



City of Santa Barbara California

[REVISED]
**STAFF HEARING OFFICER
STAFF REPORT**

REPORT DATE: February 13, 2013
AGENDA DATE: February 20, 2012
PROJECT ADDRESS: 1702, 1706, and 1708 La Vista del Oceano (MST2012-00435)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *[Signature]*
 Peggy Burbank, Project Planner *[Signature]*
APPLICATION DEEMED COMPLETE: December 6, 2012
DATE ACTION REQUIRED PER MAP ACT: 60 days from application being deemed complete.
DATE ACTION REQUIRED: February 4, 2013

I. PROJECT DESCRIPTION

The project consists of two lot line adjustments between three SFR parcels – 1702, 1706 and 1708 La Vista del Oceano, Final Track Map 20,707 – located at the end of La Vista del Oceano Drive (Upper Rogers Tract Subdivision) in the Alta Mesa Neighborhood (see Exhibit B).

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Tentative Map for two lot line adjustments between three parcels located at 1702, 1706 and 1708 La Vista del Oceano in the E-1 zone (SBMC 27.40);
- B. Single Family Design Board approval of revised landscape plans for 1702, 1706 and 1708 La Vista del Oceano. (SBMC§22.069.020. B.2 and H).

III. RECOMMENDATION

If approved as proposed, the proposed lot line adjustments would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, all of the resulting lots would remain the required 45,000 square feet or greater in size, the residences on 1706 and 1708 would remain more than the required 10-foot distance from the internal lot lines, and the proposed lot-line adjustments respect the boundary established in the original subdivision approval between the development envelopes and the restrict area dedicated to the City as natural open space.

Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.

1702, 1706, and 1708 La Vista del Oceano – Vicinity Map (2008)



IV. BACKGROUND

The parcels in question are three of six SFR lots approved by the Planning Commission in 2004 that were part of a larger project in the Rogers Tract to consolidate numerous small parcels into 7 parcels comprised of the six SFR lots and one (rezoned from E-1 to R-2) to contain 14 duplex condominium units. The condominium units, of which seven are affordable units, have since been built and issued certificates of occupancy. Building permits have been issued for all six SFR lots and all are currently in construction.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	L&P Consultants	
Property Owner:	Vista Oceano La Mesa Venture LLC; Jody F. Herrick Trust & Tommy Herrick Trust	
Site Information		
Parcel Number:	Lot Area:	
1702 La Vista del Oceano, 035-480-061	46,369 sf	
1706 La Vista del Oceano, 035-480-062	49,628 sf	
1708 La Vista del Oceano, 035-480-063	45,031 sf	

General Plan: Low Density Res – 3du/ac	Zoning: E-1
Existing Use: SFR (under construction)	Topography: 5-30% slopes
Adjacent Land Uses	
North - SFR South - Duplex	East - SFR West - SFR

B. PROJECT STATISTICS

SFR Parcels	Existing		Proposed	
	Open Space	Dev. Envelope	Open Space	Dev. Envelope
1702 LVdO	26,997 sf	19,372 sf	25,844 sf	19,372 sf
1706 LVdO	31,904 sf	17,724 sf	32,694 sf	16,665 sf
1708 LVdO	28,111 sf	16,920 sf	28,474 sf	17,979 sf
Totals	87,012 sf	54,016 sf	87,012 sf	54,016 sf

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

The following table presents key requirements of the E-1 Zone for the proposed project.

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	30 ft	1702, Mod approved	N/C
-Interior	10 ft	All >10 ft	N/C
-Rear	10 ft	All >10 ft	N/C
Parking	2 / lot	3 / lot	3 / lot
Minimum Lot Area	45,000 sf (Slope Density Ord.)	>45,000 sf	>45,000 sf
Open Yard	1,250 sf	>1,250 sf	>1,250 sf

No modifications are requested in conjunction with the proposed LLA. As part of the original subdivision permit, the Planning Commission granted modifications for 1702, 1706 and 1708 La Vista del Oceano to waive public street frontage requirements and a modification for Lot 4 for a front yard set-back of less than 30 ft (See Exhibit E for PC Reso 053A-04).

1. LOT LINE ADJUSTMENT

a. Proposed Lot Line Adjustment

In order to provide 1708 La Vista del Oceano with more usable yard space, it is proposed to transfer 1,422 sf from 1706 to 1708. This can be achieved without abrogating the requirements for minimum lot size or interior set-backs, and does not reduce the total amount of land in the natural area dedicated to the City. The developers of the lots also wish to increase the distance between the development area on 1706 and the interior lot line to the southwest shared with 1702 to provide

more flexibility for location of the pool, patios and landscaping. Consequently, it is proposed to transfer 1,153 sf from 1702 to 1706 La Vista del Oceano. This proposed transfer also does not abrogate the requirements for minimum lot size or interior set-backs, and does not reduce the total amount of land in the natural area dedicated to the City. As indicated in the table under Project Statistics above, the amount of area in the development envelope relative to the area in the dedicated natural open space does change slightly for all three lots, but the total amount of area in development envelopes and in dedicated open space for all three lots remains the same. Stated differently, the boundary line between developable area and dedicated area remains unchanged from the original project approved by the Planning Commission.

b. Landscape Plans

Each lot is divided into two areas for landscaping: the development area or envelope which includes all buildings and structures and related landscaping for the use and enjoyment of the residents; and the natural open space area dedicated to the City. This latter area must be restored as necessary and planted per the original Planning Commission approval by the developer prior to issuance of any certificates of occupancy for the six SFRs. The future residents of the six homes may make passive use only of the dedicated area, and are not permitted to do any further landscaping. However, they are responsible for maintenance of the plants provided by the developer (including replacement if necessary) and for reduction of fire hazards on an ongoing basis. The small transfers of land in the dedicated area between 1702 and 1706, and 1706 and 1708 should not affect the restorative planting plan as it applies to the entire area (including that on 1705 La Vista del Oceano which is not part of this LLA.) It is recommended that conditions of approval from the original planning approval be reiterated in any approval for the LLA, to ensure clarity of the Planning Commission's intent for future landowners.

