm drainage for the Santa Barbara County Flood Control and Water Conservation District for emergency access and creek maintenance purposes.
 - f. A view corridor between San Remo Drive and the historic structure to be maintained in perpetuity limiting new development to landscaping, walls, patios or decks 42 inches or less in height. Existing trees within and adjacent to the view corridor shall be maintained to protect the trees and maintain the view of the historic structure through the view corridor.
 - ~~g. A 4 foot wide reciprocal private access easement for pedestrians on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3, and 4.~~
 - ~~h.g. A variable width reciprocal private access, drainage, and utility easement for on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3 and 4.~~
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
4. **Required Conditions and Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
5. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.

G. **Requirements Following Map Recordation.** The Owner shall submit the following for review and approval by the departments listed below following Map Recordation. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Community Development Department.

2. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section C have been recorded

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolution No. 015-10.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission/ Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
5. **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.

1. ~~**Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).~~
2. ~~**Approval Limitations.**~~
 - a. ~~The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.~~
 - b. ~~All buildings, roadways, parking areas and other features shall be located substantially as shown on the attached exhibits or as amended by the Planning Commission.~~
 - c. ~~Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.~~
3. ~~**Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.~~

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

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission's actions approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110

July 15, 2014

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101**RECEIVED**
JUL 16 2014CITY OF SANTA BARBARA
PLANNING DIVISION**Subject: 3626 San Remo Drive, Planning Commission Submittal Letter per DART #4, MST#2009-00325, APN: 053-231-011 & -010**

Dear Mr. Gullet,

I. Introduction

The purpose of this letter is to briefly review the submittal history and outline the proposed changes the Applicant would like to make to the October 14, 2010 approved Tentative Map and Conditions of Approval for Planning Commission Hearing application.

Planning Commission Meeting of October 14, 2010

On October 14, 2010, the Planning Commission approved the proposal to subdivide a 66,372 square foot property at 3626 San Remo Drive into four legal lots ranging in size from 14,166 square feet to 16,453 square feet. This proposal included a view easement and preservation of the facade of the existing 3,137 square foot main residence. Also, included in the approval was demolition of the remainder of the existing residence, the detached garage, studio apartment, shed, lath house, and driveway. The four proposed lots include development envelopes which provide a creek setback. The project also includes a new driveway to access the lots, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards total of cut and fill grading. Residential development of the lots was not a part of this application. The project required Planning Commission approval of a Tentative Subdivision Map, and Modifications and Waivers for three lots to have no public street frontage.

Historic Landmarks Commission Meeting of May 21, 2014

At the March 26, 2014 HLC concept review meeting for this project, the board directed the applicant to provide a study done by an historical consultant concerning the spatial relationship between the historical façade on lot 3 and the view corridor in relationship to the other three lots and in particular lot 4. The report determined that the construction of the three new two story homes (average gross area 3,187 SF) on the site are architecturally compatible with the historic resource, will not impact the view corridor of the historic house, and will be consistent with the Secretary of the Interior's Standards for Rehabilitation. Motion made by Winick to accept the report as presented and it was seconded by Shallenberger. Suding, Drury, Murray, and Sharpe voted in favor of the motion and La Voie and Mahan abstained. Orias was absent. Motion carried 6/0/2.

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Historic Landmarks Commission Meeting of November 6, 2013

On November 6, 2013, after reviewing the Structural Engineer's Report recommending replication for the Main Historic Residence and the conceptual reconstruction drawings per the Secretary of Interior Standards for Reconstruction, HLC gave unanimous conceptual approval to demolish the existing two-story home (2,907 SF) eligible as a Structure of Merit and reproduce the Historic façade (2,785 SF, attached garage 443 SF) in the exact location of the current building (approximately 35' from the creek top of bank). The south and parts of the east and west building façade were the elements found to be eligible as a Structure of Merit.

Single Family Design Board Meetings

The applicant has retained the services of Henry Lenny Architect Design Studio to assist on the home designs. At the July 14th SFDB meeting, the Board was supportive of the designs proposed by Henry Lenny. The Applicant has been before SFDB multiple times for concept review. Design issues related to proposed structures are being addressed through the SFDB process. However, the SFDB did specifically consider the removal of oak trees and replacement with mitigation oak trees on Lot 4 and unanimously supported that proposal on March 24, 2014.

II. Discretionary Approvals Requested

The Applicant is requesting the below list of elements that changed from the October 14, 2010 approved Tentative Tract Map:

A. Revisions to Grading Quantities.

Grading Summary: Raw grading quantities to construct the proposed building pads and other improvements are estimated to be approximately 1,422 cubic yards of cut and 70 cubic yards of fill. Due to the loose nature of the existing soils, the raw cut and fill as well as the over-excavation cut and fill required to create suitable building pads and road subgrade will result in substantial shrinkage. This shrinkage is estimated to account for the difference in the raw cut and fill numbers resulting in a balanced site that will not require import or export of soil.

B. San Roque Creek Setback for Historic Façade on Lot 3.

The Applicant is requesting to keep the reconstructed Historic Elevation at the 35' setback as approved by HLC, recommended by the Historian, Alexander Cole and supported by Staff in their December 23, 2013 DART #4 review letter.

Section II-B-2 of Resolution Number 015-10 (COA) dated October 14, 2010 for 3626 San Remo Drive Subdivision notes:

"The Conservation Easement referenced on TM1 shall be expanded to include the entire area within 45 feet of the top of the western bank of San Roque Creek, with the exception of the footprint of the existing historically-significant building on Parcel 3, that would remain at 35 feet if the facade could be restored in its location, otherwise it shall be expanded to 45 feet..."

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Since the possibility of replication was not addressed in the CoA, the Applicant has been directed by Staff to appear before the Planning Commission to get approval to replicate the historical façade within a 35' creek set back instead of 45'. As noted above, HLC has given unanimous conceptual approval to the Applicant to reproduce the Historic façade in its existing location, which is within a 35' creek set back. Alexandra Cole, the project Historian, in her January 14, 2014 letter noted:

"Moving the house with its reconstructed historically-significant façade ten feet further west would not meet the Secretary of the Interior's Standards 1 and 2, which refer to maintaining distinctive materials, features, spaces, and spatial relationships within a project. My 2010 report identified the distinctive spatial relationship of the house as the long view from San Remo Drive. To remove this view of the house from the street, which would occur if the house were required to meet the 45 foot setback, would remove its integrity of location, would not meet Standards 1 and 2, and would therefore constitute a significant historic impact."

Additionally, Staff expressed support to replicate the Historical significant portions of the main residence within the 35 foot setback in Section III of their December 23, 2013, DART #4 letter.

C. Adjustment to Development Envelope at Lot 4.

At lot 4, as a result of the reduced development envelope due to the expanded historic view corridor and the 45' creek setback, the Applicant is requesting the removal of three oak trees at the lot's NW corner to allow for a reasonably sized home first floor of 1,500 to 1,800 SF.

Staff recognized the development envelope constraints imposed on Lot 4 in Section IV-A-1 of their December 23, 2013 DART #4 letter, but still Staff expressed concern for the removal of the three oaks on the NW corner.

At two previous meetings, SFDB has done a conceptual review of lot 4 including the three *Quercus agrifolia* (Coast Live Oaks 31, 32 & 34) in the NW corner that we are requesting to have removed. It was the SFDB unanimous opinion that given the extent of oak and creek mitigation occurring and the reduction of the development envelope due to the Lot 3 view corridor to the historic structure, that the removal of the oaks would be approved, if mitigated properly. The main concern of SFDB was how the front structure on Lot 4 would interact with the historic structure on Lot 3. After some discussion, the SFDB requested the Applicant consider installing a 36" Box size *Quercus agrifolia* (vs. a 15 Gallon required mitigation size per the updated Tree Assessment Report) in the SW corner to screen the home on Lot 4 and to enhance the Lot 3 historic elevation view corridor. The Applicant will upgrade this native oak tree and, additionally, will upgrade the sizes of two other oak trees in front of Lot 4, with one 24" Box *Quercus agrifolia* in the SE corner and next to that, a 36" Box *Quercus agrifolia* in the SW corner of Lot 4 to provide additional screening for the Lot 3 historic structure view corridor and for the elevation of Lot 4 from San Remo Drive.

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Furthermore, as noted above under HLC meeting May 21st, a spatial relationship study was ordered to evaluate the historical façade on lot 3 and the view corridor in relationship to the other three lots and in particular lot 4. The report determined that the construction of the three new two story homes (average gross area 3,187 SF) on the site are architecturally compatible with the historic resource, will not impact the view corridor of the historic house, and will be consistent with the Secretary of the Interior's Standards for Rehabilitation. Motion made by Winick to accept the report as presented and it was seconded by Shallenberger. Suding, Drury, Murray, and Sharpe voted in favor of the motion and La Voie and Mahan abstained. Orias was absent. Motion carried 6/0/2.

D. Miscellaneous Minor Revisions

1. Removal of the proposed decomposed granite pedestrian path along the westerly portion of the creek setback area as well as removal of the associated easement (pedestrian path was noted, but not shown graphically on the original Tentative Map).
2. Removal of cobble splash pads in the creek setback while still incorporating vegetated swales to handle storm water runoff.
3. Addition of a storm water drywell in HOA maintained area to replace storm water treatment previously provided by the vegetated swales in private yard areas.
4. Minor shifts in the side yard lot lines between lots 2 and 3 and between lots 3 and 4 (less than 3' of change to lot widths) to provide more equitable development envelopes between all parcels.
5. Minor changes to driveway geometry to allow for turning movements into garages.
6. Softened the curvature of sidewalk "bulb out" around existing redwood tree on San Remo Drive (per request of Public Works).
7. Tree removals, protection guidelines and sizes have been updated per the November 11, 2013 Tree Assessment and Protection Plan by Bill Spiewak.
8. The 6" high earth berm in the creek setback has been replaced with a graded swale to minimize the area of disturbance while meeting the same intent.
9. The Base Flood Elevation (BFE) Determination has been removed from the Tentative Map due to lack of applicability to the property once it is subdivided. Penfield & Smith, Jeremy Salts, has coordinated with Curtis Harrison, the City Flood Plain Administrator on the methodology to obtain BFE's for each proposed parcel during final design.
10. Pad elevations have been provided for each proposed parcel, which was not provided on the original Tentative Map.

