



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 034-06

687 GROVE LANE

TENTATIVE SUBDIVISION MAP AND MODIFICATION

JUNE 21, 2006

**APPLICATION OF MR. BRENT DANIELS, AGENT FOR BOLLINGER FAMILY TRUST,
PROPERTY OWNER, 687 GROVE LANE, 057-263-018, E-3 ZONE, GENERAL PLAN
DESIGNATION: RESIDENTIAL, 5 UNITS/ ACRE (MST2005-00814)**

The project includes a proposal to subdivide a 38,891 square foot lot to create two (2) parcels of 22,600 square feet and 16,291 square feet in the E-3/SD-2 Zone. One of the proposed lots (Lot A) contains an existing single-family residence that would remain on the property, and no new development is proposed on either lot as part of this application. A street frontage modification would be required for proposed Lot A.

The discretionary applications required for this project are:

1. A Modification to provide less than the required 60 feet (60') of frontage along a public street in the E-3 Zone (SBMC § 28.15.080); and
2. A Tentative Subdivision Map to create two new lots (SBMC § 27.07).

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

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, June 21, 2006.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

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

1. **Public Street Frontage Modification (SBMC § 28.15.080)**

The Modification is consistent with the purpose and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the proposed lot. The configuration of the property restricts the ability to provide for street frontage on both lots.

2. **Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara since the proposed lots would meet the minimum lot size specified in the E-3 zone and the density requirements of the General Land Use Designation of five units per acre. The site is physically suitable for future development. Lot size would be compatible with the size of surrounding residential lots.

II. Said approval is subject to the following conditions:

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

A. **Recorded 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, and shall include the following:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.
2. **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 Architectural Board of Review (ABR).
3. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 21, 2006 is limited to two (2) lots and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

The Development Envelope for both Lots A and B shall be shown on the recorded Parcel Map. For Lot A the Development Envelope shall exclude a 20 foot by 20 foot area at the eastern property line. Including the existing driveway and portions of the parcel to the south. The Development Envelope shall further exclude a 10 foot buffer along the western boundary of Lot A. For purposes of the approval, Development Envelope includes existing development, and all future above grade structures; however, it shall not limit the location of driveways, walkways, landscaping and other surface improvements.

4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
5. Any new two-story development shall be required to be reviewed and approved by the Architectural Board of Review.

B. **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 for the project:

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.
2. **Dedication.** Easements as shown on the approved Tentative Subdivision Map, described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. A reciprocal access easement (variable in width) for vehicles and pedestrians on Parcel B in favor of Parcel A.
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. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
4. **Off-Site Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Grove Lane. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, curb drain outlets, slot/trench drain, drop

inlet, detention, erosion protection, supply, preserve and/or reset survey monuments and contractor stamps, supply and provide adequate positive drainage from site. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

5. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed private driveway, subject to the review and approval of the Public Works Director and City Attorney.
 6. **Residential Street Light Petition.** The Owner shall provide a written Street Light Petition Notice (Notice) to all property owners, and residents on the 600 block of Grove Lane. The applicant shall provide survey distance information regarding the existing streetlights to the Streets Facilities Manager to determine if the existing mid-block streetlight condition satisfies the requirements for the area. If the existing streetlights do not adequately meet the intent or need for a mid-block light, then the Owner shall coordinate with the Public Works Department Facilities Manager to create the Notice. The recipients of the Notice shall vote on whether they do or do not support a mid-block residential street light on their block. A simple majority vote is required to add a mid-block streetlight. The Notice shall contain a description of the issues related to street light placement, and shall include a name and phone number of a contact person who can answer questions and provide related information. The Notice is the standard process used by the Public Works Department to facilitate the addition of mid-block City standard street light(s). If a simple majority of the returned petitions vote in favor of the installation of a residential street light(s), the Owner shall provide and install, at Owner's sole expense, a City standard residential street light, in a style as determined by the Public Works Department and the Architectural Board of Review.
 7. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, an Engineer's Estimate and securities for construction of improvements prior to execution of the agreement.
 8. **Utilities Under-grounded.** The existing above-ground utility lines located above subject site identified as Parcel B shall be placed underground to the extent possible as shown on the Tentative Subdivision Map approved on June 21, 2006.
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works

Department for review and approval, prior to the issuance of a Building Permit for future development.

Recordation of Parcel Map. After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.

D. Building Permit Plan Requirements. The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Drainage.** Drainage for future development on Parcel B shall be designed to drain through the subject property and out to Grove Lane.
2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer 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., Parcel 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 for the duration of the project construction and for future development.

1. **Construction Storage.** Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

3. **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 an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. 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.

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

*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.

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 damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement plans, including utility undergrounding and installation of street trees.
3. **Backflow Device.** Provide an approved backflow device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.

G. Litigation Indemnification Agreement. In the event the Staff Hearing Officer 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

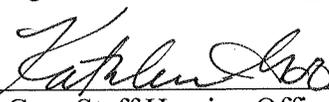
any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

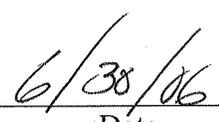
The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 21 day of June, 2006 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
4. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has not been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.