The LLA will most likely result in changes in the landscaping for the private yards for 1706 and 1708 La Vista del Oceano. It is recommended that plans for revised landscaping be reviewed by the SFDB for adherence to plant palate and compatibility with the dedicated area.

B. GENERAL PLAN CONSISTENCY

The project has been reviewed for consistency with policies of the Land Use Element. Unless stated otherwise below, the project is deemed consistent with all relevant policies of the General Plan. The policies identified below were considered to merit discussion.

1. LAND USE ELEMENT

a. LG14. Low Density Single Family Zoned Residential Areas.

The proposed lot line adjustments would not affect the use of the single family lots or character of the houses and landscaping now in construction on them. The house designs (height, scale and size) are considered appropriate for the Alta Mesa Neighborhood and were found to be consistent with existing residential development in the area by the Planning Commission in 2004.

2. OPEN SPACE, PARKS AND RECREATION ELEMENT

a. OP1. Variety and Abundance.

The proposed lot line adjustments would not affect the amount of or preservation of open space on the three lots, nor would they affect the public trail easement that crosses the three lots in the dedicated natural open space portion of the lots.

3. ENVIRONMENTAL RESOURCES/CONSERVATION ELEMENT

a. ER11. Native and Other Trees and Landscaping.

The proposed lot line adjustments would not prevent the developer from completing the restorative planting of native trees and shrubs and other suitable plant species in the dedicated natural open space on the three parcels, once construction is completed.

VII. ENVIRONMENTAL REVIEW

The project would be considered categorically exemption under CEQA §15305 as a minor alteration in land use limitations. RC§15305 states: “Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcels”. While the lots at 1702, 1706 and 1708 La Vista del Oceano contain slopes ranging from 5% to over 30%, the location of the development envelopes are less than 20%. The City’s List of Ministerial Projects and Categorical Exemptions interprets RC§15305 for local application to apply to the area of development only. The LLAs would not change the average slope of the development envelopes. Nor would they result in increased density or any new lots.

VIII. DESIGN REVIEW

The individual SFR projects for these three parcels were reviewed by the ABR or SFDB on 8 to 14 separate occasions between 2005 and 2012. All three projects were eventually approved, requested revisions which were also approved, and have since received their building permits. The SFR projects on all three lots are currently under construction.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. LOT LINE ADJUSTMENT (SBMC §27.40.040)

The proposed Lot Line Adjustment is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The proposed changes to the existing SFR lots are consistent with the vision for the Alta Mesa Neighborhood of the General Plan, and the adjustments in the sizes of the three lots respect the requirements of the E-1 zone, particularly: the minimum lot size of 45,000 sf.; the buildings and structures remain within the interior set-backs for their respective lots, and the adjustments in lot-lines do not change the boundary established in the original subdivision approval between the development envelopes; the restrict area dedicated to the City as natural open space, and no

Staff Hearing Officer Staff Report

Project Address: 1702, 1706, and 1708 La Vista del Oceano (MST2012-00435)

Report Date: February 13, 2013

Page 6

infrastructure or utilities are affected by the lot-line adjustment, as described in Section VI of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, November 6, 2012
- D. Planning Commission Resolution 053A-04

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1702, 1706, 1708 LA VISTA DEL OCEANO
LOT LINE ADJUSTMENT

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Submit to Public Works Department, Engineering Land Development an application for a Lot Line Adjustment after Staff Hearing Officer approval.
 2. Pay Land Development Team Recovery Fee for Lot Line Adjustment.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owners shall execute a *written instrument* on each lot (1702, 1706 and 1708 La Vista del Oceano), which shall be prepared by Planning staff, 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. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 053-04A and 053-04B, as necessary, in relation to the land included in this LLA (MST 2012-00435).
 2. **Landscape Plan Compliance.** The Owners shall comply with the Landscape Plans approved by the Single Family Design Board (SFDB). Such plans shall be modified to the extent they incorporate new area or lost area. The revised plans shall be approved by the SFDB prior to issuance of the LLA and Certificate of Occupancy. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures, and any identified plantings in the restricted area. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
 3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owners shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owners 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 Owners shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owners are 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.

4. **Geotechnical Liability Limitation.** The Owners understand and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owners unconditionally waive any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owners agree to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owners' successor-in-interest or third parties.
- C. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB) for landscaping. (See B.1 above.)
 - D. **Requirements Prior to Permit Issuance.** The Owners shall submit the following, or evidence of completion of the following, for review and approval by the respective departments listed below, prior to the issuance of any permit for the project. Please note that these conditions are in addition to the standard submittal requirements for each department.
 1. **Public Works Department.**

Lot Line Adjustment Required. The Owners shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* or *Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
 2. **Community Development Department.**
 - a. **Recordation of Agreements.** The Owners shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of the LLA and Certificate of Occupancy.
 - b. **Conditions on Plans/Signatures.** The final 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 sheet as follows: The undersigned have read and understand the required conditions, and agree to

completion of the monitoring and prior to any certificate of occupancy for the project.

- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owners of the Real Property shall complete the following:
1. **Landscape Plan.** All requirements of the landscape plan approved by the SFDB for their respective parcel.
 2. **Land Development Team Recovery Fee Required.** Payment of the land development team recovery fee (30% of all planning fees, as calculated by staff).
- F. **General Conditions.**
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 053-04A and 053-04B, as necessary, in relation to the land included in this LLA (MST 2012-00435).
 2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 3. **Approval Limitations.** Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Staff Hearing Officer Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
 4. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the City Council, Applicant/Owners hereby agree 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/Owners further agree 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/Owners shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owners fail to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and

absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

- II. NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS: The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

PROJECT SITE INFORMATION:

STREET ADDRESS: 1703 VISTA DEL OCEANO
 PROJECT NAME: VISTA DEL OCEANO
 PREPARED BY: [Firm Name]
 DATE: [Date]

EXISTING PARCEL AREAS (SQUARE FEET)	PROPOSED LOT AREAS (SQUARE FEET)
Parcel A	Lot 1
Parcel B	Lot 2
Parcel C	Lot 3
Parcel D	Lot 4
Parcel E	Lot 5
Parcel F	Lot 6
Parcel G	Lot 7
Parcel H	Lot 8
Parcel I	Lot 9
Parcel J	Lot 10
Parcel K	Lot 11
Parcel L	Lot 12
Parcel M	Lot 13
Parcel N	Lot 14
Parcel O	Lot 15
Parcel P	Lot 16
Parcel Q	Lot 17
Parcel R	Lot 18
Parcel S	Lot 19
Parcel T	Lot 20
Parcel U	Lot 21
Parcel V	Lot 22
Parcel W	Lot 23
Parcel X	Lot 24
Parcel Y	Lot 25
Parcel Z	Lot 26
Parcel AA	Lot 27
Parcel AB	Lot 28
Parcel AC	Lot 29
Parcel AD	Lot 30
Parcel AE	Lot 31
Parcel AF	Lot 32
Parcel AG	Lot 33
Parcel AH	Lot 34
Parcel AI	Lot 35
Parcel AJ	Lot 36
Parcel AK	Lot 37
Parcel AL	Lot 38
Parcel AM	Lot 39
Parcel AN	Lot 40
Parcel AO	Lot 41
Parcel AP	Lot 42
Parcel AQ	Lot 43
Parcel AR	Lot 44
Parcel AS	Lot 45
Parcel AT	Lot 46
Parcel AU	Lot 47
Parcel AV	Lot 48
Parcel AW	Lot 49
Parcel AX	Lot 50
Parcel AY	Lot 51
Parcel AZ	Lot 52
Parcel BA	Lot 53
Parcel BB	Lot 54
Parcel BC	Lot 55
Parcel BD	Lot 56
Parcel BE	Lot 57
Parcel BF	Lot 58
Parcel BG	Lot 59
Parcel BH	Lot 60
Parcel BI	Lot 61
Parcel BJ	Lot 62
Parcel BK	Lot 63
Parcel BL	Lot 64
Parcel BM	Lot 65
Parcel BN	Lot 66
Parcel BO	Lot 67
Parcel BP	Lot 68
Parcel BQ	Lot 69
Parcel BR	Lot 70
Parcel BS	Lot 71
Parcel BT	Lot 72
Parcel BU	Lot 73
Parcel BV	Lot 74
Parcel BV	Lot 75
Parcel BW	Lot 76
Parcel BX	Lot 77
Parcel BY	Lot 78
Parcel BZ	Lot 79
Parcel CA	Lot 80
Parcel CB	Lot 81
Parcel CC	Lot 82
Parcel CD	Lot 83
Parcel CE	Lot 84
Parcel CF	Lot 85
Parcel CG	Lot 86
Parcel CH	Lot 87
Parcel CI	Lot 88
Parcel CJ	Lot 89
Parcel CK	Lot 90
Parcel CL	Lot 91
Parcel CM	Lot 92
Parcel CN	Lot 93
Parcel CO	Lot 94
Parcel CP	Lot 95
Parcel CQ	Lot 96
Parcel CR	Lot 97
Parcel CS	Lot 98
Parcel CT	Lot 99
Parcel CU	Lot 100
Parcel CV	Lot 101
Parcel CW	Lot 102
Parcel CX	Lot 103
Parcel CY	Lot 104
Parcel CZ	Lot 105
Parcel DA	Lot 106
Parcel DB	Lot 107
Parcel DC	Lot 108
Parcel DD	Lot 109
Parcel DE	Lot 110
Parcel DF	Lot 111
Parcel DG	Lot 112
Parcel DH	Lot 113
Parcel DI	Lot 114
Parcel DJ	Lot 115
Parcel DK	Lot 116
Parcel DL	Lot 117
Parcel DM	Lot 118
Parcel DN	Lot 119
Parcel DO	Lot 120
Parcel DP	Lot 121
Parcel DQ	Lot 122
Parcel DR	Lot 123
Parcel DS	Lot 124
Parcel DT	Lot 125
Parcel DU	Lot 126
Parcel DV	Lot 127
Parcel DV	Lot 128
Parcel DW	Lot 129
Parcel DX	Lot 130
Parcel DY	Lot 131
Parcel DZ	Lot 132
Parcel EA	Lot 133
Parcel EB	Lot 134
Parcel EC	Lot 135
Parcel ED	Lot 136
Parcel EE	Lot 137
Parcel EF	Lot 138
Parcel EG	Lot 139
Parcel EH	Lot 140
Parcel EI	Lot 141
Parcel EJ	Lot 142
Parcel EK	Lot 143
Parcel EL	Lot 144
Parcel EM	Lot 145
Parcel EN	Lot 146
Parcel EO	Lot 147
Parcel EP	Lot 148
Parcel EQ	Lot 149
Parcel ER	Lot 150
Parcel ES	Lot 151
Parcel ET	Lot 152
Parcel EU	Lot 153
Parcel EV	Lot 154
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Parcel EW	Lot 156
Parcel EX	Lot 157
Parcel EY	Lot 158
Parcel EZ	Lot 159
Parcel FA	Lot 160
Parcel FB	Lot 161
Parcel FC	Lot 162
Parcel FD	Lot 163
Parcel FE	Lot 164
Parcel FF	Lot 165
Parcel FG	Lot 166
Parcel FH	Lot 167
Parcel FI	Lot 168
Parcel FJ	Lot 169
Parcel FK	Lot 170
Parcel FL	Lot 171
