



City of Santa Barbara

California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 23, 2006
AGENDA DATE: August 30, 2006
PROJECT ADDRESS: 1102 E. Canon Perdido & 822 N. Voluntario Streets (MST2005-00140)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner
 Chelsey Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a two-lot subdivision, which would result in a 14,592 square foot lot (Lot 1 – 1102 E. Canon Perdido) with one existing 2,108 square foot single-family residence and attached garage, and a 19,384 square foot lot (Lot 2 – 822 N. Voluntario) with an existing duplex. The project also includes a one-lot subdivision of proposed Lot 2, where the existing duplex and an existing detached garage would be demolished and two new condominiums would be constructed. The new units would be three-bedroom units and would be 2,033 square feet and 2,749 square feet with two attached two-car garages and a new swimming pool. A total of 417 cubic yards of grading is proposed.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC 27.07); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC 27.07 and 27.13);

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map - 1102 E. Canon Perdido & 822 N. Voluntario

APPLICATION DEEMED COMPLETE: August 2, 2006
DATE ACTION REQUIRED PER MAP ACT: October 20, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Jessica Grant/ Penfield & Smith	Property Owner: Greg and Deborah Tice
Parcel Number: 031-060-042	Lot Area: 33,977 sq. ft.
General Plan: Residential, 12 units/ acre	Zoning: R-2, Two-Family Residential
Existing Use: Residential	Topography: ~ 20% average slope
Adjacent Land Uses: North – Single-Family Residential East - Single-Family Residential South – Two-Family Residential West - Two-Family Residential	

B. PROJECT STATISTICS

Two-lot Subdivision

	Areas	Average Slope
Proposed Parcel 1 (1102 E. Canon Perdido)	14,592 sq.ft. (.335 acres gross) 13,896 sq. ft. (.319 acres net)	24% gross 19.9% net
Proposed Parcel 2 (822 N. Voluntario)	19,384 sq. ft. (.445 acres gross) 18,600 sq. ft. (.427 acres net)	19.8% gross 16.3% net
R-2 Zone Requirement	7,000 sq. ft. (min. for new lots) 10,500 sq. ft. (w/ slope density) 14,000 sq. ft. (w/ slope density)	Less than 10% av. slope 10%-20% av. slope 20%-30% av. slope

Living Areas

Proposed Parcel 1	Existing	Proposed
Living Area	2,015 sq. ft.	No change
Garage	400 sq. ft.	No change
Proposed Parcel 2	Existing (duplex)	Proposed (two new units)
Living Area	1,350 sq. ft.	4,782 sq. ft. (Unit A -2,749 sq. ft.) (Unit B – 2,033 sq. ft.)
Garage	320 sq. ft.	858 sq. ft. (Unit A – 436 sq. ft.) (Unit B – 422 sq. ft.)

V. ZONING ORDINANCE CONSISTENCY (PROPOSED PARCEL 2)

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	15' (1 st story)	1' for garage; >20' for	>20'

-Interior	20' (2 nd story) 6'	duplex >6'	≥6'
Building Height	30'	22'	27'2" (Unit A) 25' (Unit B)
Parking	Two covered, two uncovered	Two covered	Four covered
Lot Area Required for Each Unit	3,500 sq. ft./ unit	9,692 sq. ft./ unit	9,692 sq. ft./ unit
Open Yard	1,250 sq. ft	>1,250 sq. ft	>1,250 sq. ft
Private Outdoor Living Space	160 sq. ft./ unit	N/A	>160 sq. ft./unit
Lot Coverage	N/A	1,869 sq. ft. 9.6%	3,442 sq. ft. 17.8%
-Building	N/A	4,189 sq. ft. 21.6%	4,809 sq. ft. 24.8%
-Paving/Driveway	N/A	13,326 sq. ft. 68.8%	11,133 sq. ft. 57.4%
-Landscaping			

The proposed two-lot subdivision would result in two lots that exceed the minimum lot area requirements for newly created lots in the R-2, Two-Family Residence Zone with slope density factored in. The existing single-family residence on Parcel 1 conforms to all zoning requirements, with the exception of the front yard setback, which is considered legal nonconforming, and no new development would occur on this lot.

All requirements of the R-2, Two-Family Residence Zone, would be met for the proposed one-lot subdivision with the demolition of the existing duplex and addition of two new units.