III. Benefits

The requested Discretionary Approvals for the San Remo Subdivision provide the following benefits to the local community, the project and the City of Santa Barbara:

Community Benefits:

1. San Roque Creek restoration area increased with the removal of the pedestrian pathway. Runoff filtration systems will be installed to reduce the deposition of sediments into the creek, non-natives will be removed, indigenous plantings shall be installed, and a monitoring program implemented resulting in an improved riparian system (meaning increased animal and fish habitat, plant diversity, water quality and guarding against bank erosion).
2. Given the results of the Percolation Report and the resulting Penfield & Smith Drainage & Hydrology Report, we have 219 times the infiltration area required for a 25-Year Storm. This allowed us to eliminate the cobble splash pads and increase the creek habitat restoration area.
3. Edwards, Plunkett & Howell's Architectural will be reconstructed in a safe, energy efficient 2013 code compliant structure.
4. Forty seven percent of the site is preserved or restored habitat.
5. The local neighborhood will be enhanced with the new project.
6. New housing opportunities are provided for local residents that wish to stay in the community.

Project Benefits:

1. Every home will exceed Green Building Measures in the 2013 code.
2. CalGreen Tier One will be the minimum standard.
3. Water conservation will be greater than the 20% noted in the 2013 code requirements. High efficiency (95%) tankless water heaters will be provided in every home.
4. Energy efficiency will exceed a 15% reduction from the 2013 code requirements.
5. Every home will be solar and fuel cell ready.
6. Mitigating the three NW oaks on Lot 4 will allow greater modulation of the second floor to help minimize the interaction with the historic façade on Lot 3.

The City of Santa Barbara Benefits:

1. Contributes inclusionary fees to help the city with its low and low-low income housing programs.
2. This project has minimal impact on the existing local infrastructure.
3. This project will significantly increase the school and city tax base for the property.

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IV. Summary – Requested Planning Commission Actions

- A. Approve the revised tentative subdivision map.**
- B. Approve the 35' creek setback at Lot 3 for the historical façade reconstruction.**
- C. Approve the development envelope change at Lot 4.**

Thank you for your help in the process.

Sincerely,



Vincent J. Amore
Applicant Project Manager

Email copy: Ms. Nancy Madsen

Attachments (ten copies):

- A. Revised Tentative Tract Map (January 24, 2014) and Preliminary Improvement Plan (March 24, 2014) – two sheets
- B. Architectural Site plans for all four lots by Kate Svensson – four sheets.
- C. Oak Tree Mitigation Plan (Site Landscape Drawing), Robert Adams, Earthknower Studio, July 7, 2014, four sheets.

DESIGN REVIEW MINUTES

Subdivision Grading Plan – July 19, 2010 (SFDB First Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2009-00325
Owner: Madsen Trust
Agent: Alexandra Cole
Applicant: Lisa Plowman

(Proposal to subdivide a 66,372 square foot property into four legal lots ranging in size from 14,166 square feet to 16,453 square feet. The proposal includes a view easement and preservation of the facade of the existing 3,137 square foot main residence. Also included is demolition of the remainder of the existing residence, the detached garage, studio apartment, shed, lath house, and driveway. The four proposed lots include development envelopes which provide a creek setback. The project also includes a new driveway to access the lots, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards total of cut and fill grading. Residential development of the lots is not a part of this application. The project requires Planning Commission approval of a Tentative Subdivision Map, and Modifications and Waivers for three lots to have no public street frontage.)

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

Actual time: 5:29

Present: Detlev Peikert, Architect; Nancy Madsen, Owner.

Public comment was opened at 5:42 p.m.

John Steen, opposed to loss of remaining citrus orchard.

Molly Steen, neighbor to the north, opposed to potential impacts to the orange trees at the property line.

Public comment was closed at 5:46 p.m.

Dan Gullett, Case Planner, stated that the Historic Structures Report reviewed by the Historic Landmarks Commission did not address the citrus trees on the site. He stated that a 50 foot setback from top of San Roque Creek from top of bank is recommended which would limit developability of parcel four.

Two letters in opposition from Paula Westbury and Nicholas J. Schneider were acknowledged.

Motion: Continued to the Planning Commission with the following comments:

- 1) Verify that the Historic Landmark Commission will review the extent of the proposed demolition to occur on parcel three.
- 2) A review of the historic aspect of the non-native Orange trees along north property line is requested. The Board feels the trees should be retained.
- 3) Limit tree removal to areas for grading and drainage. Retain trees within the building envelope until building construction begins.
- 4) Provide information about landscape lighting on the pedestrian path and driveway.
- 5) Study the height of the proposed street lamp on San Remo Drive; a pedestrian height street lamp is preferred.
- 6) Study relocating the public utility easement at the west property line to not interfere with proposed landscaping.
- 7) The 35 foot setback from the Creek is appropriate due to the loss of the existing driveway along the creek bank and the proposed creek repair.

Action: Woolery/Zimmerman, 7/0/0. Motion carried.

Subdivision Grading Plan – March 24, 2014 (SFDB Second Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2009-00325
Owner: Madsen Trust
Agent: Alexandra Cole
Applicant: Lisa Plowman

(Proposal to subdivide a 66,372 square foot property into four legal lots ranging in size from 14,166 square feet to 16,453 square feet. The proposal includes a view easement and preservation of the facade of the existing 3,137 square foot main residence. Also included is demolition of the remainder of the existing residence, the detached garage, studio apartment, shed, lath house, and driveway. The four proposed lots include development envelopes which provide a creek setback. The project also includes a new driveway to access the lots, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards total of cut and fill grading. Residential development of the lots is not a part of this application. The project requires Planning Commission approval of a Tentative Subdivision Map, and Modifications and Waivers for three lots to have no public street frontage.)

(Second concept review. Comments only; project requires Planning Commission review. The project was last reviewed on July 19, 2010.)

This item was reviewed out of order.

Actual time: 5:18 p.m.

Present: Kate Svensson, Designer; Robert Adams, Architect; Vince Amore, Builder; and Dan Gullett, Planner.

Public comment opened at 5:51 p.m. As no one wished to speak, public comment was closed.

**** THE BOARD RECESSED FROM 6:15 P.M. TO 6:19 P.M. ****

Public comment re-opened at 6:19 p.m. since the comments were lot-specific to the subdivided project.

- 1) Robert Jacobs, a neighbor in close proximity, expressed concerns with the hastiness of the project. He also submitted a letter addressing the conformity of the projects to the neighborhood.
- 2) Peter Edwards, a neighbor in close proximity, expressed concerns regarding the condensation of the housing structures as well as the fire access. He also submitted a letter along with his wife, Shirley, addressing the impact of their privacy due to the second-story additions.
- 3) Shirley Edwards, a neighbor in close proximity, expressed concerns regarding privacy and the scale of the projects to the surrounding neighbors.
- 4) Molly Steen, a co-owner north of Lot 1, expressed concerns regarding the second-floors' impact on her privacy. She suggested story poles as a way to better understand the structures' height. She also submitted a letter in opposition.
- 5) John Steen, a neighbor north of Lot 1, expressed concerns regarding the median size of Lot 1 and requested Lot 1, 2 and 4 be made into single-story homes. He also submitted a letter in opposition.

Letters of expressed concerns from Mary Esperti and Robert Westwick regarding the compatibility of the projects to the neighborhood were acknowledged.

Public comment closed at 6:36 p.m.

- Motion:** Continued indefinitely to Planning Commission with comments:
- 1) The Board supports the mitigating Oaks on Lot 4.
 - 2) The Board has concerns regarding guest parking and potential conflicts with fire truck access.
 - 3) Provide a bollard-type lighting approach to the driveway.
 - 4) Consider alternating the gingko tree locations.
 - 5) Add taller trees to promote privacy and to mitigate the height of the buildings to the west.
- Action:** Woolery/Pierce, 4/0/0. Motion carried. (Zimmerman/Miller/Bernstein absent).

Lot 1 – January 13, 2014 (SFDB First Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00504
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 1: Conceptual review for construction of a two-story, 3,304 square foot, single-family residence and an attached, 500 square foot, two-car garage, located on a vacant 14,191 square foot parcel (lot 1). The proposal includes associated flat work, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,804 square feet is 90% of the required floor-to-lot area ratio (FAR).)

(Concept Review. Project requires compliance with Planning Commission Resolution No. 015-10.)

Actual time: 3:53 p.m.

Present: Gavin Moores, Principal of Capital Pacific Development Group;
Jeremy Smith, Civil Engineer;
Tim Gorder, Architect.

Public comment opened at 4:37 p.m. Public comment is for lots 1, 2, and 4 of 3626 San Remo Drive.

- 1) Nancy Madisen, 1714 Olive Street, expressed support for the project.
- 2) Molly Steen, co-owner of 3609 Capri Drive, (submitted letter), expressed concerns regarding privacy, solar access into her backyard, and neighborhood compatibility. Expressed support for preservation of the orange trees on northerly lot line.
- 3) John Steen, co-owner of 3609 Capri Drive, expressed concerns regarding privacy, obstructed views, light and noise pollution.
- 4) Stella Anderson, expressed support for the project.

Letters of expressed concerns from Robert Westwick and Molly Steen regarding privacy, size and neighborhood compatibility were acknowledged. A letter of expressed concern from Paula Westbury was received.

Public comment closed at 4:45 p.m.

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

- 1) Study reducing the square footage.
- 2) Study the location of the second floor; suggestions made to consider relocation to above the garage.
- 3) Study adding details to the architecture that create charm and interest.
- 4) Study mitigating headlight glare that might affect neighbors to the north.
- 5) Study privacy barriers between the project and the parcel to the north.
- 6) Study a reduction some variations of the plate heights.
- 7) Meet with the adjacent neighbors.

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

Lot 1 – March 24, 2014 (SFDB Second Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00504
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 1: Proposal for construction of a two-story, 3,212 square foot, single-family residence and an attached two-car garage located on a vacant 14,191 square foot parcel (Lot 1). The proposal includes associated flat work, landscaping, and site walls. The proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposal of 3,212 square feet is 76% of the required floor-to-lot area ratio (FAR).)

(Second concept review. Comments only; project requires Planning Commission review. The project was last reviewed on January 13, 2014.)

Actual time: 6:42 p.m.

