PLANNING COMMISSION
STAFF REPORT

REPORT DATE: May 3, 2018
AGENDA DATE: May 10, 2018
PROJECT ADDRESS: 408 N Hope Ave (MST2017-00097)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4551
Beatriz Gularte, Senior Planner BEG
Michelle Bedard, Assistant Planner SBD

I. PROJECT DESCRIPTION
The project consists of the subdivision of an existing 0.65 acre (28,427 square feet) residential parcel into two lots, located in the Low Density Residential (5 du/acre) General Plan Designation and Single Residential (RS-7.5/USS) Zone. Proposed Lot 1 will be 0.43 acre (18,788 square feet) and Lot 2 is proposed to be 0.22 acre (9,639 square feet). Proposed Lot 1 includes the existing single-residential dwelling, carport and accessory buildings to remain. Proposed Lot 2 is vacant and does not include development of a residential unit at this time. The existing parcel is a flag lot and currently provides access for two existing lots fronting North Hope Avenue. With the proposed subdivision the private driveway will provide access to a total of four lots. The physical changes associated with the subdivision include public accessibility improvements within the public right-of-way to meet city standards, and establishing new utility (sewer) connections. Water service is provided by Lincolnwood Mutual Water Company, a private water company, and is not served by City Water.

II. REQUIRED APPLICATIONS
The discretionary applications required for this project are:
A. A Tentative Subdivision Map to allow the division of one 0.65 acre (28,427 square feet) parcel into two lots (SBMC Chapter §27.07);
B. A Street Frontage Modification to allow proposed Lot 1 without street frontage (SBMC §30.20.030, and SBMC §30.250.020.B);
C. A Street Frontage Modification to allow proposed Lot 2 without the minimum 60-foot public street frontage requirements (SBMC §30.20.030, and SBMC §30.250.020.B);
D. A Public Street Waiver to allow a subdivision creating lots without public street frontage to be served by a private driveway (access easement), which serves more than two lots (SBMC §22.060.300).

APPLICATION DEEMED COMPLETE: April 2, 2018
DATE ACTION REQUIRED PER MAP ACT: June 21, 2018
III. **RECOMMENDATION**

With approval of the requested modifications, the project conforms to the City’s Zoning, the Tentative Map Ordinance, and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

408 North Hope Avenue
IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

<table>
<thead>
<tr>
<th>Application</th>
<th>Laura Bridley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
<td>Philip K. Bates III</td>
</tr>
</tbody>
</table>

**Site Information**

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>053-430-064</th>
<th>Lot Area</th>
<th>28,427 S.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan</td>
<td>Low Density Residential (maximum 5 du/ac)</td>
<td>Zoning</td>
<td>RS-7.5/USS</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Residential</td>
<td>Topography</td>
<td>7%</td>
</tr>
</tbody>
</table>

**Adjacent Land Uses**

- North – Residential
- East – Residential
- South – Residential
- West – Residential

B. PROJECT STATISTICS

<table>
<thead>
<tr>
<th>Proposed Parcel</th>
<th>Lot Area (Net)</th>
<th>Average slope</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>18,788 sf</td>
<td>5.8%</td>
</tr>
<tr>
<td>2</td>
<td>9,639 sf</td>
<td>6.5%</td>
</tr>
</tbody>
</table>

Proposed Lot 1 includes the existing two-story single residential unit, carport and accessory buildings to remain. Proposed Lot 2 is vacant and does not include development of a residential unit at this time.

V. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Per zoning requirements, newly created lots with less than 10% average slope require a minimum lot size of 7,500 square feet (SBMC §30.20.30). A minimum of 8,712 square feet is required to comply with the General Plan Density (low density residential maximum 5 du/ac. 43,560 / 5 = 8,712). The proposed lots comply with the required minimum lot sizes consistent with the Zoning Ordinance and the General Plan designations. The proposed project is consistent with the requirements of the RS-7.5/USS Zone, with the exception of the street frontage modifications for proposed Lots 1 and 2, which do not meet the minimum 60-foot street frontage required on a public street.