VI. ISSUES

A. DESIGN REVIEW

This project was conceptually reviewed by the Architectural Board of Review (ABR) on two separate occasions (meeting minutes are attached as Exhibit E). Preliminary and final approval by the ABR will be required following Staff Hearing Officer approval of the project. On March 20, 2006, the ABR continued the project to the Staff Hearing Officer and also requested further information from the applicant, including photo documentation of how the view would be impacted from the uphill neighbor, an accurate survey of the roof heights of the existing duplex, and further documentation and study on impacts to trees, especially the oak closest to Unit B. The majority of the Board was in favor of the modern style of the architecture; however, one board member did not feel that it was in keeping with the neighborhood. The ABR also found the size, bulk, and scale to be acceptable, as the footprints of the units are smaller than some of the surrounding residences. The ABR also suggested that Unit A be pushed further back from the property line toward Unit B in order to make room for an entry stoop and to provide an additional landscape buffer along the easement. They also suggested that the chimney for Unit A be better integrated with the architecture.

The applicant has responded to the above requests by including a view study from the uphill neighbor of both the existing duplex and the proposed units in the project plans, and has also reduced a patio area that is proposed for Unit B, so as to not interfere with the oak tree located closest to the unit. Unit A remains in the same place and the applicant has explained that pushing it further back from the driveway would be at the expense of the pool and patio area. The chimney for Unit A was relocated and revised.

B. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element – The Land Use Element of the General Plan describes the project as being located in the Eastside neighborhood of the City. The General Plan calls for a density of twelve dwelling units per acre throughout most of this neighborhood, and recognizes that even though most of this neighborhood is zoned R-2, a large portion of the area is developed with single-family homes on small lots. The General Plan seeks to preserve the areas in the northeast portion of the neighborhood in particular, with a density of five dwelling units per acre in order to provide an area for moderate-cost, single-family housing situated within walking distance to both shopping and employment areas.

The project site is located just outside of the portion of the neighborhood with a density of five units per acre. Proposed Lot 1 would have a density of approximately 3 units per acre and proposed Lot 2 would have a density of approximately 4.5 units per acre; therefore, both lots would meet the designated density of 12 units per acre. Further, there would be no net change in the number of units as a result of the project.

Housing Element - Santa Barbara has very little vacant or available land for new infill residential development and, therefore, the City has supported build-out of housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The proposed condominium project would provide for homeowner opportunities in a neighborhood with close proximity to employment and commercial opportunities.

A goal of the Housing Element is to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The proposed project contains two sizable units that are generally consistent with the scale of buildings in the surrounding neighborhood. The proposed condominium units would not be restricted to low- or moderate-income households. The City provisions for inclusionary housing only apply to projects that involve ten or more units.

C. ENVIRONMENTAL REVIEW

Archaeological Resources: The project site is located within the American Period 1870-1900 and Early 20th Century 1900-1920 Cultural Resource Sensitivity zones. A Letter Report Confirming No Archaeological Resources was prepared in May, 2006, and concluded that the potential for buried cultural resources being encountered during construction ground disturbances is considered to be very low to negligible; and that there will be minimal risk of any impact to cultural resources occurring as a result of the project. Standard conditions of

approval have been implemented, which outline procedures for the unanticipated encounter of archaeological resources during construction.

Historic Structures: It was determined by the City Historian that the existing vernacular duplex at 822 N. Voluntario does not have sufficient historical value to require a Historic Structures Report or preclude demolition.

Drainage: A natural drainage course flows through the center of the existing parcel and proposed project site, with an existing County storm drain located at the south end of the parcel. The project has been designed to be setback from the center of the drainage by approximately 26'9" at the closest point (Unit B). The conditions of approval include a condition that post-development peak storm water runoff discharge rates not exceed the estimated pre-development rate. Further, the conditions also state that permeable building and paving materials should be included in the site design. The applicant is proposing a trench drain along the base of the driveway and retention system that would be located in the southern portion of the parcel to compensate for the minimal increase in estimated post-construction runoff to the drainage.

Tree Protection: The project would result in the removal of a 16" Elm tree, a 6" Coast Live Oak, a 12" Coast Live Oak, and 24" Deodar Cedar. An arborist report has recommended replacement of the Oaks on a 5 to 1 ratio and suggested replacing the Cedar with two Olive trees. This mitigation has been incorporated into the project design and conditions of approval, as well as, recommendations within the report for protecting the remaining trees on-site during the construction.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (demolition of individual small structures), Section 15303 (new construction of small structures), and Section 15315 (minor land divisions).