Present: Kate Svensson, Designer; Robert Adams, Architect; Vince Amore, Builder; and Dan Gullett, Planner.

Public comment was presented on Item No. 4.

Motion: Continued indefinitely to Planning Commission with comments:

- 1) The Board appreciates the design changes and features.
- 2) Reduce the square footage.
- 3) Study placement of the second-story further to the south.
- 4) Provide story poles (Level B).

Action: Woolery/Zimmerman, 5/0/0. Motion carried. (Miller/Bernstein absent).

Lot 1 – June 2, 2014 (SFDB Third Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00504
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 1: Proposal for construction of a two-story, 2,669 square foot, single-family residence and an attached 467 square foot two-car garage located on a vacant 14,191 square foot parcel (Lot 1). The proposal includes associated flat work, landscaping, and site walls. The proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposal of 3,136 square feet is 74% of the required floor-to-lot area ratio (FAR).)

(Third concept review. Comments only; project requires Planning Commission review. Project was last reviewed on March 24, 2014.)

Actual time: 5:11 p.m.

Board member Pierce has stepped down since her relation to a neighbor of the project conflicts with her status.

Present: Robert Adams, Landscape Architect; Kate Svensson, Designer; Vince Amore, Project Manager; Jarrett Gorin, Land Use Planner; and Daniel Gullett, Case Planner.

Public comment opened at 5:38 p.m.

- 1) Joan Jacobs expressed concerns regarding noncompliance with the conformity of the neighborhood, not showcasing the historical home, not providing additional parking spaces, and not including sufficient space for emergency vehicles.
- 2) Kellam de Forest expressed concerns regarding the purchase of the homes before or after construction, the proposed designs being very ordinary, and lot 4 being too close and needing to be converted into a one-story, reduced in size, or not built at all in order to display the historical home on site.
- 3) Molly Steen, a neighbor north of the proposed project, expressed concerns regarding the lots in relation to compatibility with the neighborhood. Ms. Steen suggested the lots be converted to single-story 1,800 square foot homes that could showcase the existing historic home on site in addition to providing privacy to the neighboring homes.
- 4) Bill Finnigsmier, a neighbor at 3603 Capri Drive, expressed concerns with privacy regarding the excessive height of the project in addition to the massive square footage being an issue with harboring more than one family in each lot causing parking issues.
- 5) Julie Nelson, a neighbor at 3603 Capri Drive, expressed concerns regarding the height of the project in relation to privacy. Ms. Nelson suggested one-story lots to preserve compatibility within the neighborhood as well as to consider following good neighbor guidelines.
- 6) Bob Westwick, a neighbor north of the proposed project, expressed concerns regarding the reduction of square footage, stating that 2% of a reduction wasn't enough in relation to the privacy of neighboring homes. Mr. Westwick suggested the lots conform to the neighborhood since the lots are around 60% bigger than the surrounding homes.

- 7) Mary Esperti, a neighbor at 3610 Capri Drive, expressed concerns regarding the second-story lots in relation to privacy along with the parking space and emergency entrance issues.
- 8) John Steen, co-owner of 3609 Capri Drive, presented a 32-lot plat map and several analyses of the proposed lots in relation to the neighborhood. Mr. Steen pointed out that the lots were 60% bigger with an F.A.R. three times that of the surrounding homes.
- 9) Peter and Shirley Edwards submitted a letter with expressed concerns regarding the excessive scale of the proposed lots, the parking issues with having single driveways and no guest parking, and the problems with the drought in relation to adding water meters.

Public comment closed at 5:59 p.m.

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

- 1) The Board appreciates the effort in reducing the square footage.
- 2) Provide further reduction in square footage and height.
- 3) Study the second story in relation to the impact of the adjacent neighbor.
- 4) Study the detailing relative to the existing historical structure on site.
- 5) Study guest parking.

Action: Miller/Zimmerman, 6/0/0. Motion carried. (Pierce stepped down).

Lot 2 – January 13, 2014 (SFDB First Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 2: Conceptual review for construction of a two-story, 3,320 square foot, single-family residence and an attached, 500 square foot, two-car garage, located on a vacant 14,094 square foot parcel (lot 2). The proposal includes associated flat work, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10) the proposed total of 3,820 square feet is 90% of the required floor-to-lot area ratio (FAR).)

(Concept Review. Project requires compliance with Planning Commission Resolution No. 015-10.)

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

- 1) Study reducing the square footage.
- 2) Study adding details to the architecture that create charm and interest.
- 3) Study a reduction and variations of the plate heights.
- 4) Study the front door and surrounding entry area on west elevation.
- 5) Study articulation of the façade to breaking up the straight line (and mass) of the façade.
- 6) Study a variation of colors.

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

Lot 2 – March 24, 2014 (SFDB Second Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 2: Proposal for construction of a two-story, 2,792 square foot, single-family residence and an attached 499 square foot two-car garage located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,292 square feet is 78% of the required floor-to-lot area ratio (FAR).)

(Second concept review. Comments only; project requires Planning Commission review. The project was last reviewed on January 13, 2014.)

Actual time: 7:02 p.m.

Present: Kate Svensson, Designer; Robert Adams, Architect; Vince Amore, Builder; and Dan Gullett, Planner.

Public comment was presented on Item No. 4.

Motion: Continued indefinitely to Planning Commission with comments:

- 1) Reduce the square footage.
- 2) Study of the second-story.
- 3) Consider reducing the roof height.
- 4) Create an arbor-type entrance to help mitigate the façade.
- 5) Study the sloped walls below the windows.
- 6) Provide story poles.
- 7) Consider Lot 4's design as the design for Lot 2.

Action: Woolery/Zimmerman, 5/0/0. Motion carried. (Miller/Bernstein absent).

Lot 2 – June 2, 2014 (SFDB Third Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 2: Proposal for construction of a two-story, 2,652 square foot, single-family residence and an attached 479 square foot, two-car garage, located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,132 square feet is 74% of the required floor-to-lot area ratio (FAR).)

(Third concept review. Comments only; project requires Planning Commission review. Project was last reviewed on March 24, 2014.)

Actual time: 6:19 p.m.

Board member Pierce has stepped down since her relation to a neighbor of the project conflicts with her status.

Present: Robert Adams, Landscape Architect; Kate Svensson, Designer; Vince Amore, Project Manager; Jarrett Gorin, Land Use Planner; and Daniel Gullett, Case Planner.

- Jarrett Gorin requested his comments be put on record regarding the inappropriate and unusual manner of one board member's view on how another board may have observed a project, the unnecessary anger asserted over a land-use project, and the misguided comments about the inaccuracy of the story pole set-ups.

Public comment opened at 6:26 p.m. As no one wished to speak, public comment was closed.

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

- 1) The Board appreciates the changes in architecture.
- 2) Reduce plate height and square footage.
- 3) Study locations for guest parking.

Action: Woolery/James, 6/0/0. Motion carried. (Pierce stepped down).

Lot 2 – July 14, 2014 (SFDB Fourth Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00505
Owner: Nancy J. Madsen
Designer: Henry Lenny

(Lot 2: Proposal for construction of a two-story, 2,652 square foot, single-family residence and an attached 479 square foot, two-car garage, located on a vacant 14,094 square foot parcel (Lot 2). The proposal includes associated flatwork, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,132 square feet is 74% of the required floor-to-lot area ratio (FAR).)

(Fourth concept review of exterior architectural details only. Comments only; project requires Planning Commission review. Project was last reviewed on June 2, 2014.)

Actual time: 5:34 p.m.

Board member Pierce stepped down.

Present: Henry Lenny, Designer; and Daniel Gullett, Associate Planner.

Public comment opened at 5:41 p.m.

- 1) Molly Steen, a neighbor at 3609 Capri Drive, expressed concerns that the project had yet to be scaled down per the Board's direction.
- 2) John Steen, a co-owner at 3609 Capri Drive, reserved his comments until further information was provided.
- 3) Bob Westwick, a neighbor at 3609 Capri Drive, expressed concerns regarding the lack of change in square footage.
- 4) Joan Jacobs, a neighbor at 210 Adair Drive, expressed concerns that the project had yet to be scaled down per the Board's direction.
- 5) Shirley Edwards, a neighbor at 216 Adair Drive, expressed concerns that the project had yet to be scaled down per the Board's direction, the inadequate width of the driveway with no turnaround, and the lack of guest parking.
- 6) Peter Edwards, a neighbor at 216 Adair Drive, expressed concerns regarding the large size of the project in addition to the lack of accessibility relating to the driveway.

Public comment closed at 5:49 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Study reducing the square footage and plate heights of both floor levels.

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

Lot 3 – November 6, 2013 (HLC First Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00440
Owner: Nancy and Robert Madsen
Designer: KSD Enterprises, LLC
Applicant: Capital Pacific Development Group

(Proposal to demolish an existing two-story, 2,907 square foot single-family dwelling and construct a new two-story, 2,670 square foot single-family dwelling with an attached 443 square foot garage. (The original four-lot subdivision project proposed a restoration of the dwelling at 3626 San Remo Drive. The proposal has been revised to demolish and reconstruct the dwelling in order to comply with structural engineering codes.) The proposed development would be 72% of the recommended maximum floor-to-lot area ratio on a 15,507 square foot lot. The *front facade*, which was found to be eligible as a *Structure of Merit*, would be reconstructed in accordance with the Secretary of the Interior's Standards for Reconstruction. A Historic Structures/Sites Report prepared by Alexandra C. Cole of Preservation Planning Associates was accepted by the Historic Landmarks Commission in March of 2010 for the subdivision of the property. Planning Commission (PC) review is requested for a Modification of the Solar Access Height Limitation and to change the conditions of approval for the subdivision found in PC Resolution 015-10. This *property is on the City's Potential Historic Resources List*.)

(Revised project requires Environmental Assessment, Planning Commission review, and Neighborhood Preservation Ordinance Findings.)

Actual time: 3:01 p.m.

Present: Daniel Gullett, Associate Planner
Kate Svensson, Kate Svensson Design
Vince Amore, VP of Operations, CP Custom Builders
Gavin Moores, Principal, CP Custom Builders
Robert Adams, Landscape Architect
Alex Cole, Historical Consultant

Public comment opened at 3:19 p.m.

