



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 012-18

408 N HOPE AVE

### TENTATIVE SUBDIVISION MAP, STREET FRONTAGE MODIFICATIONS AND A PUBLIC STREET WAIVER

MAY 10, 2018

**APPLICATION OF LAURA BRIDLEY, APPLICANT FOR PHILIP K. BATES III, PROPERTY OWNER, 408 N HOPE AVE, APN 053-430-064, RS-7.5/USS ZONES, GENERAL PLAN LAND USE PLAN DESIGNATION: LOW RESIDENTIAL, MAX 5 DU/AC (MST2017-00097)**

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/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 that will be maintained. 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.

The discretionary applications required for this project are:

1. 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);
2. A Street Frontage Modification to allow proposed Lot 1 without street frontage (SBMC §30.20.030, and SBMC §30.250.020.B);
3. 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);
4. 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 §22.60.300).

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 and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 3, 2018
2. Site Plans

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

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

A. 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.

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. 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 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:
  - a. 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. **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. **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:

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

- F. **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.

**G. General Conditions.**

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

**A. 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.

This motion was passed and adopted on the 10th day of May, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0



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.

\_\_\_\_\_  
Krystal M. Vaughn, 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.**

DRAFT