**Street Frontage Modifications**

Santa Barbara Municipal Code (SBMC) Section §30.20.30 requires that each lot (within the RS-7.5/USS Zone) created by a new subdivision provide a minimum of 60-feet of public street frontage. The existing parcel is a flag lot which currently provides approximately 24-feet of public street frontage, and serves as a private driveway for two existing lots fronting North Hope Avenue. The existing project lot has 24 feet of frontage on North Hope Avenue and, therefore, does not meet the minimum 60-foot public street frontage. The applicant has requested zoning
modifications to allow proposed Lot 1 to have no public street frontage, and proposed Lot 2 to maintain the existing frontage which is less than the minimum requirement of 60 feet of public street frontage. The proposal will not result in a significant visual change when viewed from the public street, and approval of this type of modification is fairly standard for flag lots.

INCLUSIONARY HOUSING ORDINANCE

Residential lot subdivisions of less than ten parcels are subject to the Inclusionary Housing Ordinance fee of $23,475.00 per unit (SBMC §30.160.030.B). SBMC §30.160.030.C provides a limit on the number of units to be counted in the calculation when there are existing dwelling units to be retained. Only the new vacant lot proposed for future development would require an in lieu fee of $23,475.00 that is required to be paid prior to recordation of the Parcel Map.

B. GENERAL PLAN CONSISTENCY

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

Land Use Element: Policy LG14 calls for maintaining and protecting the character and quality of life of single family zoned neighborhoods as low density. The subject property is located in the Hope neighborhood as identified in the Land Use Element of the General Plan. The General Plan designation for the property is residential, 5 units per acre and the proposed two-lot subdivision would have a density of approximately 3.06 units per acre, consistent with its land use designation. The minimum lot size for the General Plan designation is 8,712 square feet and the proposed lots will exceed this minimum requirement. The proposed subdivision is consistent with the predominantly low density single-family development that makes up this neighborhood. Any future development on the proposed parcels would be subject to the provisions of the RS-7.5/USS Single Residential Zone. The subdivision will be consistent with Policy LG14 of the General Plan.

Housing Element: The Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The proposed project would result in one future additional housing unit. Housing Element Policy H10, New Housing, states, “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.”

The neighborhood surrounding the project site is comprised of single-family residential development. The approval of the subdivision allowing the opportunity for a new residential unit, within the existing residential neighborhood, is a prime example of infill development. Therefore, the proposed development would be consistent with this policy of the Housing Element.

C. SUBDIVISION ORDINANCE (TITLE 27)

The Tentative Subdivision Map is required to comply with the State’s Subdivision Map Act, City’s Zoning Ordinance, and the City’s General Plan.
The Tentative Subdivision Map complies with the State’s Subdivision Map Act and meets all of the requirements of the City’s Subdivision Ordinance. As discussed above in Section V.A, the proposed subdivision development would be consistent with the Zoning Ordinance. The Tentative Subdivision Map and the proposed development is consistent with the General Plan, as discussed above in Section V.B.

The findings for approval of the Tentative Subdivision Map also include the physical suitability of the site for the proposed development and whether the project will cause environmental damage, public health issues, affect access to public resources, or violate water quality requirements. As described above in Section V, the project site is suitable for the proposed development because it complies with the lot area and density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this residential Hope neighborhood of the General Plan. The project site is relatively flat (<10% slope) and will not necessitate significant site grading. The subdivision does not include removal of any significant or protected trees. The project will not cause environmental damage and associated improvements will not cause serious public health issues, or water quality violations. The project site does not provide access to any public natural resources.