Kellam de Forest, local resident, commended the applicant for the rehabilitation of the historic structure. He questioned whether the entire structure qualifies for Structure of Merit status instead of only the front façade. He also asked when the addition was constructed and whether the applicant is proposing to use a portion of it.

Public comment closed at 3:21 p.m.

Motion:

Continued indefinitely to the Planning Commission with positive comments:

1. The applicant was commended for continuing the life of the building.
2. The project is consistent with the original design esthetic and with the Secretary of the Interior's Standards for Reconstruction of Historic Properties.
3. Capture the historic detailing of the column capitals to avoid a contemporary look. It is one of Edwards and Plunkett's signature designs.
4. **The Commission has reviewed the proposed project and Compatibility Analysis Criteria have been generally met for this project (per SBMC 22.22.145.B. and 22.68.045.B.) as follows:**
 - a) **Compliance with City Charter and Municipal Code; General Consistency with Design Guidelines:** The proposed development project's design complies with all City Regulations and is consistent with El Pueblo Viejo Landmark District Guidelines.
 - b) **Compatible with Architectural Character of City and Neighborhood.** The proposed design of the proposed development is compatible with the distinctive architectural character of Santa Barbara and of the particular Neighborhood surrounding the project.
 - c) **Appropriate size, mass, bulk, height, and scale.** The size, mass, bulk, height, and scale of the proposed development are appropriate for its neighborhood and consistent with the historic appearance of the house.
 - d) **Sensitive to Adjacent Landmarks and Historic Resources.** The design of the proposed development is appropriately sensitive to adjacent City Landmark/designated historic resources, historic sites or natural features and mitigation measures are adequate to reduce adverse impacts. The design considers the Landmark Oak trees that are a character-defining feature and should be preserved.
 - e) **Public views of the Ocean and Mountains.** The design of the proposed project responds appropriately to established private views. There are no ocean views, and the design does not impede mountain views.
 - f) **Appropriate Amount of Open Space and Landscaping.** The design of the proposed development includes an appropriate amount of project open space and landscaping.
 - g) Carry forward the HLC comments to the Planning Commission with the recommendation that the project be accepted as submitted, including the proposed setback, as it is not greater than the existing footprint, and the solar access relief, in that it is already located in a shady neighborhood.

Action:

La Voie/Murray, 6/0/0. (Boucher/Shallanberger/Suding absent.) Motion carried.

Lot 3 – March 26, 2014 (HLC Second Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

(4:00) Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00440
Owner: Nancy and Robert Madsen
Applicant: Capital Pacific Development Group
Designer: KSD LLC, Inc.

(Lot 3: Proposal to demolish an existing two-story, 2,907 square foot single-family dwelling and construct a new two-story, 2,766 square foot single-family dwelling and an attached 443 square foot garage. (The original four-lot subdivision project proposed a restoration of the dwelling at 3626 San Remo Drive. The proposal has been revised to demolish and reconstruct the dwelling because the existing building was structurally unstable, as per the engineering report.) The proposed development total of 3,209 square feet, located on a 14,925 square foot lot, is 74% of the required floor-to-lot area ratio (FAR). The front facade, which was found to be eligible as a Structure of Merit, would be reconstructed in accordance with the Secretary of Interior Standards for Reconstruction, as per the Historic Structures/Sites Report Addendum prepared by Alexandra C. Cole of Preservation Planning Associates that was accepted by the Historic Landmarks Commission on February 12, 2014. A Historic Structures/Sites Report prepared by Alexandra C. Cole of Preservation Planning Associates was accepted by the Historic Landmarks Commission in March of 2010 for the subdivision of the property. Planning Commission review is requested for a Modification of the Solar Access Height Limitation and to change the conditions of approval for the subdivision found in PC Resolution 015-10. This property is on the City's Potential Historic Resources List.)

(Second concept review. Comments only; Project requires Planning Commission review. Project was last reviewed on November 6, 2013.)

Time: 4:50 p.m.

Present: Kate Svensson, Designer, KSD
Robert Adams, Landscape Architect, Earthknower Studio
Vincent Amore, Applicant Representative, Capital Pacific

Staff comments: Dan Gullett, Project Planner, stated that the City's Urban Historian reviewed the drawings and found that the design meets the Secretary of the Interior's Standards for Reconstruction as per the Addendum Letter to the Historic Structure/Site Report (HSSR). The Urban Historian provided a photograph to the Commission of the front entrance of the structure taken from the HSSR (circa 2007).

Public comment opened at 5:16 p.m.

Kellam de Forest, local resident, commented on the original intent to rehabilitate the structure, the subsequent subdivision of the site, and now the plan to demolish and reconstruct the façade of the historical building (which, in his opinion, does not meet the Secretary of the Interior's Standards).

Public comment closed at 5:18 p.m.

Motion: Continued indefinitely with comments to be directed to the Single Family Design Board:

1. The applicant should provide an overlay of the existing and proposed.
2. The proposed architecture of Lot 3 and the reconstruction are appropriate. However, provide an analysis by a historical consultant of the potential impact of the proposed development. The spatial relationship between Lot 3 and the other lots is of great importance.

Action: La Voie/Drury, 6/0/0. (Orías/Sharpe absent. Suding stepped down.) Motion carried.

Lot 4 – January 13, 2014 (SFDB First Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011

Application Number: MST2013-00506

Owner: Nancy J. Madsen

Designer: Kate Svensson

(Lot 4: Conceptual review for construction of a two-story, 3,369 square foot, single-family residence and an attached, 500 square foot, two-car garage, located on a vacant 17,351 square foot parcel (lot 4).

The proposal includes associated flat work, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10) the proposed total of 3,869 square feet is 88% of the guideline floor-to-lot area ratio (FAR).)

(Concept Review. Project requires compliance with Planning Commission Resolution No. 015-10.)

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

- 1) Study reducing the size, bulk and scale of the house to meet the compatibility guidelines. Return to the Board with visual aids.
- 2) Study reducing the footprint.
- 3) Replace the corner split oak tree with a larger oak tree, possibly a 36 inch box.
- 4) Study a single story structure; specifically to maximize the view corridor and be more sensitive to the adjacent residence (lot 3).

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

Lot 4 – March 24, 2014 (SFDB Second Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00506
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 4: Proposal for construction of a two-story, 2,819 square foot, single-family residence and an attached 498 square foot two-car garage located on a vacant 17,351 square foot parcel (Lot 4). The proposal includes associated flat work, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,317 square feet is 76% of the guideline floor-to-lot area ratio (FAR).)

(Second concept review. Comments only; project requires Planning Commission review. The project was last reviewed on January 13, 2014.)

Actual time: 7:10 p.m.

Present: Kate Svensson, Designer; Robert Adams, Architect; Vince Amore, Builder; and Dan Gullett, Planner.

Public comment was presented on Item No. 4.

Motion: Continued indefinitely to Planning Commission with comments:

- 1) Provide story poles.
- 2) Minimize the second-story, deferring visual attention to the historic property on Lot 3.
- 3) Create a receptive entryway to the project.
- 4) Reduce the square footage.

Action: Woolery/Pierce, 4/0/0. Motion carried. (Zimmerman/Miller/Bernstein absent).

Lot 4 – June 2, 2014 (SFDB Third Concept Review)

3626 SAN REMO DR

E-3/SD-2 Zone

Assessor's Parcel Number: 053-231-011
Application Number: MST2013-00506
Owner: Nancy J. Madsen
Designer: Kate Svensson

(Lot 4: Proposal for construction of a two-story, 2,795 square foot, single-family residence and an attached, 498 square foot, two-car garage, located on a vacant 17,351 square foot parcel (Lot 4). The proposal includes associated flat work, landscaping, and site walls. This proposal is associated with a concurrent application (MST2009-00325) for a four (4) lot subdivision approved by Planning Commission on October 14, 2010 (Resolution No. 015-10). The proposed total of 3,292 square feet is 75% of the guideline floor-to-lot area ratio (FAR).)

(Third concept review. Comments only; project requires Planning Commission review. Project was last reviewed on March 24, 2014.)

Actual time: 6:35 p.m.

Board member Pierce has stepped down since her relation to a neighbor of the project conflicts with her status.

Present: Robert Adams, Landscape Architect; Kate Svensson, Designer; Vince Amore, Project Manager; Jarrett Gorin, Land Use Planner; and Daniel Gullett, Case Planner.

Public comment opened at 6:44 p.m.

- 1) Kellam de Forest expressed concerns regarding the fenestration of the lot in relation to the variety of windows as well as concerns with parking. He suggested the lot become a one-story property.

Public comment closed at 6:47 p.m.

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

- 1) Reduce plate heights on first and second floors.
- 2) Reduce square footage on the second floor.
- 3) Provide detailing relative to the adjacent historical structure on site.

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

RELEVANT GENERAL PLAN GOALS, POLICIES, & IMPLEMENTATION STRATEGIES

Land Use Element (2011)

GOALS

- *Character:* Maintain the small town character of Santa Barbara as a unique and desirable place to live, work, and visit.
- *Design:* Protect and enhance the community's character with appropriately sized and scaled buildings, a walkable town, useable and well-located open space, and abundant, sustainable landscaping.
- *Historic Preservation:* Protect, preserve and enhance the City's historic resources.
- *Neighborhoods:* Maintain and enhance neighborhoods with community centers where requested, and improved connectivity to daily necessities, including limited commercial activity, transit, and open spaces while protecting the established character of the neighborhood. Maintain or reduce the existing ambient noise levels in single family neighborhoods.

Community Design Policies

LG12. Community Character. Strengthen and enhance design and development review standards and process to enhance community character, promote affordable housing, and further community sustainability principles.

Possible Implementation Actions to be Considered

LG12.2 Building Size, Bulk and Scale. Ensure that proposed buildings are compatible in scale with the surrounding built environment.

- a. Community Character Preservation. Include in design guidelines that as part of any major new in-fill development or remodel, consider the context of the proposed structure in relation to surrounding uses and parcels along the entire block; ensure that the proposed development will not eliminate or preclude preservation of the key visual assets of the particular block or corridor, including landmark structures, structures of merit, potentially historic structures, key scenic view points that provide unique or important views to the surrounding hills, and specimen trees and other important visual resources. Require building design modifications as needed to preserve essential elements of the community character along that block or corridor.

Neighborhood Policies

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.