D. TRAIL EASEMENT

In 2004, the City of Santa Barbara abandoned the former unpaved portion of Voluntario Street that fronts proposed Lot 2. The abandonment was initiated upon the joint request of the applicant, Mr. Greg Tice, and the owner of the neighboring lot, each of whom owned respective portions of the land underlying the unpaved portion of Voluntario Street easement. City Council Resolution no.04-029 approved the abandonment, but reserved an easement for future establishment of a pedestrian pathway from Canon Perdido Street to the nearby dead-end remaining traveled portion of Voluntario Street. This 15-foot wide trail easement was subject to the owners installing a 4-foot wide trail and minimal improvements. This was also a Planning Commission condition of approval for the development of the condominium units on the adjacent property. Building plans were never submitted for the trail improvements; therefore, the project has been conditioned so that the three affected property owners submit the required cooperative pathway plan directly to the Building and Safety Division and Public Works Department prior to the map for the two-lot subdivision being recorded.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. THE TENTATIVE MAP FOR THE TWO-LOT SUBDIVISION (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

B. THE TENTATIVE MAP FOR THE ONE-LOT SUBDIVISION (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

C. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

STAFF HEARING OFFICER STAFF REPORT

1102 E. CANON PERDIDO & 822 N. VOLUNTARIO STREETS (MST2005-00140)

AUGUST 23, 2006

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Exhibits:

- A. Conditions of Approval for two-lot subdivision
- B. Conditions of Approval for one-lot subdivision
- C. Applicant's letter, dated June 20, 2006
- D. ABR Minutes dated February 6, 2006 and March 20, 2006
- E. Plans and Tentative Maps

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1102 E. CANON PERDIDO & 822 N. VOLUNTARIO
TENTATIVE SUBDIVISION MAP FOR A TWO-LOT SUBDIVISION
AUGUST 30, 2006

- I. 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. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail 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.
 3. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 30, 2006 is limited to two (2) lots and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 4. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.
- 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 for a Two-Lot Subdivision to be recorded first, then a Parcel Map for residential condominium purposes, both 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 and described as follows, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. A 10-foot wide private easement for water line purposes for 1102 E. Canon Perdido as shown on the Tentative Subdivision Map for the One-Lot Subdivision.
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. **Drainage Calculations.** The Owner shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
5. **Canon Perdido Street Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Canon Perdido Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: driveway apron, underground service utilities, preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Existing private sewer lateral serving the property shall be inspected and repaired before recordation of map. Any existing sewer lateral 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.
6. **Public Trail Improvements.** Complete public trail improvements per Recorded Instrument No. 04-005779 and per City Council Resolution no.04-029. The building plan for the required 4-foot trail (within the 15-foot reserved easement) that crosses all three of the affected properties shall be approved by the Building & Safety Division and Public Works Department (Transportation Planning Division), and shall include how it will be created, what materials will be used, and fencing.
7. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of

improvement (including any requirement appurtenances) within their rights of way (easement).

8. **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.
 9. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
- 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 the project.
1. **Recordation of Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- 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. Include details of approved public trail improvement plans for trail within 15'-wide trail easement.
 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., 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 for the duration of the project construction.

1. **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.
2. **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
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.

3. **Construction Parking/Storage.** 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.
 - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
4. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
- Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement 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.
5. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
 6. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 7. **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 number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
 8. **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 and any related Conditions of Approval.
 9. **Tree Protection.** Notes on the grading plan that specify the following:
 - a. No grading shall occur under the driplines of the existing trees.
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - c. All excavation within the dripline of the trees shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

- e. No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **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.

- 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 caused by construction (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 building plans, including utility undergrounding and installation of street trees.
- G. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the Planning Commission, 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 Planning Commission'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 Planning Commission 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 or the provisions of the California Subdivision Map Act.

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

822 N. VOLUNTARIO
TENTATIVE SUBDIVISION MAP FOR A ONE-LOT SUBDIVISION
AUGUST 30, 2006

- I. 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. **Recordation Contingent upon Recordation of Two-Lot Parcel Map.** Recordation of this Parcel Map shall not occur until the Two-Lot Parcel Map that establishes the lot is recorded.
- B. **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 Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail 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.
 5. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 30, 2006 is limited to two (2) dwelling units 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.