Parcel FM	Lot 172
Parcel FN	Lot 173
Parcel FO	Lot 174
Parcel FP	Lot 175
Parcel FQ	Lot 176
Parcel FR	Lot 177
Parcel FS	Lot 178
Parcel FT	Lot 179
Parcel FU	Lot 180
Parcel FV	Lot 181
Parcel FV	Lot 182
Parcel FW	Lot 183
Parcel FX	Lot 184
Parcel FY	Lot 185
Parcel FZ	Lot 186
Parcel GA	Lot 187
Parcel GB	Lot 188
Parcel GC	Lot 189
Parcel GD	Lot 190
Parcel GE	Lot 191
Parcel GF	Lot 192
Parcel GG	Lot 193
Parcel GH	Lot 194
Parcel GI	Lot 195
Parcel GJ	Lot 196
Parcel GK	Lot 197
Parcel GL	Lot 198
Parcel GM	Lot 199
Parcel GN	Lot 200
Parcel GO	Lot 201
Parcel GP	Lot 202
Parcel GQ	Lot 203
Parcel GR	Lot 204
Parcel GS	Lot 205
Parcel GT	Lot 206
Parcel GU	Lot 207
Parcel GV	Lot 208
Parcel GV	Lot 209
Parcel GW	Lot 210
Parcel GX	Lot 211
Parcel GY	Lot 212
Parcel GZ	Lot 213
Parcel HA	Lot 214
Parcel HB	Lot 215
Parcel HC	Lot 216
Parcel HD	Lot 217
Parcel HE	Lot 218
Parcel HF	Lot 219
Parcel HG	Lot 220
Parcel HH	Lot 221
Parcel HI	Lot 222
Parcel HJ	Lot 223
Parcel HK	Lot 224
Parcel HL	Lot 225
Parcel HM	Lot 226
Parcel HN	Lot 227
Parcel HO	Lot 228
Parcel HP	Lot 229
Parcel HQ	Lot 230
Parcel HR	Lot 231
Parcel HS	Lot 232
Parcel HT	Lot 233
Parcel HU	Lot 234
Parcel HV	Lot 235
Parcel HV	Lot 236
Parcel HW	Lot 237
Parcel HX	Lot 238
Parcel HY	Lot 239
Parcel HZ	Lot 240
Parcel IA	Lot 241
Parcel IB	Lot 242
Parcel IC	Lot 243
Parcel ID	Lot 244
Parcel IE	Lot 245
Parcel IF	Lot 246
Parcel IG	Lot 247
Parcel IH	Lot 248
Parcel II	Lot 249
Parcel IJ	Lot 250
Parcel IK	Lot 251
Parcel IL	Lot 252
Parcel IM	Lot 253
Parcel IN	Lot 254
Parcel IO	Lot 255
Parcel IP	Lot 256
Parcel IQ	Lot 257
Parcel IR	Lot 258
Parcel IS	Lot 259
Parcel IT	Lot 260
Parcel IU	Lot 261
Parcel IV	Lot 262
Parcel IV	Lot 263
Parcel IW	Lot 264
Parcel IX	Lot 265
Parcel IY	Lot 266
Parcel IZ	Lot 267
Parcel JA	Lot 268
Parcel JB	Lot 269
Parcel JC	Lot 270
Parcel JD	Lot 271
Parcel JE	Lot 272
Parcel JF	Lot 273
Parcel JG	Lot 274
Parcel JH	Lot 275
Parcel JI	Lot 276
Parcel JJ	Lot 277
Parcel JK	Lot 278
Parcel JL	Lot 279
Parcel JM	Lot 280
Parcel JN	Lot 281
Parcel JO	Lot 282
Parcel JP	Lot 283
Parcel JQ	Lot 284
Parcel JR	Lot 285
Parcel JS	Lot 286
Parcel JT	Lot 287
Parcel JU	Lot 288
Parcel JV	Lot 289
Parcel JV	Lot 290
Parcel JW	Lot 291
Parcel JX	Lot 292
Parcel JY	Lot 293
Parcel JZ	Lot 294
Parcel KA	Lot 295
Parcel KB	Lot 296
Parcel KC	Lot 297
Parcel KD	Lot 298
Parcel KE	Lot 299
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Parcel KG	Lot 301
Parcel KH	Lot 302
Parcel KI	Lot 303
Parcel KJ	Lot 304
Parcel KK	Lot 305
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Parcel KN	Lot 308
Parcel KO	Lot 309
Parcel KP	Lot 310
Parcel KQ	Lot 311
Parcel KR	Lot 312
Parcel KS	Lot 313
Parcel KT	Lot 314
Parcel KU	Lot 315
Parcel KV	Lot 316
Parcel KV	Lot 317
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Parcel MG	Lot 355
Parcel MH	Lot 356
Parcel MI	Lot 357
Parcel MJ	Lot 358
Parcel MK	Lot 359
Parcel ML	Lot 360
Parcel MN	Lot 361
Parcel MO	Lot 362
Parcel MP	Lot 363
Parcel MQ	Lot 364
Parcel MR	Lot 365
Parcel MS	Lot 366
Parcel MT	Lot 367
Parcel MU	Lot 368
Parcel MV	Lot 369
Parcel MV	Lot 370
Parcel MW	Lot 371
Parcel MX	Lot 372
Parcel MY	Lot 373
Parcel MZ	Lot 374
Parcel NA	Lot 375
Parcel NB	Lot 376
Parcel NC	Lot 377
Parcel ND	Lot 378
Parcel NE	Lot 379
Parcel NF	Lot 380
Parcel NG	Lot 381
Parcel NH	Lot 382
Parcel NI	Lot 383
Parcel NJ	Lot 384
Parcel NK	Lot 385
Parcel NL	Lot 386
Parcel NM	Lot 387
Parcel NO	Lot 388
Parcel NP	Lot 389
Parcel NQ	Lot 390
Parcel NR	Lot 391
Parcel NS	Lot 392
Parcel NT	Lot 393
Parcel NU	Lot 394
Parcel NV	Lot 395
Parcel NV	Lot 396
Parcel NW	Lot 397
Parcel NX	Lot 398
Parcel NY	Lot 399
Parcel NZ	Lot 400
Parcel OA	Lot 401
Parcel OB	Lot 402
Parcel OC	Lot 403
Parcel OD	Lot 404
Parcel OE	Lot 405
Parcel OF	Lot 406
Parcel OG	Lot 407
Parcel OH	Lot 408
Parcel OI	Lot 409
Parcel OJ	Lot 410
Parcel OK	Lot 411
Parcel OL	Lot 412
Parcel OM	Lot 413
Parcel ON	Lot 414
Parcel OO	Lot 415
Parcel OP	Lot 416
Parcel OQ	Lot 417
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Parcel OS	Lot 419
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Parcel PD	Lot 431
Parcel PE	Lot 432
Parcel PF	Lot 433
Parcel PG	Lot 434
Parcel PH	Lot 435
Parcel PI	Lot 436
Parcel PJ	Lot 437
Parcel PK	Lot 438
Parcel PL	Lot 439
Parcel PM	Lot 440
Parcel PN	Lot 441
Parcel PO	Lot 442
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Parcel QC	Lot 457
Parcel QD	Lot 458
Parcel QE	Lot 459
Parcel QF	Lot 460
Parcel QG	Lot 461
Parcel QH	Lot 462
Parcel QI	Lot 463
Parcel QJ	Lot 464
Parcel QK	Lot 465
Parcel QL	Lot 466
Parcel QM	Lot 467
Parcel QN	Lot 468
Parcel QO	Lot 469
Parcel QP	Lot 470