Possible Implementation Actions to be Considered

LG14.2 Slope Density Standards. Require new subdivisions of land classified single family and two-family with a 10 percent or greater average slope to comply with slope density standards as set forth in the City's Zoning Ordinance.

Housing Element (2011)

New Housing Development Policies

- H10. **New Housing.** Given limited remaining land resources, the City shall encourage the development of housing on vacant infill sites and the redevelopment of opportunity sites both in residential zones, and as part of mixed-use development in commercial zones.
- H14. **Sustainable Housing.** Ensure that new market-rate residential development is consistent with the City's sustainability goal, including reduced energy and resource use, and increased affordable housing opportunities.

Open Space, Parks and Recreation Element (2011)

Open Space, Parks and Recreation Policy

- OP1. **Variety and Abundance.** Provide ample open space through a variety of types, including nature reserves, parks, beaches, sports fields, trails, urban walkways, plazas, paseos, pocket parks, play areas, gardens, and view points, consistent with standards established for this city.

Historic Resources Element (2012)

GOALS

- *Protection and Enhancement of Historical Resources:* Continue to identify, designate, protect, preserve and enhance the City's historical, architectural, and archaeological resources. Ensure Santa Barbara's "sense of place" by preserving and protecting evidence of its historic past, which includes but is not limited to historic buildings, structures, and cultural landscapes such as sites, features, streetscapes, neighborhoods, and landscapes.
- *Governmental Cooperation:* Incorporate preservation principles as a valid and necessary component in decision-making, at every phase of City government, and secure cooperation from all levels and agencies of government in these efforts.
- *Neighborhood Historic Preservation:* Protect the significant contribution made by Santa Barbara's neighborhood historic resources to the City's charm and sense of historical context.

Protection of Buildings, Structures, Sites and Features Policies

- HR1. **Protect Historic and Archaeological Resources.** Protect the heritage of the City by preserving, protecting and enhancing historic resources and archaeological resources. Apply available governmental resources, devices and approaches, such as the measures enumerated in the Land Use Element of this Plan, to facilitate their preservation and protection.

Possible Implementation Actions to be Considered

- HR1.1 Use all available tools. Consider specific preservation strategies and land use regulation mechanisms, including those listed in the Land Use Element, such as revised

development standards, buffer protection, overlay zones, Design and Historic Districts, Landmark, and Structure of Merit designations.

- HR2. Ensure respectful and compatible development. Seek to ensure that all development within the City respects rather than detracts from individual historic and archaeological resources as well as the neighborhood and the overall historical character of the city. Assure compatibility of development, respect for the historical context of historical resources, and consideration of sustainable design alternatives where compatible.

Possible Implementation Actions to be Considered

HR2.1 Protect historic resources from harmful development. Development on parcels in proximity to historic resources shall be designed, sited and scaled to be compatible with their historic neighbor and with public enjoyment of the historic site. Construction activity in proximity to historic resources shall not damage or adversely impact the historic resources, and new structures themselves shall not pose a threat of either short or long-term damaging effects upon the historic resources.

HR2.2 Consider impacts to historic resources comprehensively. Require the identification and analysis of potential impacts to historic resources as an integral component of the review process of all development applications. Evaluate the impacts of proposed development in proximity to historic resources. Review bodies shall not consider other existing incompatible development as a justification for additional potentially incompatible development.

HR2.5 Use appropriate measures. Measures to be implemented shall include assurances that such development is appropriately scaled, designed and sited, and provided with well-located open space and landscaping. Proportionately scale construction (addressing height, size, bulk, volume, etc.) adjacent to historic resources.

- HR3. **Discourage Demolition.** Develop effective measures to discourage and curtail the demolition of historic resources.

Possible Implementation Actions to be Considered

HR3.1 Prevent egregious neglect. Explore feasibility of an ordinance that protects historic resources from "demolition by neglect". Enable the City to take appropriate action in cases of historic properties or properties in proximity to historic properties being allowed to deteriorate.

HR3.2 Review demolitions of older buildings. Expand procedures for review of applications for demolition or relocation of buildings citywide to prevent the loss of buildings or structures that may have historic or architectural significance and to provide the time necessary to initiate designation or to consider alternatives to demolition of the building.

HR3.3 Require project design alternatives. Require development proposals that request demolition of historic resources to present preservation alternatives, such as adaptive reuse, rehabilitation or relocation rather than demolition.

Environmental Resources Element (2011)

GOALS

- *Sustainable Resource Use.* Protect and use natural resources wisely to sustain their quantity and quality, minimize hazards to people and property, and meet present and future service, health and environmental needs.
- *Reduce Greenhouse Gases.* Reduce where practicable greenhouse gas emissions contributions to climate change, and to air pollution and related health risks.
- *Reduce Fossil Fuel Use.* Reduce fossil fuel use through increased efficiency and conservation, and by developing renewable energy sources.
- *Climate Change Adaptation.* If applicable, incorporate adaptation to climate change in proposals for new development, redevelopment and public infrastructure.

Climate Change Policies

- ER3. **Decrease City's Global Footprint.** In addition to promoting reduced unit size, building footprints and GHG emissions, and energy conservation, promote the use of more sustainable building and landscaping materials and methods.

Energy Conservation Policies

- ER5. **Energy Efficiency and Conservation.** As part of the City's strategy for addressing climate change, minimizing pollution of air and water, depleting nonrenewable resources and insulating from volatility of fossil fuel prices, dependence on energy derived from fossil fuels shall be reduced through increased efficiency, conservation, and conversion to renewable energy sources when practicable and financially warranted.

Possible Implementation Actions to be Considered

- ER5.1 **Energy Efficient Buildings.** Encourage all new construction to be designed and built consistent with City green programs, the California Green Building Code, policies, and the goal of achieving "carbon neutrality" by 2030 in all buildings.

Further reduce energy consumption over time to "carbon neutrality" by 2030 in new building and through suggested retrofits. Establish a voluntary program and time line for increasing the energy efficiency and carbon neutrality of new buildings or additions, and of existing building stock. Provide:

- a. Information on current energy use and conservation options;
- b. Incentives for voluntary upgrades;
- c. Voluntary incremental upgrades may be encouraged at time of sale, and/or other methods for greening the existing building stock; and
- d. Tools for self-assessment financing for energy efficiency upgrades and on-site solar and wind power generation through property taxes (in conjunction with AB 811).

- ER6. **Local and Regional Renewable Energy Resources.** Provide both within the city, and regionally through working with the County and other local jurisdictions or parties, opportunities to preserve, promote and participate in the development of local renewable energy resources such as solar, wind, geothermal, wave, hydro, methane and waste conversion.

Possible Implementation Actions to be Considered

- ER6.6 Solar Energy. Encourage the use of solar photo-voltaic arrays on new construction, redevelopment, and significant remodel projects, as appropriate, taking into consideration project scale and budget, building size, orientation, roof type, and current energy use.
- a. For multi-residential projects of 3 or more units, require provision of a minimum 2 kw system per unit consistent with the City's Solar Energy System Design Guidelines, if physically feasible.
 - b. For 1 or 2-unit residential projects require provision of 300 sq. ft. rectangular unobstructed roof area free of mechanical equipment and vents facing south, east or west in a manner that future photovoltaic installation would be consistent with the City's Solar Energy System Design Guidelines, if physically feasible.

Biological Resources Policies

- 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.

Possible Implementation Actions to be Considered

- ER11.1 Tree Protection Ordinance. Update ordinance provisions to protect native oaks and other native or exotic trees. New development shall be sited and designed to preserve existing mature healthy native and non-native trees to the maximum extent feasible.
- ER11.2 Oak Woodlands. Site new development outside of oak woodlands to the maximum extent feasible. Within and adjacent to oak woodlands:
- a. Avoid removal of specimen oak trees;
 - b. Preserve and protect oak saplings and native understory vegetation within areas planned to remain in open space;
 - c. Provide landscaping compatible with the continuation and enhancement of the habitat area, consisting primarily of native species and excluding use of invasive non-native species;
 - d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;
 - e. Minimize or avoid installation of high water use landscaping (e.g., lawn) under the dripline of oak trees.

- ER12. **Wildlife, Coastal and Native Plant Habitat Protection and Enhancement.** Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitats, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.

Possible Implementation Actions to be Considered

ER12.4 Native Species Habitat Planning. Protect and restore habitat areas for native flora and fauna, and wildlife corridors within the City, including for chaparral, oak woodland, and riparian areas. In particular, provide land use/design guidelines to:

- a. Require buildings and other elements of the built environment, and landscaping to be designed to enhance the wildlife corridor network as habitat.
- b. Ensure that the City and new development preserve existing trees within identified wildlife corridors, and promote planting new trees, and installing and maintaining appropriate native landscaping in new developments within or adjacent to important upland wildlife corridors and all streams. Ensure that efforts are made to minimize disturbance to understory vegetation, soils, and any aquatic habitats that are present below the trees in order to provide movement of species that utilize the habitat.
- c. Ensure that new development and redevelopment projects will not result in a net reduction or loss in size and value of native riparian habitats.
- d. Increase riparian habitat within the City and / or its sphere of influence by 20 acres or more, and 1 linear mile or more, over the 20 year life of Plan Santa Barbara. Priorities for restoration include perennial reaches of the major streams, reaches of creek on publicly-owned land, and degraded areas of the City's three major creeks.

ER12.5 Riparian Woodland Protection. Site new development outside of riparian woodlands to the extent feasible. Within and adjacent to riparian woodlands:

- a. Avoid removal of mature native trees;
- b. Preserve and protect native tree saplings and understory vegetation;
- c. Provide landscaping within creek setback compatible with the continuation and enhancement of the habitat area, consisting primarily of appropriate native species and excluding use of invasive non-native species;
- d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;
- e. Include water quality protection and enhancement measures consistent with the adopted City Storm Water Management Plan.

Water Supply

ER17. **Water Conservation Program**. The use of water conservation practices shall be both encouraged and required, as appropriate, for all development projects.

Hydrology, Water Quality and Flooding Policies

ER19. **Creek Resources and Water Quality**. Encourage development and infrastructure that is consistent with City policies and programs for comprehensive watershed planning, creeks restoration, water quality protection, open space enhancement, storm water management, and public creek and water awareness programs.