VI. OTHER
PUBLIC STREET WAIVER

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

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

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

The Fire Department and Public Works Department have reviewed the proposal and find the private driveway to provide adequate access to each parcel. The project includes conditions of approval for the applicant to provide a Declaration of Covenants, Conditions and Restrictions for Maintenance of a Private Shared Driveway. Staff will review this document and believes that adequate provision to ensure the maintenance required can be incorporated into the recorded agreement. This will include maintenance of the sewer lateral, improvements to the driveway, drainage facilities and landscaping. Findings to support the Waiver are included in Section IX below.
VII. ENVIRONMENTAL REVIEW

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

In addition, any future build out of proposed Lot 2 will require environmental review at the time the new unit is proposed.

VIII. DESIGN REVIEW

Future development of proposed Lot 2, including review of the subdivision grading permits and public improvements, is subject to the review and approval by the Single Family Design Board (SBMC §22.69) and will be required prior to issuance of permits.

IX. FINDINGS

The Planning Commission finds the following:

A. STREET FRONTAGE MODIFICATIONS (SBMC §30.20.030)

The street frontage modifications are consistent with the purposes and intent of the Zoning Ordinance and will result in development that is generally consistent with the existing patterns of development for the neighborhood, because it allows for in-fill development, it does not further reduce the street frontage of the existing flag lot, and will not result in a visual change when viewed from the public street.

B. THE TENTATIVE MAP (SBMC §27.07.100)

As described above in Section V of the Staff Report, with the approval of the street frontage modifications, the Tentative Subdivision Map (Exhibit B) is consistent with the Subdivision Map Act, the General Plan and the Zoning Ordinance of the city of Santa Barbara.

As described above in Section V.C the subdivision can be approved because the site is physically suitable for the proposed subdivision because it is consistent with the provisions of the Municipal Code and the General Plan. Additionally, the design of the project will not cause substantial environmental damage or serious public health problems. The site does not front on any public natural resources requiring public access easements. The project will be designed to comply with City standards for sewer, and the project will comply with the Conditions of Approval (Exhibit A).

C. PUBLIC STREET WAIVER (SBMC §22.60.300)

1. The private driveway will provide adequate access to the subject property and other properties using said driveway. The proposal provides adequate access, and will not eliminate nor reduce access to the subject properties and adjacent properties using the driveway.

2. The private driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited
to turnaround area, width, grade and construction. The proposed driveway is acceptable to the Fire Department and Public Works Department.

3. Adequate provision for maintenance of the private driveway will be provided in the Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Access (which requires all owners who utilize the access easement to adequately maintain the private driveway). This Declaration will be recorded prior to or concurrent with recordation of the Parcel Map.

4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development of a public road to serve the proposed lots will not improve the quality of the development, and would require additional paving and road width to allow for parking areas. The proposed improvements to the existing private driveway will result in better access and circulation than currently exists.

Exhibits:
A. Conditions of Approval
B. Site Plan
C. Applicant’s letter, dated April 25, 2018
PLANNING COMMISSION CONDITIONS OF APPROVAL

408 N HOPE AVE
TENTATIVE SUBDIVISION MAP, STREET FRONTAGE MODIFICATIONS, PUBLIC STREET WAIVER
MAY 10, 2018

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:

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain Building Permits for, and complete, the construction of all private improvements required prior to approval of the Parcel Map to ensure the lot is ready for subdivision.
4. Pay Inclusionary Housing In-Lieu Fee.
5. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements prior to approval of Parcel Map
6. Submit an application for and obtain City Council approval of the Parcel Map and Agreements and record said documents.