6. **Required Private Covenants.** 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, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - e. **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.
7. **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.
8. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected and maintained in accordance with the recommendations contained in the arborist's report prepared by Westree, received on June 20, 2006. A copy of this report shall be attached to the recorded conditions as an exhibit. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees. The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
9. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water

pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.

C. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review ABR:

1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site as described in the arborist's report:
 - a. 10 five-gallon oak tree or like size volunteers; and
 - b. Two specimen olive trees at driveway entrance.
2. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:
 - a. Fence off all trees from construction at the critical root zone or where practical with 6' chain link or orange construction fence with metal stakes.
 - b. No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
 - c. Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
 - d. All roots encountered shall be cut cleanly with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying
 - e. Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
 - f. Compaction of the root zone shall be avoided by spreading 3-4" of mulch. If necessary plywood or equivalent shall be placed on top.
 - g. During hot, dry periods the foliage may need to be washed with high pressure water to remove construction dust.
 - h. Project arborist shall be notified prior to any activities within the critical root zone.
 - i. Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Westree, dated June 20, 2006, shall be implemented.
 - j. **Oak Tree Protection Measures.** In addition to the measures listed above, the following provisions shall apply to existing oak trees on site:
 - (1) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan. 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.

- (2) 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.
 - (3) Landscaping provided under the oak tree shall be compatible with preservation of the trees as determined by the ABR. No irrigation system shall be installed under the dripline of any oak tree.
 - (4) 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 five to one (5:1) ratio, at a minimum five (5) gallon size.
 - (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.
3. **Existing Tree Preservation.** The existing trees shown on the approved Landscape Plan to be saved shall be preserved and protected and fenced during construction.
 4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 5. **Permeable Paving.** Incorporate permeable paving and building materials into the site design.
- D. **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. **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.

3. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
4. **Drainage Calculations.** The Owner shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.

An increase in run-off shall be retained on-site and filtered using structural BMPs, such as detention basins, bioswales (vegetated filters) and mechanical BMPs, such as manufactured filters. These systems shall retain, at a minimum, the peak run-off differential from pre- and post-conditions for a 25 year storm, if feasible and practical for the site. If these methods are not feasible or practical, the project shall retain excess water with underground tanks under the same above-mentioned criteria if feasible.
5. **County Storm Drain Protection.** Plans showing how post-construction site runoff will be conveyed to the County storm drain shall be submitted and approved by the Santa Barbara County Flood Control District. Plan check fee may be applied upon submittal of plans. Approved Plans shall be submitted to City Public Works Department.
6. **Voluntario Street Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Voluntario Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: driveway apron modified to meet Title 24 requirements, curbs, gutters, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of drainage pipe, slot/trench drain, detention, erosion protection, provide on-site storm water BMP plan, preserve and/or reset survey monuments and contractor stamps, on-site biofilter/swale sized per drainage calculations, and provide adequate positive drainage from site. Existing private sewer lateral serving the property shall be repaired before new dwellings are occupied. If existing sewer lateral is identified to be abandoned, lateral 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.
7. **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.

8. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed driveway, subject to the review and approval of the Public Works Director and City Attorney.
 9. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
- E. **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 the project.
1. **Recordation of Parcel Map Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- F. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **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 copy of the notice to the Planning Division.
 2. **Soils Report.** Submit to the Building and Safety Division a soils report.
- G. **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. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review outlined in Section B above.
 2. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and/or rate of water run-off conditions from the site. The Owner shall install bioswales, catch basins, storm drainage interceptors or clarifiers on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment from the improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed interceptors or clarifiers shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition A.4, above.

3. **Technical Reports.** All recommendations of the geology, geotechnical, and soils reports, approved by the Building and Safety Division, shall be incorporated into the construction plans.
4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
5. **Utilities.** Provide individual water, electricity, and gas meters, and sewer lateral for each residential unit. Service lines for each unit shall be separate until a point five feet (5') outside the building.
6. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
7. **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., 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.

H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field 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.

2. **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.

3. **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
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.

4. **Construction Parking/Storage.** 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.

b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.

5. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the

Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement 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.

6. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
7. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
8. **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 number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
9. **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 and any related Conditions of Approval.
10. **Tree Protection.** Notes on the grading plan that specify the following:
 - a. No grading shall occur under the driplines of the existing trees.
 - b. A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - c. All excavation within the dripline of the trees shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

12. **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.

- I. **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 caused by construction (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/building plans, including utility undergrounding and installation of street trees.
- J. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the Planning Commission, 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 Planning Commission'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 Planning Commission 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 or the provisions of the California Subdivision Map Act.