3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101
ph 805 962 4161 fax 805 962 4161

November 6, 2012

[L&P - P.N. 12-011.01]

Staff Hearing Officer
City of Santa Barbara
Community Planning Division
630 Garden Street
Santa Barbara, CA 93102

**Subject: UPPER PROJECT OF ROGERS TRACT; LOT LINE ADJUSTMENT
1702, 1706, and 1708 LA VISTA DEL OCEANO;
APNs 035-480-061, -062, and -063**

Dear Hearing Officer:

Enclosed herewith please find our submittal application package for a Lot Line Adjustment covering three (3) existing legal lots within the Upper Project for Rogers Tract. The package is comprised of the following items:

- Ten (10) Lot Line Adjustment Maps and Private Drain System/
Basin Filter Capacity Map Sheets (full size);
- Ten (10) copies of a Master Application and Cover Letter;
- One (1) Staff Hearing Officer Submittal Cover Sheet;
- One (1) set of site photos with Vicinity Map (8 1/2 x 11");
- One (1) copy of a Creeks Division E-Mail from Autumn Malanca confirming
Clean Water Compliance, dated 11/5/12
- Two (2) copies of a Preliminary Title Report for each Lot,
prepared by First American Title;
- One (1) copy of Planning Commission Resolution No. 53A-04(for reference); and
- A Check payable to the City of Santa Barbara for filing fee of \$8,965.00

RECEIVED
NOV 06 2012
CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT C

I. PURPOSE OF REQUEST

The purpose of our application is to seek all requisite governmental approvals for a Lot Line Adjustment between three (3) existing legal lots were land is taken from one lot and added to another, and no greater number of lots is created.

II. PROJECT SETTING

This section will disclose project setting information relevant to location; title interests affecting the project site; site land use and zoning designations; surrounding land use and zoning designations; and site access.