ER20. **Storm Water Management Policies**. The City's Storm Water Management Program's policies, standards and other requirements for low impact development to reduce storm water run-off,

volumes, rates, and water pollutants are hereby incorporated into the General Plan Environmental Resources Element.

- ER21. **Creek Setbacks, Protection, and Restoration.** Protection and restoration of creeks and their riparian corridors is a priority for improving biological values, water quality, open space and flood control in conjunction with adaptation planning for climate change.

Possible Implementation Actions to be Considered

ER21.1 Creek Setback Standards. Establish updated creek setback and restoration standards for new development and redevelopment along all creeks, and prepare or update guidelines for restoration, increase of pervious surfaces and appropriate land uses within designated creek side buffers.

- a. Develop setback standards of greater than 25 feet from the top of bank for new structures and hard surfaces adjacent to creeks and wetlands.
- b. At a given site, creek buffers should be adequate for protection from flood, erosion, and geologic hazards, and to provide habitat support.
- c. In developing creek setback and restoration standards, consider applicable creek standards in surrounding jurisdictions and the Santa Barbara County Flood Control District general recommendation for new development setbacks of 50 feet from the top of bank of major creeks with natural creek banks, with a reduction up to 25 feet where "hard bank" protection is present.
- d. For new development that is closer than 50 feet to the top of the bank of any major stream, creek bank stabilization shall be provided through planting of native trees and shrubs on creek banks and along the top of banks to minimize erosion and the potential for bank failure.
- e. When the City determines that a structure must be constructed within proposed creek setbacks or where a project would be exposed to unusually high risk of bank erosion or collapse, non-intrusive bank stabilization methods such as bio-engineering techniques (e.g. revegetation, tree revetment, native material revetment, etc.) shall be used where feasible rather than hard bank solutions such as rip-rap or concrete.

ER21.2 Creekside Development Guidelines. Establish design guidelines for development and redevelopment near creeks, such as measures to orient development toward creeks, and better incorporate creeks as part of landscape and open space design. Utilize native riparian palettes for landscaping along creeks, and prohibit the use of non-native invasive plants. Encourage public creekside pedestrian paths where appropriate to increase connectivity and provide pocket parks and signage

Aesthetics and Visual Resources Policies

- ER29. **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.

Possible Implementation Actions to be Considered

ER29.4 Vegetation Protection. Prepare guidelines and standards for removal of significant trees and for planting replacement or additional trees, and protect significant natural vegetated areas from inappropriate development.

ER29.5 Scenic View Protection. Further protect public scenic views of the coast, hillsides, open spaces, creeks and historic resources by incorporating visual guidelines as part of project design guidelines and environmental review guidelines.

ER30. **Enhance Visual Quality**. Not only retain, but improve visual quality of the city wherever practicable.

Conservation Element (1979, prior amendment 1994)

Visual Resources Goals

- Restore where feasible, maintain, enhance, and manage the creekside environments within the City as visual amenities, where consistent with sound flood control management and soil conservation techniques.
- Protect and enhance the scenic character of the City.
- Maintain the scenic character of the City by preventing unnecessary removal of significant trees and encouraging cultivation of new trees.
- Protect significant open space areas from the type of development which would degrade the City's visual resources.

Visual Resources Policies & Implementation Strategies

- 1.0 Development adjacent to creeks shall not degrade the creeks or their riparian environments.
- 4.0 Trees enhance the general appearance of the City's landscape and should be preserved and protected.
 - 4.1 Mature trees should be integrated into project design rather than removed. The Tree Ordinance should be reviewed to ensure adequate provision for review of protection measures proposed for the preservation of trees in the project design.
 - 4.2 All feasible options should be exhausted prior to the removal of trees.
 - 4.3 Major trees removed as a result of development or other property improvement shall be replaced by specimen trees on a minimum one-for-one basis.
- 5.0 Significant open space areas should be protected to preserve the City's visual resources from degradation.

Biological Resources Goal

- Enhance and preserve the City's critical ecological resources in order to provide a high-quality environment necessary to sustain the City's ecosystem.

Biological Resources Implementation Policies

- 4.0 Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible.
- 5.0 The habitats of rare and endangered species shall be preserved.
- 11.0 Where Biological Resources policies conflict, the policy most protective of the natural environment shall prevail.

PRESERVATION PLANNING ASSOCIATES

519 Fig Avenue, Santa Barbara, CA 93101
Telephone (805) 450-6658 Email: accole5@yahoo.com

Accepted
By Full
HLC Board
2.12.14

January 14, 2014

Members of the Historic Landmarks Commission
630 Garden Street
Santa Barbara, CA 93102

RECEIVED
FEB 05 2014

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: *Letter Addendum to HSR for 3626 San Remo Drive Reconstruction*

There is a current proposal before you for the reconstruction of the façade of the house at 3626 San Remo Drive as part of a new house. I prepared an Historic Structures Report in February 2010, which determined that the façade of this Edwards, Plunkett & Howell house, constructed c. 1927, was significant. The proposed and approved plan was to save the façade as part of a new house and prepare large-format black and white photographs and measured drawings. These have been prepared and accepted by the City Urban Historian Nicole Hernandez.

The current applicants submitted a structural report prepared by Darkmoon Building Design and Engineers in September of 2013, which determined that the façade and its foundation were too deteriorated to be saved. As a result, the façade will be torn down with the rest of the house, and will be reconstructed according to the Secretary of the Interior's Standards for Reconstruction.

I went on-site with the applicants to discuss the protocol for reconstruction, and the proposed drawings before you, primarily Sheets A3.41, A3.42, and A3.44, are the result of our discussions. Because the proposed work to reconstruct the façade will be based on measured drawings and photographs to match the existing, there will not be an impact from the proposed work. As a result the revised project does not change the conclusions of the accepted report I prepared in 2010, namely that the project meets the Secretary of the Interior's Standards, in that case, the Standards for Rehabilitation, and in this case the Standards for Reconstruction. Therefore under CEQA guidelines, the proposed project would not result in a significant historic impact.

I wish to comment as well on the creek setback requirement, as found in the Planning Commission Resolution No. 015-10, dated October 14, 2010, Item B.2:

"San Roque Creek Setback. The Conservation Easement referenced on TM1 shall be expanded to include the entire area within 45 feet of the top of the western bank of San Roque Creek, with the exception of the footprint of the existing historically-significant building on Parcel 3, that would remain at 35 feet if the façade could be restored in its location, otherwise it shall be expanded to 45 feet."

Moving the house with its reconstructed historically-significant façade ten feet further west would not meet the *Secretary of the Interior's Standards* 1 and 2, which refer to maintaining distinctive materials, features, spaces, and spatial relationships within a project. My 2010 report

identified the distinctive spatial relationship of the house as the long view from San Remo Drive. To remove this view of the house from the street, which would occur if the house were required to meet the 45 foot setback, would remove its integrity of location, would not meet Standards 1 and 2, and would therefore constitute a significant historic impact.

Sincerely,

Alexandra C. Cole

Alexandra C. Cole

Standards for Reconstruction

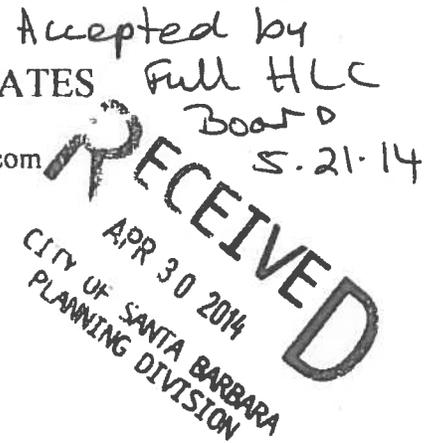
1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

When sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered a treatment.

(Weeks, Kay and Anne Grimmer. 1995. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. Washington, D. C.: U. S. Department of the Interior. National Park Service. Cultural Resource Stewardship and Partnerships. Heritage Preservation Services).

PRESERVATION PLANNING ASSOCIATES

519 Fig Avenue, Santa Barbara, CA 93101
Telephone (805) 450-6658 Email: accole5@yahoo.com



April 24, 2014

Members of the Historic Landmarks Commission
630 Garden Street
Santa Barbara, CA 93102

Re: *Letter Addendum to HSR for 3626 San Remo Drive Development*

I prepared an Historic Structures Report in February 2010, which determined that the façade of this Edwards, Plunkett & Howell house, constructed c. 1927, was significant. The proposed and approved plan was to save the façade as part of a new house and prepare large-format black and white photographs and measured drawings. These have been prepared and accepted by the City Urban Historian Nicole Hernandez.

The applicants submitted a structural report prepared by Darkmoon Building Design and Engineers in September of 2013, which determined that the façade and its foundation were too deteriorated to be saved. As a result, the façade will be torn down with the rest of the house, and will be reconstructed according to the Secretary of the Interior's Standards for Reconstruction. This plan as presented in my letter addendum dated January 14, 2014 was reviewed and accepted by the HLC on February 12, 2014.

This current letter addendum analyzes the impacts of the proposed development of three houses on Lots 1, 2, and 4 in terms of their architectural compatibility with the existing house on lot 3 and in the case of the house on Lot 4, its impact on the view corridor set forth as significant in my report and delineated by the Planning Commission (see attached Landscape Plan, Proposed Site Plan Lot 3, and Site Plan Lot 4 of the architectural plans for the depiction of the view corridor). I went on-site on April 22 to view flags marking the view corridor and story poles outlining the east and north limits of the proposed residence on Lot 4. The following is my analysis of the proposed project impacts.

The relevant Secretary of the Interior's Standard for Rehabilitation here is Standard 9: "New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

Architectural Style of the New Construction

The proposed architectural style for the houses on lots 1, 2, and 4 is Spanish Colonial Revival, taking elements from the existing Edwards Plunkett and Howell residence but being differentiated from it. Basically the houses on Lots 1 and 2 cannot be seen from the south façade of the existing house, and therefore only the proposed house on Lot 4 will be analyzed in terms of its compatibility with the existing historic façade.

The new house on lot 4 will use the same or complementary exterior materials as those on the existing house on lot 3: stucco walls, Barcelona one-piece concrete tile roof, and brick accents at the patio to reference the brick patio of the historic residence. It will be differentiated through a difference in stucco texture and brick pattern. The proposed light fixtures will use the same wrought iron and glass materials and be differentiated by style. The proposed south front door makes reference to the wooden door with a single light present at the east elevation of the house on lot 3 and will be differentiated by size and the addition of a tile surround. The proposed casement windows have the same three-light layout as those on the existing house on lot 3, and are differentiated from them by being metal not wood sash.