Penfield & Smith
ENGINEERS • SURVEYORS • PLANNERS

210 EAST ENOS DRIVE
SUITE A
SANTA MARIA, CALIFORNIA 93454
805-925-2345 • FAX 805-925-1539

CORPORATE OFFICE
101 EAST VICTORIA STREET
P.O. BOX 98
SANTA BARBARA, CALIFORNIA 93102
805-963-9532 • FAX 805-966-9801

1327 DEL NORTE ROAD
SUITE 200
CAMARILLO, CALIFORNIA 93010
805-981-0706 • FAX 805-981-0251

W.O. 16123.01

June 20, 2006

Planning Department
Attn.: Bettie Weiss, Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
JUN 20 2006
CITY OF SANTA BARBARA
PLANNING DIVISION

**Subject: Development Application for Tice Property
1102 E. Canon Perdido and 882 N. Voluntario Streets
MST#2005-00140; APN 031-060-042**

Dear Ms. Weiss:

Greg and Deborah Tice, property owners of 1102 E. Canon Perdido and 882 N. Voluntario Streets, would like to subdivide their 33,976 square foot R-2 zoned property into two lots. Proposed Lot 1, 1102 E. Canon Perdido Street, would be 14,592 square feet and would contain the existing 2,015 square foot single family dwelling and attached two car garage. Proposed Lot 2, 822 N. Voluntario Street, would be 19,384 square feet. Lot 2 would also involve a one-lot subdivision, where the existing duplex would be demolished and two new condominiums would be constructed. The required applications for this project include:

1. A Tentative Subdivision Map for a two-lot subdivision (SBMC Title 27); and
2. A Tentative Subdivision Map for a one-lot subdivision for condominium purposes (SBMC Title 27).

General Plan and Zoning Ordinance Compliance

Before a condominium project and a tentative map can be approved, it must be found consistent with the City's General Plan and Zoning Ordinance. The property is zoned R-2, Two Family Residential, and has a General Plan designation of 12 units per acre. Proposed Lot 1 would have an average slope of 24.0 percent (based on gross lot area) and would meet the minimum lot size per the slope density lot area requirements. With an average slope of 19.8 percent, the proposed condominiums on Lot 2 would also meet the minimum lot size per the slope density lot area requirements. The existing house and proposed condominiums would meet all the required setbacks, with the exception of the existing house, which currently has a legal nonconforming encroachment in the front yard setback along Canon Perdido Street. All structures on site would also be within the thirty foot height requirement and would comply with the Solar Access Ordinance.

Given the character of the neighborhood, the proposed condominiums would be an improvement to the site and neighborhood.

Environmental Review

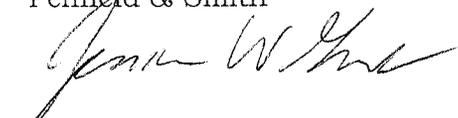
Please consider the proposed project being Categorically Exempt from further California Environmental Quality Act (CEQA) review per State CEQA Guidelines Sections 15301, Existing Facilities; 15303, New Construction; and 15315, Minor Land Divisions. Section 15301 exempts demolition and removal of duplex residential structures. Section 15303 exempts the construction of a duplex. Section 15315 exempts the minor land divisions as long as the average slope is less than twenty percent. The net average slope for both resulting parcels is less than twenty percent. It is expected that the project would not result in any significant environmental impacts.

Conclusion

The proposed project would be consistent with the City's General Plan and Zoning Ordinance and would comply the Subdivision Map Act and with the applicable standards governing the construction of the new condominiums. We hope that you can make the required project findings and recommend for project approval.

Please do not hesitate to call if you have any questions. I may be reached at (805) 899-8695 [e-mail: jwg@penfieldsmith.com].

Very truly yours,
Penfield & Smith



Jessica W. Grant
Senior Planner

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**8. 221 N NOPAL ST**

M-1 Zone

Assessor's Parcel Number: 017-041-004
 Application Number: MST2006-00015
 Owner: Roman Catholic Bishop
 Applicant: Gil Garcia
 Designer: Joseph Amestoy

(Proposal to construct a 2,569 square foot addition to an existing 4,152 square foot church. The proposal includes the demolition of 765 square feet of a classroom/meeting building and the conversion of a 1,449 square foot pavilion to a new carport and demolition a 328 square foot stage structure. The existing structures to remain unchanged include: 10,943 square foot classrooms, a 1,058 square foot kitchen, a 2,431 square foot convent and a 563 square foot storage building. The proposal will require a lot merger resulting in a mixed-use development with R-3/R-4 standards applying to the residential use. The total Measure E square footage is 3,279 square feet, and therefore requires Development Plan approval.)