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

B. Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, 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 concurrent with the Parcel Map, and shall include the following:

1. Approved Development. The development of the Real Property approved by the Planning Commission on May 10, 2018, is limited to 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. The project consists of the subdivision of an existing 0.65 acre (28,427 square feet.) parcel into two lots, located in the Low Density Residential (maximum 5 du/ac) General Plan Designation and Single Residential (RS-7.5/USS) Zone. Proposed Lot 1 will be 0.43 acre (18,788 square feet) and Lot 2 is proposed to be 0.22 acre (9,639 square feet). Proposed Lot 1 includes the existing single-residential dwelling, carport and accessory buildings to remain. Proposed Lot 2 is vacant and does not include development of a residential unit at this time. The existing parcel is a flag lot and currently provides access for two additional parcels fronting North Hope Avenue. With the proposed subdivision the private driveway will provide access to a total of four lots. The physical changes

EXHIBIT A
associated with the subdivision include, improvements within the public right-of-way and driveway improvements to meet city standards, and establishing new utility (sewer) connections.

2. **Future Development.** All future development on the property shall be subject to the following conditions:

All future construction shall comply with the applicable conditions of approval contained in Sections E. “Requirements Prior To Permit Issuance,” F. “Construction Implementation Requirements,” and G. “Prior to Certificate of Occupancy.”

3. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.

4. **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).

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project’s surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new building permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by an appropriately licensed professional. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.

2. **North Hope Avenue Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on 408 N. Hope Avenue. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer
registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: 30 linear feet of sidewalk to create a ADA compliant pedestrian path across driveway apron, one driveway apron modified to meet Title 24 requirements, 10 linear feet of curb and gutter adjacent to new driveway apron, crack and slurry seal a minimum of 20 feet beyond the limits of all trenching, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, and supply and install directional/regulatory traffic control signs per the CA MUTCD during construction. Any work in the public right-of-way requires a Public Works Permit.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB).

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department 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, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

   Approved Public Improvement Plans. Public Improvement Plans as identified in condition C.2 “(N. Hope Ave) Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the Agreement for Land Development Improvements.

2. **Community Development Department.**

   a. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits for individual parcels.

   b. **Private Driveway Maintenance Agreement.** The Owner shall submit a copy of the draft Agreement for Shared Maintenance of the proposed private driveway. Said Agreement is subject to the review and approval of the Community Development Director and City Attorney.

   c. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements and all elements/specifications shall be implemented on-site.

   d. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are
their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

______________________________
Property Owner       Date

______________________________
Contractor    Date   License No.

______________________________
Architect    Date   License No.

______________________________
Engineer     Date   License No.

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

1. Construction Contact Sign. Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors name, telephone numbers, construction 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.

2. Construction Storage/Staging. Construction vehicle/equipment/materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

3. Unanticipated Archaeological Resources Contractor Notification. Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.
If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

3. **Evidence of Private Driveway Maintenance Agreement Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private driveway Agreement for Shared Maintenance required in Section E.2 “Requirements Prior to Permit Issuance” has 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.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

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 plans approved by the Planning Commission.

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.

3. **Inclusionary Housing Fee.** Prior to approval of the Parcel Map, submit evidence that the Owner has paid the required inclusionary housing fee of $23,475.00 to the Community Development Department.

4. **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.

II. **NOTICE OF MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Modifications shall terminate three (3) years from the date of the approval, per Santa Barbara Municipal Code §30.205.120, 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 and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission action approving the Tentative Map shall expire three (3) 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.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC § 30.205.120):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall be measured from date of the final action of the City on the longest discretionary permit or approval related to the application, unless otherwise specified by State or federal law, with the following exceptions, (i) Design review approval shall be measured from the date of the Project Design Approval; (ii) Design review approval shall not operate to extend any other discretionary permit or approval; and (iii) the recordation of a Parcel Map or Final Map does not extend any other discretionary permit or approval or design review approval. Approval periods run concurrently with, not consecutively to, each discretionary approval term.
Exhibit B: The site plan for 408 N. Hope Avenue has been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.
April 25, 2018

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

Re: Application for a proposed Tentative Parcel Map for 408 N. Hope Avenue,
(MST2017-00097)

Dear Members of the Planning Commission,

This application seeks approval by the Planning Commission of the following discretionary actions related to 408 N. Hope Avenue:

- A Tentative Subdivision Map to allow the division of one 0.65 acre (28,314 square feet) lot into two (2) lots (SBMC Chapter §27.07).
- A Public Street Waiver to allow a subdivision creating lots without public street frontage to be served by a private driveway (access easement), which serves more than two (2) lots (SBMC §22.060.300).
- A Street Frontage Modification to allow (A) proposed lot number one (1) without street frontage and (B) to allow proposed lot two (2) to have less than the minimum 60-foot public street frontage (NZO Title 30.20.030.A and 30.250.F)

A. Project Description and Application Request

I. Lot Split

This application seeks approval of a lot split for a .65-acre parcel (28,314 sq. ft.) located at 408 N. Hope Avenue (APN 053-430-064). The subject parcel has a 7% average slope, generally from the northeast to the southwest. The existing property includes a single family residence of approximately 2,282 sq. ft., a storage shed (approximately 72 sq. ft.), a water tower structure, and a 2-car carport.

The proposed subdivision would divide this parcel into two lots:

- Proposed Lot 1 (existing house): 0.43 acre (18,788.8 sq. ft. – gross and net)
- Proposed Lot 2 (vacant): 0.22 acre (9,638.9 sq. ft. – gross and net)
At this time, no grading or site development is proposed for the newly created lot and no trees are planned for removal as part of this lot split. Due to comments raised during the PRT process, viability of the newly created lot to support a single family home and garage was demonstrated with respect to site design and setbacks.

II. Easements

The common driveway to the property has an existing 24-foot wide easement for ingress, egress and public utilities from Hope Avenue (see attachment marked “Deed” to Title Report). This easement is proposed to remain but be amended with proposed easement C, that will provide access to proposed Parcel 1 across proposed Parcel 2, the lot that will include the common driveway. New easement A is proposed for the relocation of an existing sewer line now serving the neighboring property at 410 N. Hope Avenue, as shown close to the new parcel line.

New easement B is proposed to accommodate a water line to 410 N. Hope that runs along the border of proposed parcel 2, and out to Hope Avenue, and that is part of the Lincolnwood Water Company. New easement C will accommodate ingress, egress and utilities from proposed parcel 1 across the driveway portions of proposed parcel 2.

III. Site Utilities

Utility lines for sewer, gas, electrical, and cable for the existing site are also located down the existing easements within the common driveway, and this is where utility lines will be located to serve the new lot via the common driveway to Hope Avenue.

Water to the existing site is provided from the private Lincolnwood Mutual Water Company. This company has provided a letter (Attachment 9) noting it can and will serve the proposed parcel 2 with this private water source. This allowance has been discussed with Water Resources Division staff, who advised that the Lincolnwood company remains as the one private water company that has established ability to serve private lots without transfer of well rights to the City of Santa Barbara.

IV. Site Access

Because this subdivision is proposed on an existing flag lot, a modification of the street frontage requirement is also requested as part of this application. During the PRT review, staff had concerns about the width of the common driveway, and the proposed Parcel Map has been revised to clarify the width and detail of this access.
At the access to Hope Avenue, the driveway apron is just over 20 feet wide, and becomes 20 feet wide along the driveway where it is further constricted by an existing low fence serving 412 N. Hope Avenue. A detail has been added to the Tentative Map that specifies the driveway access to the site and note it will be designed to match City standards with a 26-foot wide apron approach proposed. The width of the easement for this common driveway at the point it will serve proposed parcels 1 and 2 is 24 feet wide. However, the edge of pavement is slightly narrower between Hope Avenue and this access point to lots 1 and 2, due to landscaping and fence improvements by the owner's neighbors.

This configuration was reviewed by the Santa Barbara Fire Department in May 2017, and granted an exception for width (see Attachment 10, letter dated June 7, 2017 outlining acceptance of this configuration).