The overhanging second floor balcony with its colonnade and railing makes reference to the historic balcony and railing on the existing building on lot 3, with the same slight change in pitch of the shed roof. It is differentiated through the use of plaster columns and metal railings as opposed to wood. The proposed house has a low-profile 6"-overhang, plastered eave detail that is similar to the house on lot 3, yet differentiated through a slightly different profile. Because the proposed architectural style is compatible with the architectural style of the existing house on lot 3, and is differentiated from it, this part of the project therefore meets Standard 9.

Size, Bulk, and Scale

The two-story house on lot 4 has a one-story wing on the north elevation adjacent to the house on lot 3. Lot 4 is set five feet below lot 3, so when the "Top of Roof" is called out at 25'-0" on Lot 4, and the Top of Roof" is 23'-1" on Lot 3, Lot 4 is going to be at the 20'-0" elevation marker when viewed from the finished ground, so its height is 3'-1" below that of the historic house. With the vegetation present, one would only see the roof at the single-story entry colonnade at the south facade of lot 4 through the leaves. It would be difficult to see the roof surface of the structure on the south east, because of the pitch of the roof and the angle of the viewing. San Remo Drive is below the pad elevation of lot 4, and the angle is such that one would scarcely see the top plane of the roof. Existing trees will shield the roof of the second story at the south west corner. Because the mass, bulk and scale of the house on lot 4 is compatible with the existing house on lot 3, this part of the project therefore meets Standard 9.

View Corridor

In terms of the impacts of the proposed houses on lots 1, 2, and 4 on the significant view corridor, the houses on lots 1 and 2 have no bearing on the view corridor. They are set behind the existing house on lot 3. The house on lot 4 is set back behind the view corridor so that the existing view of the significant south façade of the existing building is visible from San Remo Drive. The proposed landscaping along the west edge of the view corridor consists of oak trees and strawberry trees to conceal the proposed residence, with low native plants along the view corridor to allow a view of the existing significant façade on lot 3.

Because the proposed house on lot 4 is set behind the view corridor and will be masked with substantial landscaping, and because the proposed landscaping in the view corridor is low to allow the view of the house on lot 3 from San Remo Drive, the historic façade will remain a dominant feature of the site. As a result, it is my professional opinion that the proposed project meets Standard 9 and will have less than significant impacts on a historic resource (Class III).



Plate 1. View facing southeast along view corridor from the patio of the existing house to San Remo Drive as outlined by the orange flags. To the right of the orange bucket is the pole showing the northeast corner of the proposed house on Lot 4. The area between the flags and the pole will be filled with *arbutus marina* (strawberry trees) to screen the house from San Remo Drive.



Plate 2. View looking south at view corridor to the left with story poles delineating the two-story east edge of the proposed house. This elevation will be screened with *arbutus marina* (strawberry trees).



Plate 3. View facing northwest from San Remo Drive showing view corridor to the right of the flags, with figure in red shirt indicating the northeast corner of the proposed house on Lot 4.



Plate 4. View facing northwest from San Remo Drive showing flags at left and view corridor at center which allows the historic façade to remain dominant on the property.

Vince Amore photograph



Plate 5. View facing northwest from San Remo Drive showing view corridor.
Vince Amore photograph

Sincerely,

Alexandra C. Cole

Alexandra C. Cole



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-10

3626 SAN REMO DRIVE

PUBLIC STREET WAIVERS, FRONTAGE MODIFICATIONS, TENTATIVE SUBDIVISION MAP

OCTOBER 14, 2010

APPLICATION OF LISA PLOWMAN, PEIKERT GROUP ARCHITECTS, AGENT FOR MADSEN FAMILY TRUST, 3626 SAN REMO DRIVE, APNS053-231-010 & 053-231-011, E-3 AND SD-2 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE, BUFFER/STREAM (MST2009-00325)

This is a continuation of the Planning Commission review of this item. The project has been revised since the Planning Commission September 2, 2010 review to provide a 40 foot creek buffer on Parcels 1, 2, and 4; a reconfigured development envelope on Parcel 4; and a larger public view easement to the main residence. Proposal to subdivide a 66,372 square foot property into four lots ranging in size between 14,166 square feet and 16,453 square feet. The project includes demolition of the garage, studio apartment, a portion of the existing residence, shed, lath house, and driveway; and development envelopes for each new lot. The project also includes construction of a new driveway, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards of total grading. In addition, the project includes a view easement and preservation of the façade of the existing 3,137 square foot main residence.

The discretionary applications required for this project are:

1. Three Street Frontage Modifications to allow Parcels 1, 2, and 3 to be created with less than the required 60 feet of public street frontage (SBMC §28.15.080 and §28.92.110);
2. Three Street Frontage Waivers to allow Parcels 1, 2, and 3 to be created with no public street frontage (SBMC §22.60.300); and
3. Tentative Subdivision Map to allow the division of two parcels into four lots (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

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

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

1. Staff Report with Attachments, August 23, 2010.
2. Staff Memorandum with Attachments, October 5, 2010
3. Site Plans
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

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

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

A. **Public Street Waivers for Parcels 1, 2 and 3 (SBMC §22.60.300)**

1. The private driveway will provide adequate access to the new parcels. The proposed driveway is acceptable to the Fire Department and Public Works Department.
2. The proposed driveway will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveway will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. The project conditions require that the owner(s) of the proposed lots maintain the private driveway pursuant to a shared maintenance agreement that will run with the properties. The shared maintenance agreement would be recorded concurrent with recordation of the Parcel Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with a private driveway rather than a public street allows for an increased creek buffer. In addition, the subdivision includes a pedestrian pathway for access to the future residences. The driveway minimizes impacts to existing adjacent residences and does not require expenditure of public money for maintenance.

B. **Street Frontage Modifications for Parcels 1, 2 and 3 (SBMC §28.15.080 & 28.92.110)**

As discussed in Section V.C. of the Staff Report dated August 23, 2010, these modifications are consistent with the purposes and intent of the zoning ordinance and necessary to secure an appropriate improvement because the resulting lots would have frontage on a private driveway rather than a public street, which is preferable because of the site constraints of the creek, historic building and mature trees.

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

The Tentative Subdivision Map is consistent with the Subdivision Map Act, and the General Plan and Zoning Ordinance of the City of Santa Barbara as discussed in Sections IV and V of the Staff Report dated August 23, 2010. The site is physically suitable for the proposed development due to the creek buffer, the relatively flat topography above the creek bank, and the soil composition. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections IV and V of the Staff Report dated August 23, 2010, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage with the conservation area in the creek buffer, the preservation of the historic resource and the view corridor, and associated improvements will not cause serious public health problems as discussed in Section V of the Staff Report dated August 23, 2010.

- II. Said approval is subject to the following conditions:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. **Design Review Approvals.** Obtain all required design review approvals for public and private improvements related to the subdivision including the partial demolition and addition to the existing residence and creek restoration landscaping. Refer to Section B "Design Review."
 2. **LDT Recovery Fee.** Pay Land Development Team Recovery Fee.
 3. **Demolition Permit.** Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Parcel Map, not including the historically significant portions of the main residence. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Refer to Section E "Construction Implementation Requirements."
 4. **Public Works and Building Permits for Private Improvements.** Obtain Public Works and Building Permits (PBW and BLD) for the following private and public improvements, which must be completed prior to approval of the Map. Refer to Section D "Requirements Prior to Permit Issuance," and Section E "Construction Implementation Requirements."
 - a. **Construct Private Water Line and Onsite Treatment of Runoff.** A private water line, a new private fire hydrant, and the required water treatment facilities on each proposed Parcel shall be constructed prior to constructing the finish course of the new shared on-site driveway access.
 - b. **Construct New Private Sewer Laterals.** Install new sewer wye and laterals from the existing sewer main to serve the new undeveloped parcels, and replace any existing private sewer laterals that are damaged and/or require replacement.
 - c. **Construct New Shared On-Site Driveway Access.** The new shared on-site access driveway shall be constructed with a hard surface material to meet minimum Fire Department access requirements of 60,000 pounds. Plans shall include cross sections for driveway construction and specifications using standardized construction methods to meet this condition.
 - d. **San Remo Drive Public Improvements.** All public improvements as identified in Condition D.7 of these Conditions of Approval, shall be either constructed prior to approval of the Parcel Map, or securities and a Land Development Agreement shall be submitted to the Public Works counter prior to approval of the Map.
 5. **City Council Approval.** Obtain City Council approval of the Parcel Map and Agreements and record said documents. Refer to Section C "Recorded Conditions Agreement" and Section F "Public Works Submittal for Parcel Map Approval."
 6. **Construction.** During construction, including demolition and grading, all conditions identified in Section E "Construction Implementation Requirements" must be followed.

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

- B. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied
1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, required street lighting, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map.
 2. **San Roque Creek Setback.** The Conservation Easement referenced on TM1 shall be expanded to include the entire area within 45 feet of the top of the western bank of San Roque Creek, with the exception of the footprint of the existing historically-significant building on Parcel 3, that would remain at 35 feet if the façade could be restored in its location, otherwise it shall be expanded to 45 feet. The Mitigation Monitoring and Reporting Plan prepared by Althouse and Meade, Inc., dated May 27, 2010, shall be revised to include the expanded conservation area. The revised Mitigation Monitoring and Reporting Plan shall be subject to the review and approval of the City Creeks Division and the resultant landscape plan shall be subject to review by the SFDB.
 3. **Residence Alterations.** The Owner shall obtain approvals for the partial demolition and reconstruction of the historically significant main residence with parking as required by the Zoning Ordinance from the Single Family Design Board (or Historic Landmarks Commission, as appropriate). Demolition of the portion of the main residence encroaching into Parcel 2 and the interior setback of Parcel 3 is required prior to Parcel Map recordation.
 4. **Tree Removal and Replacement.** All trees greater than four inches (4") in diameter at four feet (4') above grade that are removed, except oak trees, fruit trees, and front setback trees approved for removal without replacement by the Parks Department, shall be replaced on site on a one-for-one basis with minimum 15-gallon size trees of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 5. **Tree Protection/Replacement Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Arborist's Report.** The arborist's report prepared by Bill Spiewak, dated September 28, 2009, shall be revised to reflect the removal of trees 35 and 36 and the protection of trees 31, 32, 33, and 34. The revised report shall be subject to the review and approval of the City Environmental Analyst. Include a note on the plans referencing the revised arborist's report and noting that the recommendations/conditions contained in the revised report shall be implemented.