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**9. 1102 E CANON PERDIDO ST**

R-2 Zone

Assessor's Parcel Number: 031-060-001
 Application Number: MST2005-00140
 Owner: Gregory R. & Deborah J. Tice, Revocable Trust
 Engineer: Penfield & Smith

(Proposal to subdivide a residential lot to result in Lot 1 containing an existing two-story single family residence and the creation of a one-lot subdivision for two new condominiums on Lot 2. The two new detached condominiums will consist of one two-story 2,167 square foot unit with an attached 425 square foot garage, and one three-story 2,588 square foot unit with an attached 400 square foot garage. The proposal includes demolition of the existing house on Lot 2.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL FOR A TENTATIVE SUBDIVISION MAP.)

(8:22)

Jessica Grant, Agent; Mark Kirkhart, Architect; and Thomas Harshbarger, Architect; present.

Public comment opened at 8:31p.m.

A letter submitted from Chris Bell, neighbor, was read into the record which stated that the existing duplex is quite charming, and to replace it with the proposed condominiums as designed would be detrimental to the neighborhood. It is not clear how far the project is setback from the easement driveway. Mr. Bell commends the developers for keeping the overall height down; however, a three story building is not compatible with the neighborhood.

A letter submitted from Bill and Karen Collyer, neighbors, was read into the record which stated their concern that the project size and design is out of scale with the neighborhood. A three story structure is not consistent with the neighborhood, and Mr. and Mrs. Collyer would like story poles installed.

A letter submitted from Tom and Claire Overnack, neighbors, was read into the record which stated that they feel the project design is incompatible with the existing neighborhood; the height and modern design to not match. They are also concerned about negative impacts the project might create as to the increasing flow of water into the drainage culvert.

Kerry Allen, neighbor, stated that she is hopeful the aesthetics of the neighborhood remains. The project is too high, and there are no three story homes in the neighborhood.

Frederick Dahlquist, neighbor is concerned with the height of the project. Mr. Dahlquist submitted a letter which stated his opposition to the proposal to subdivide the residential lot into two condominiums.

Mrs. Dahlquist, neighbor, stated that she opposes the proposed condominium. The three story nature of the building is huge and inappropriate for the area. Mrs. Dahlquist submitted a letter which stated her opposition to the project.

Manuela and Grady Williams, neighbors, stated that the drawings are very nice, however the project is uncharacteristic of the neighborhood in design and height.

Theresa Macias, neighbor, stated that this project is a violation of her privacy and that proposed condominiums are not in style with the neighborhood.

Mark Trueblood, neighbor, stated that he is concerned with the size, bulk and scale, and this must be considered, as it is too large for the neighborhood and if approved, this will have a permanent effect on the neighborhood. Mr. Trueblood is also concerned with the location of the driveway.

Public comment closed at 8:50p.m.

Motion: Continued indefinitely with the following comments: 1) The Board appreciates the quality of architecture and the presentation. 2) Most of the Board is in favor with the modern style of the architecture. 3) The Applicant is to provide further documentation of the project, as well as photo documentation of the architectural styles in the immediate neighborhood and the adjacent buildings. 4) The Applicant is to provide photo documentation of how the view would be impacted from the uphill neighbor. 5) The Board is satisfied with the size, bulk and scale, as the buildings are diminutive and the height is not excessive. 6) Most of the third story reads as a two-story element, however, the Board would like the Applicant to study ways to mitigate its size. 7) Study moving Unit A back away from the driveway as much as possible, which may necessitate shifting the entire unit or to narrow the inner courtyard. 8) The Board looks to the Planning Commission for the appropriateness of the lot split and the proposed condominium. 9) Applicant is to provide a detailed landscape plan to include the entire drainage area. 10) The Board is to conduct an organized site visit.

Action: Wienke/Romano, 5/0/0. Bartlett stepped down.