Project Site Location

The upper project of the Rogers Tract Lots 4, 5 and 6 (APNs 035-480-061, -062 and -063) are associated with this subject application and are located over 3.0 acres of the southern three lots of six (6) approved (in 2004) in the Alta Mesa neighborhood of the City of Santa Barbara. The lots are accessed by means of La Vistas Del Oceano a improved public right-of way running easterly from Ricardo Street, another improved public right-of-way.

Title Interests Affecting Project Site

Title interest affecting the properties are listed in the Preliminary Title Report submitted with this application. All three (3) properties contain utilities, access, and development right dedication, as depicted on the project maps. (See Title Reports for details)

Project Site Land Use And Zoning

The subject properties have a Land Use designation of Residential 3 units/ acre, and a zone designation of E-1 (minimum lot size 15,000 sqft). The properties are subject to the Slope Density Ordinance therefore require three times the minimum lot size to conform to the Zoning Ordinance (45,000 sqft).

Surrounding Land Use And Zoning

Surrounding properties include smaller residential properties to the west and east (E-1, 15,000 sqft minimum) and the Lower Rogers Tract Project Duplexes (R-2, Duplex) and SHIFCO (E-3/SH) (Senior Housing; City Housing Authority property) to the south. The three additional properties of the subject subdivision (Tract 20707) are located to the north, as is a City underground water reservoir.

Parcel Validity

The subject lots have been validated by the Recorded Map Book 201, Pages 57-60, Tract 20,707, on December 30, 2005.

III. PROJECT DESCRIPTION

The application consists of a Lot Line Adjustment to adjust three (3) existing lots into three (3) reconfigured lots, where no greater number of lots is thereby created. Existing Parcel A is 1.06 acres, Parcel B is 1.14 acres and Parcel C is 1.03 acres. All three parcels are legal conforming lots as to the minimum parcel requirement of the Zone E-1 District (including Slope Density). The Lot Line Adjustment will also result in these three lots conforming to the minimum parcel size. Table 1 identifies the lot sizes of the proposed three lots:

TABLE 1		
RECONFIGURED LOT NUMBER	LEGAL LOTS USED	LOT SIZE (SqFt)
Proposed Lot 1	A 1,153 sqft reduction of Parcel A in order to transfer that portion to Parcel B	45,216
Proposed Lot 2	A 1,153 increase from a portion of Parcel A and a 1,422 decrease to transfer a portion to Parcel C	49,359
Proposed Lot 3	All of Parcel C and 1,422 eastern portion of Parcel B	46,453
Total SqFt/Acres		141,028/3.24

The 3+ acres of the subject properties are included within the Tract Map 20,707 and each property includes a "Development Right Dedication" area. Each of the subject parcels are under various stages of construction and are represented as "Construction Area". The following Table 2 and 3 identifies the existing and proposed area associated with each use type. After these tables, definitions for each use type are presented in detail.

T A B L E 2			
*EXISTING PARCEL DATA (SQUARE FEET)			
PARCEL #	PARCEL SIZE	CONSTRUCTION AREA	DEVELOPMENT RIGHT DEDICATION
Parcel A	46,369	19,372	26,997
Parcel B	49,628	17,724	31,904
Parcel C	45,031	16,920	28,111
Total Square Feet	141,028	54,016	87,012

*Note: Final Parcel Map Figures

T A B L E 3			
PROPOSED LOT DATA (SQUARE FEET)			
LOT #	PARCEL SIZE	CONSTRUCTION AREA	DEVELOPMENT RIGHT DEDICATION
Lot 1	45,216	19,372	25,844
Lot 2	49,359	16,665	32,694
Lot 3	46,453	17,979	28,474
Total Square Feet	141,028	54,016	87,012

The following use definitions are presented from the previous tentative map approval (with the addition of the term "Current Construction"), and memorialized in Planning Commission Resolution NO. 053A-04, dated November 18, 2004:

Current Construction Area (Development Envelope) - The area designated as Construction Area (Development Envelope) within each parcel hereon is hereby defined to include the building envelope, together with the structures permitted therein, and all other areas subject to ground disturbance and grading. No grading or

ground disturbance is allowed to occur outside the development envelope, with the exception of utility and access corridors necessary to serve each parcel. The development envelope may include improvements such as walkways, decks, patios, arbors, carports, fences, walls, gazebos, spas, pools, utilities and appurtenant yard improvements and uses.

Dedication Of Development Rights - All areas of the project site not designated as "Development Envelope" or shown hereon as an access or utility service corridor, are to be subject of a "Dedication of Development Rights" thereon to the City of Santa Barbara. Said areas are to remain in an undeveloped condition subject to the passive use by the property owner. The dedication of development rights shall not prevent parcel owners from undertaking clearance of flammable vegetation adjacent to structures and improvements for fire protection purposes.

Additionally,

Existing Construction Progress - Each of the three (3) subject properties has constructed foundations for their approved and permitted homes. Lot 5 and 6 are currently in the middle of constructing their approved and permitted homes, and most recently Lot 4 framing began at that permitted home.

Existing Access and Utilities - The Tract Map approval required an extension of the existing La Vista Del Oceano road, including a cul-du-sac terminus for emergency vehicle access. This access is nearly complete, as is a private driveway that trends to the south and provides access to each of the three subject lots.

With respect to the provision of utilities, the current project has already completed the main lines and individual laterals for the subject properties. The project will benefit from City of Santa Barbara water and sewer service, Southern California Gas Company, Verizon telephone, Edison electric and Cox Cable television services.