- b. **Landscaping Under Trees.** Landscaping provided under trees shall be compatible with preservation of the trees as determined by the Single Family Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.
 - c. **Oak Tree Replacement.** Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum fifteen (15) gallon size, from South Coastal Santa Barbara County stock, as recommended by Storrer Environmental Services in the Biological Assessment dated November 13, 2009.
6. **Pedestrian Pathway.** A separate decomposed stone pedestrian pathway shall be provided within the westerly ten feet of the Conservation Easement to access each of the four parcels from the San Remo Drive sidewalk.
 7. **View Corridor.** Appropriate landscaping shall be provided in the view corridor as not to exceed 42 inches in height at maturity. The existing oak trees and jacaranda tree located within the view corridor exceeding 42 inches in height referenced in the Oak Tree Inventory & Mitigation Plan dated September 28, 2009 as Trees 38, 40, 41, and 42 shall remain. The three pittosporum trees located on the left side of the existing driveway between the jacaranda tree and the main house shall be removed. Canopies of trees in the areas adjacent to the view corridor may encroach into the view corridor provided that an adequate view of the building from San Remo Drive is retained at the time the vegetation reaches maturity.
 8. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 9. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 14, 2010 is limited to the subdivision of a 66,372 square foot property into four lots ranging in size between 14,166 square feet and 16,453 square feet with development envelopes for each lot; demolition of the existing garage, studio apartment, a portion of the existing residence, shed, lath house, and driveway; construction of a new driveway, construction of parking for Lot 3, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards of total grading; documentation of the existing residence; a view easement; preservation of the façade of the existing residence; and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara, with the following changes:

- a. The development envelopes shown on the parcel map shall be located no closer than 45 feet from the San Roque Creek top of bank, except the development envelope on Parcel 3 shall include the existing footprint of the existing historically-significant building and patio within 45 feet of the San Roque Creek top of bank. Except at the location of the existing patio on Parcel 3, the development envelopes shall exclude the view corridor.
 - b. The Conservation Easement shall be expanded to include the entire area between the eastern property line and eastern line along the reconfigured development envelopes. With the exceptions of the pedestrian pathway, utilities and the accommodation of stormwater management elements, no development including buildings, grading or other ground disturbance is permitted within the Conservation Easement.
 - c. The public utilities easement shall be relocated under the westerly edge of the new driveway.
 - d. The portion of the View Corridor on Parcel 4 shall be expanded westward to include the area between the western top of bank and a line 45 feet west of and parallel to the western top of bank.
2. **Design Review for Future Residences.** Any new residence proposed for construction on any of the lots created by the subdivision, shall be subject to the review and approval of the Single Family Design Board (SFDB).
 3. **Tree Removal Timing.** No tree greater than four inches (4") in diameter at four feet (4') above grade shall be removed for the development of the individual lots until after the tree removal receives Final Approval by the Single Family Design Board in association with the subdivision grading plan or a landscape plan for the development of each of the individual lots. Tree removals may occur, however, if it is demonstrated that a tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity, the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, the tree is dead, or the Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.
 4. **Lighting.** All outdoor lighting shall conform with the City's Outdoor Lighting and Streetlight Design Guidelines and Chapter 22.75 of the Municipal Code (Outdoor Lighting).
 5. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 6. **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).
 7. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real

Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:

- a. **Tree Protection.** The existing trees shown on the Oak Tree Inventory and Mitigation Plan prepared by Bill Spiewak dated September 28, 2009 shall be preserved, protected, and maintained in accordance with the recommendations contained in the accompanying arborist's report prepared by Bill Spiewak.
 - b. **Irrigation.** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - c. **Herbicides and Fertilizer.** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree except as provided by the Tree Protection Measures in the aforementioned Arborist's Report.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Storm Water Management Plan BMP Guidance Manual). 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 applicant 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.
9. **Development Rights Restrictions.** The Owner(s) shall not make any use of the property contained in the Conservation Easement described in condition C.1 other than passive recreation, native plantings, creek restoration, stormwater facilities, and a pedestrian path. The restricted areas shall be shown on the Parcel Map. The Owner(s) shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
10. **Required Private CC&Rs.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, including landscaping; common access ways; common utilities and other similar shared or common facilities or improvements of the development, including the driveway, which methodology

shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.

- b. **Garages and Carports Available for Parking.** A covenant that includes a requirement that all garages and carports be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages or carports were designed and permitted.
 - c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
11. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Conservation Easement area described in Condition C.1 adjacent to San Roque Creek.
12. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.

Public Works Department

1. **San Remo Drive Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on San Remo Drive. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following to City Standards: *installation of a new City Standard residential dome-style street light, five-foot wide sidewalk, realignment of curb and construction of sidewalk around existing tree encroaching into the existing sidewalk area, driveway apron modified to meet Title 24 requirements, saw-cut and replace any existing damaged curb and gutters, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all*

trenching, connection to City water and sewer mains, public drainage improvements with supporting hydrology report for installation of curb drain outlets, supply and install directional/regulatory traffic control signs, storm drain stenciling per the MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

2. **Land Development Agreement.** The Owner shall submit an Engineer's Estimate, signed, and stamped by a registered civil engineer, securities for construction of improvements, and an executed *Agreement for Land Development Improvements*, prepared by the Engineering if public improvements are not constructed prior to recordation of the Parcel Map.
3. **Encroachment Permits.** Any encroachment or other permits from the City or the County Flood Control and Water Conservation District for the construction of improvements (including any required appurtenances) within their rights of way or easements.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

Community Development Department

5. **Park and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park and Recreation Commission for the removal of trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground in the front yard setback.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
7. **Documentation and Archive.** The applicant shall provide documentation of the main house at 3626 San Remo Drive consistent with the City of Santa Barbara's "Required Documentation of Buildings Prior to Demolition." The photo-documentation and a copy

of the Historic Structures/Sites Report shall be submitted to the Santa Barbara Historical Museum's Gledhill Library prior to permit issuance.

8. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees identified for protection in the Oak Tree Inventory and Mitigation Plan during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
9. **Mitigation Monitoring and Reporting.** Submit to the Planning Division an executed contract with a qualified expert to implement the Mitigation Monitoring and Reporting Plan for the subdivision restoration area. The contract shall include:
 - a. The monitoring schedule.
 - b. Performance criteria with target dates and success rates.
 - c. A list of reporting procedures, including content of monitoring reports.
 - d. Submittal of annual monitoring reports outlining compliance with performance standards and providing recommendations to achieve compliance until the performance criteria are met.
10. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
11. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
12. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section B above.
13. **Nesting Birds.** Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting birds is provided to the satisfaction of the City Environmental Analyst and, if nesting bird species are identified, the affected area is avoided.
14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval, as follows:

- a. **Grading Plan Notes.** Notes on the grading plan that specify the following:
- (1) No grading shall occur within three feet of the driplines of the existing trees indicated on the plans to remain.
 - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (3) All excavation within the dripline of the trees shall be done with hand tools.
 - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (7) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
- (1) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
 - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the driveways and development plans for individual lots. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

- (6) Landscaping provided under the oak trees shall be compatible with preservation of the trees. No irrigation system shall be installed under the dripline of any oak tree.
 - c. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
- 15. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

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

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

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.
- 16. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- 17. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

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

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** 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.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day

January 1st*

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

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

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

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.

- d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
 11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors telephone numbers, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
 15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 16. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 17. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 18. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

19. **Complete Public Improvements.** Complete public improvements, as shown in the improvement and building plans, including utility service undergrounding and installation of street trees, or provide securities to complete public improvements within six months.
20. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if a backflow device is installed on a separate fire line.
21. **Manhole.** Raise new sewer manhole in San Remo Drive to final finished grade, if needed.
22. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

- F. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or proof of completion of the following, to the Public Works and Community Development departments for review and approval:
 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance and shall comply with the Tentative Subdivision Map signed by the chair of the Planning Commission on October 14, 2010 and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval.

2. **Dedications.** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, are subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division. The public easement dedications shall be offered on the Parcel Map (Map), the private easement documents shall be recorded as separate instruments prior to recordation of the Map, and the Recorded Instrument Numbers of the private easements shall be referenced on the title sheet of the Map:
 - a. A variable width 35-50 foot private Conservation Easement for passive recreation, native plantings, and creek restoration.
 - b. A variable width Right of Way for All Street Purposes along San Remo Drive.
 - c. A public sewer easement on the northwest corner of the subject site.
 - d. A 4-foot wide public utilities easement (PUE).
 - e. A 15-foot wide easement for storm drainage for the Santa Barbara County Flood Control and Water Conservation District for emergency access and creek maintenance purposes.
 - f. A view corridor between San Remo Drive and the historic structure to be maintained in perpetuity limiting new development to landscaping, walls, patios or decks 42 inches or less in height. Existing trees within and adjacent to the view corridor shall be maintained to protect the trees and maintain the view of the historic structure through the view corridor.
 - g. A 4-foot wide reciprocal private access easement for pedestrians on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3, and 4.
 - h. A variable width reciprocal private access, drainage, and utility easement for on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3 and 4.
 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Required Conditions and Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 5. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
- G. **Requirements Following Map Recordation.** The Owner shall submit the following for review and approval by the departments listed below following Map Recordation. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Community Development Department.

2. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section C have been recorded

H. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the attached exhibits or as amended by the Planning Commission.
 - c. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

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

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission's actions approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

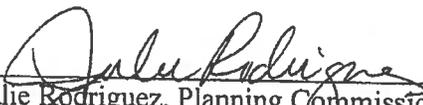
NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110

This motion was passed and adopted on the 14th day of October, 2010 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 1 (Jacobs) ABSTAIN: 0 ABSENT: 2 (Larson, Schwartz)

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


Julie Rodriguez, Planning Commission Secretary


Date

PLEASE BE ADVISED:

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