CONCEPT REVIEW - CONTINUED ITEM**2. 1102 E CANON PERDIDO ST**

R-2 Zone

Assessor's Parcel Number: 031-060-001
Application Number: MST2005-00140
Engineer: Penfield and Smith
Owner: Gregory R. Tice & Deborah J. Revocab
Architect: Thomas Hashbarger

(Proposal to subdivide a residential lot to result in Lot 1 containing an existing two-story single-family residence and the creation of a one-lot subdivision for two new condominiums on Lot 2. The two new detached condominiums will consist of one two-story 2,167 square foot unit with an attached 425 square foot garage, and one three-story 2,588 square foot unit with an attached 400 square foot garage. The proposal includes demolition of the existing house on Lot 2.)

(Second Concept Review)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL FOR A TENTATIVE SUBDIVISION MAP.)

(4:10)

Thomas Hashbarger, Architect, present.

Public comment opened at 4:17 p.m.

Emailed comments by Mr. Christopher Bell, neighbor, were read into the minutes by Board member LeCron. Mr. Bell expressed concern regarding compatibility issues, and opposed allowing three-story single-family residences in the area.

Ms. Carol Smanotto, neighbor, expressed concern regarding the project adversely affecting the neighborhood and creek.

Board member LeCron redirected the public's concerns regarding drainage, impacts, and other general condominium issues toward the Planning Commission, and that only aesthetics concerns should be addressed toward the ABR at this time.

Mr. Grady Williams, neighbor, expressed concern regarding the introduction of multi-family dwellings in the Riviera area setting a precedent and affecting the aesthetics in what is primarily a single-family residential neighborhood.

Mr. Mark Trueblood, neighbor next door to the project, expressed concern regarding traffic impacts entering and exiting the project, parking restrictions in the easement, and that the mass, scale, and bulk of the project will impact the aesthetic views of the ocean from his house and other homes in the area.

Public comment closed at 4:31 p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments: (previous comments #1, #2, #3, & #4 carried forward*) 1) The Board appreciates the quality of architecture and the presentation.* 2) Most of the Board is in favor of the modern style of the architecture;* however, one Board member feels that the architecture is not in keeping with the neighborhood. 3) The applicant is to provide photo documentation of how the view would be impacted from the uphill neighbor,* and work with the uphill neighbor to provide the Board with panoramic view photos at eye level with story poles. 4) The applicant is to provide an accurate survey of the roof heights of the existing home to be demolished in terms of elevation and the finished floors of the immediate uphill neighbor.* 5) Most of the Board feels the entries to the condominiums are well delineated because the project is designed as two separate single-family residences. 6) The enhanced paving and narrowing of the driveway works to help delineate those entries and clarify the entrances to the two structures. 7) The size, bulk, and scale is acceptable as the project offers smaller footprints than several of the adjacent residences. 8) Study the chimney element on Unit A to be better integrated with the architecture. 9) The plate heights on the finished floors should be called out on the sections. 10) The additional step planter utilized to further screen the basement area of Unit A is acceptable. 11) Further documentation and study is requested on all the impacted trees, especially on the oak tree on the downhill side of Unit B, and should include accurate delineations of the drip lines. 12) The Board suggests that Unit A be pushed further back from the property line toward Unit B in order to make room for an entry stoop for Unit A and provide an additional landscape buffer along the easement driveway. 13) Removal of the existing garage enhances the public area and views perception of the project.

Action: Sherry/Wienke, 5/1/0 (Manson Hing absent, Chair Bartlett stepped down, Mosel opposed).

FINAL REVIEW

3. 260 EUCALYPTUS HILL DR

A-2 Zone

Assessor's Parcel Number: 015-050-012
 Application Number: MST2005-00707
 Owner: David and Marily Wenner
 Designer: Sophie Calvin

(Proposal for minor alterations to doors and windows, as-built additions to the decks on the accessory structure, an as-built patio enclosure and as-built windows. The project also includes the conversion of an existing 1,370 square foot accessory structure and attached 2,465 square foot seven-car garage into a 3,010 square foot single-family residence with an attached 825 square foot four-car garage. There is an existing 5,166 square foot single-family residence located on a 3.5 acre lot in the Hillside Design District. The project requires Planning Commission approval of a Performance Standard Permit (PSP) for an additional dwelling unit and Neighborhood Preservation Ordinance (NPO) findings for more than 6,500 square feet of development.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 008-06.)

(5:03)

Sophie Calvin, Designer, present.

Motion: Final Approval with the condition that the oak tree protection notes be added to the site plans.

Action: LeCron/Sherry, 7/0/0 (Manson Hing absent).