IV. LOT LINE ADJUSTMENT FINDING

The following finding (*italicized text*) is required to approve a Lot Line Adjustment between adjacent parcels (Santa Barbara Municipal Code, Chapter 27, §27.40.040):

The parcels resulting from the proposed lot line adjustment will conform to the general plan, and the zoning and building ordinances:

The three (3) existing subject parcels are conforming to the City's General Plan, Zoning and Building Ordinances. The proposed lot line adjustments represent minor lot line movement between three (3) contiguous properties. This project results in adjustments which will amount to slightly over a thousand square feet on each lot of these one-acre parcels, and will continue to conform to the City's General Plan, Zoning and Building Ordinances.

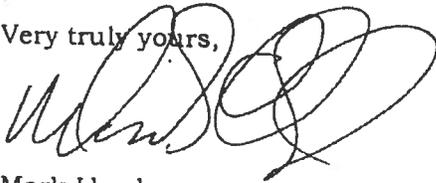
Application Letter to Community Development
LLA, Tract 20707 Lots 4, 5 and 6
November 6, 2012
Page 6 of 6

VI. SUMMARY

These Lot Line Adjustments provide for a superior residential development envelopes desired by the neighboring owners. Further, it appears that the appropriate finding can be made for the approval of the Lot Line Adjustments as detailed above.

We believe that an objective analysis and review will confirm this perspective. Thank you in advance for your time and effort involved with reviewing and considering the application. If you have any questions or wish to discuss this proposal further, please do not hesitate to contact me.

Very truly yours,



Mark Lloyd
L & P Consultants
Agent

Cc: Owner Copies
L & P File Copy



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 053A-04

1701, 1702, 1703, AND 1704 LA VISTA DEL OCEANO DRIVE; 1706 AND 1708 LA
VISTA DEL OCEANO LANE (SINGLE FAMILY PROJECT)
VESTING TENTATIVE SUBDIVISION MAP AND MODIFICATIONS
NOVEMBER 18, 2004

APPLICATION OF L & P CONSULTANTS, AGENT FOR THE MESA AT SANTA BARBARA, LLC.,
PROPERTY OWNER, ROGER TRACT PROPERTIES (1701, 1702, 1703, AND 1704 LA VISTA DEL
OCEANO DRIVE; 1706 AND 1708 LA VISTA DEL OCEANO LANE; AND 422-448 SANTA FE LANE),
(APNs: 035-180-009, 010, 012, 013, 019, 020, 021, 022, 023; 024; 025, 029, 030, 037, 038, 039, 040, 041,
043, 044, 045, 047, 048, 049, 050, 052, 062, 063, 066, 067, 071, 072, 073, and 035-191-001, 043, 044, 045,
046, 047, 048, 049,), E-1, SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION:
RESIDENTIAL, 3 UNITS PER ACRE AND 5 UNITS PER ACRE (MST2003-00227 AND MST2003-
00620)

The project site is 7.66 acres in size located in the Alta Mesa Neighborhood of the City, which is accessed on the western side from La Vista del Oceano Drive Drive, and on the southern side from Santa Fe Place. The project site comprises 50 lots of the Rogers Tract subdivision. The project includes two components: the "Single Family Project" and the "Duplex Project".

The **Single Family Project** would revert and resubdivide twenty-nine (29) whole lots and portions of five (5) lots totaling 5.73 acres into six (6) lots, where the six residences are proposed. Of the 5.73 acre site, 3.33 acres would be dedicated as open space. The residences would be range from 3,525 to 4,517 square feet in size, with three car garages and swimming pools. Five guest parking spaces are also proposed. Estimated grading for the single family project would consist of 3,050 cubic yards (cy) of cut and 5,100 cy of fill outside the main building footprints.

The following discretionary applications are required for the Single Family Project:

1. Waiver of Public Street Frontage for Lots 3, 4, 5, and 6 on La Vista del Oceano Lane, a private road serving more than two units (SBMC § 22.60.300);
2. Modification of Street Frontage Requirements for Lots 2, 4, 5 and 6 to allow less than the 90 feet of public street frontage requirement (SBMC §28.15.080);
3. Modification of the Front Yard Setback for Lots 1, 2, 3 and 4 to allow portions of proposed homes which front La Vista del Oceano Drive to encroach into the required 30 foot setback (SBMC §28.15.060.1);
4. Modification of the Lot Area for Lots 1 and 2 (SBMC §28.92.026.A.2);
5. Modification for Lot 1's garage to exceed a total aggregate floor area in excess of 500 square feet (SBMC §28.87.160.4);
6. Neighborhood Preservation Ordinance Compliance to allow grading in excess of 500 cubic yards outside of the main building footprints within the Hillside Design District (SBMC § 22.68.070); and

EXHIBIT D

7. A Vesting Tentative Subdivision Map to revert and re-subdivide twenty-nine (29) whole lots and portions of five (5) lots totaling 5.73 acres into six (6) residential lots per SBMC §27.07.01 – 110 and §66499.20.1/2 of the State Subdivision Map Act.

Overall construction time would be approximately one year.

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project (MST2003-000227 AND MST2003-00620) pursuant to the California Environmental Quality Act Guidelines Section 15074.

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

WHEREAS, 6 people appeared to speak in favor of the application, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 18, 2004.
2. Site Plans
3. Seven letters were read by Staff from the public, in support of the project.