V. Street Frontage Modification and Waiver

The existing site now provides a 24-foot wide frontage on Hope Avenue, and this will become part of proposed parcel 2. Therefore, a modification is required to allow proposed parcel 2 to have less than the sixty (60) feet of frontage required for RS-7.5 lots.

Additionally, this same driveway will continue to serve the existing parcel 1, but through an easement to Hope Avenue. Therefore, a second modification is required to allow proposed parcel on without street frontage.

The proposed parcel 2 site design viability was demonstrated through the PRT and DART process and the Santa Barbara Fire Department granted a waiver for the driveway width. Therefore, the project would support the necessary findings for the Street Frontage Waiver per NZO Chapter 30.250.F, as discussed below.

B. Existing Neighborhood and Compatibility

The site is located in the Hope neighborhood, as defined in the City of Santa Barbara General Plan (2011), on the east side of Hope Avenue and has a zoning of E-3/SD-2, as do adjacent properties on all sides. Several blocks south of the site is the Los Amigos Mobile Home Park, and across Hope Avenue in that block is the Calvary cemetery. Arroyo Burro Creek is located nearly 1000 feet to the east, and across two streets, three home sites and an open space area. A Class II bike lane exists on Hope Avenue, along with sidewalks near the project entrance.

The proposed lot area, as well as the remaining lot, both exceed the 7500 square foot minimum lot area required in the E-3 zone district of this site and neighborhood. The proposed Tentative Parcel Map shows the properties surrounding the site, including each parcel number, as summarized below:

**Neighborhood Statistics for 408 N. Hope Avenue**
<table>
<thead>
<tr>
<th>APN</th>
<th>Address</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>53-430-064</td>
<td>408 N. Hope Avenue (proposed site)</td>
<td>0.65 existing 0.4381 proposed</td>
</tr>
<tr>
<td>TBD</td>
<td>New Lot at 408 N. Hope Avenue (proposed)</td>
<td>0.2145 proposed</td>
</tr>
<tr>
<td>53-430-026</td>
<td>3779 Lincolnwood Drive</td>
<td>0.21</td>
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<tr>
<td>53-430-027</td>
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<td>0.19</td>
</tr>
<tr>
<td>53-430-028</td>
<td>3771 Lincolnwood Drive</td>
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<tr>
<td>53-430-046</td>
<td>421 Lincolnwood Place</td>
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</tr>
<tr>
<td>53-430-065</td>
<td>410 N. Hope Avenue</td>
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</tr>
<tr>
<td>53-430-053</td>
<td>415 Lincolnwood Place</td>
<td>0.18</td>
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<tr>
<td>53-430-052</td>
<td>409 Lincolnwood Place</td>
<td>0.18</td>
</tr>
<tr>
<td>53-430-51</td>
<td>3709 Lincolnwood Drive</td>
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<tr>
<td>53-430-50</td>
<td>3705 Lincolnwood Drive</td>
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<tr>
<td>53-430-49</td>
<td>3701 Lincolnwood Drive</td>
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</tr>
<tr>
<td>53-430-48</td>
<td>406 N. Hope Avenue</td>
<td>0.25</td>
</tr>
</tbody>
</table>

Based on the surrounding neighborhood site statistics, the proposed new lot would rest in the middle of the average lot size for this neighborhood.

C. Findings for approval of Parcel Map

Draft findings for approval of the Public Street Waiver per SBMC § 22.60.300, for the Tentative Map, per SBMC §27.07.100, and approval of the public street frontage modifications per SBMC 30.250.060.F are provided in Attachment 11.

This concludes the application letter for the proposed subdivision at 408 N. Hope Avenue. I look forward to working with the City of Santa Barbara, as does Mr. Bates, toward a successful review of this project. Please do not hesitate to contact me at (805) 896-2153, or by email at laurabridley@gmail.com.

Very truly yours,

Laura M. Bridley, AICP
Planning Consultant

Cc:  Kip Bates, owner
      Chris Gilmour, Gilmour Land Surveying