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

- I. Approved the subject application making the following findings and determinations:
 - A. **Mitigated Negative Declaration Findings pursuant to California public resources code § 21080 (c) and 2108.6, and California Code of Regulations §15074**
 1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated November 12, 2004, for the Rogers Tract Projects (1701, 1702, 1703, and 1704 La Vista del Oceano Drive; 1706 And 1708 La Vista del Oceano Lane; and 422-448 Santa Fe Lane, MST2003-000227 and MST2003-00620), and comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the Rogers Tract Projects (MST2003-000227 and MST2003-00620).
 2. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the Rogers Tract Projects, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. Please refer to the brief summary of the Final Mitigated Negative Declaration in Section IV. Environmental Review of the Planning Commission Staff Report and to the Final Mitigated Negative Declaration for a detailed discussion (Exhibit D). In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial

evidence that the Rogers Tract Projects (MST2003-000227 and MST2003-00620) will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated November 12, 2004, is hereby adopted.

3. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Rogers Tract Projects (MST2003-000227 and MST2003-00620) and is hereby adopted.
4. The location and custodian of documents associated with the environmental review process and decision for the Rogers Tract Projects (MST2003-000227 and MST2003-00620) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.

B. Findings for the Waiver of Public Street Frontage for Lots 3, 4, 5, and 6 on La Vista del Oceano Lane, a private road serving more than two units (SBMC § 22.60.300)

Access to the proposed six single family residences would be from La Vista del Oceano Drive. Lots 1 and 2 would be located off an extension of La Vista del Oceano Drive. Lots 3, 4, 5, and 6 would be located off a proposed private driveway, La Vista del Oceano Lane. Because four of the lots would not have public access, the project requires a waiver from the Planning Commission to allow a subdivision creating lots without public street frontage to be served by a private road, which serves more than two (2) lots. In order to approve the public street frontage waiver, the Planning Commission finds that:

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

The proposed private driveway would be subject to conditions as required by Public Works and Fire Department Staff. Both departments have evaluated the project and the private road meets the structural and safety design standards and code requirements.

The existing portion of La Vista del Oceano Drive is owned by the City of Santa Barbara, but has been maintained as a private road for a number of years. The applicant will be dedicating the La Vista del Oceano Drive extension as public right of way. In addition, the City has proposed taking over the maintenance of the entire length of La Vista del Oceano Drive to assure that high standards of maintenance and access will be provided to this area.

Given the conditions incorporated in the project, Planning Commission approves this waiver because the development is compatible with the neighborhood characteristics, the development is limited to six lots, a large portion of the site has development rights restrictions for open space; no additional lots would be served by this road, or proposed on this site; La Vista del Oceano Drive would be taken over by the City and a road maintenance agreement would be required for the private driveway as part of this proposal.

C. Findings for the Modification of Street Frontage Requirements for Lots 2, 4, 5, and 6 to allow less than the 90 feet of public street frontage requirement (SBMC §28.15.080)

The modification requests address the lack of required public street frontage for newly created lots in the E-1 Zone. The Planning Commission finds that the modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to (i) secure an appropriate improvement on a lot, or (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement or (iv) construct a housing development which is affordable to very low- low-, moderate-, or middle-income households.

The subject site is located in the E-1 zone, which has a 90-foot wide frontage requirement for newly created lots. Access to the proposed six single family residences would be from La Vista del Oceano Drive. Lots 1 and 2 would be located off the La Vista del Oceano Drive extension (proposed to be public) and Lots 3, 4, 5, and 6 would be located off a proposed private driveway, La Vista del Oceano Lane. Lots 1, 2, 3, and 4 would have public street frontage, but only Lots 1 and 3 would meet the 90 foot wide frontage requirement. Thus, Lots 2 and 4 and Lots 5 and 6 that are located off the proposed private driveway would require a modification for relief of the 90 foot public street frontage requirement. It is Staff's position that the modification requests would allow for the creation of lots that are compatible with the character and physical traits of the surrounding neighborhood. Therefore, the proposed modifications would secure an appropriate improvement, promote uniformity of improvement and would be consistent with the purposes and intent of the Zoning Ordinance standards for the E-1 Zone.

D. Findings for the Modification of the Front Yard Setback for Lots 1, 2, 3 and 4 to allow portions of proposed homes which front La Vista del Oceano Drive to encroach into the required 30 foot setback (SBMC §28.15.060.1)

The modification requests are to allow the proposed structures on Lots 1, 2, 3 and 4 to encroach into the 30 foot front yard setback in E-1 Zone. In order for the Planning Commission to approve the modifications, it must be found that the modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to (i) secure an appropriate improvement on a lot, or (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement or (iv) construct a housing development which is affordable to very low- low-, moderate-, or middle-income households.

The requested modification for the proposed structures on Lots, 1, 2, 3, and 4 to encroach into the front yard setback, allow the proposed structures to respond to the

topography of the site and allow the structures to gradually step down the hillside. The proposed modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lots.

E. Findings for the Modification for Lot 1's garage to exceed a total aggregate floor area in excess of 500 square feet (SBMC §28.87.160.4)

All of the proposed lots contain three car garages. The E-1 zone allows a three car garage as long as the proposed lot size is a minimum of 20,000 square feet and the garage does not exceed a superficial floor area of 750 square feet. Lot 1 does not have a minimum lot size of 20,000 square feet and thus, is subject to a garage 500 square feet in size. The reason why Lot 1 does not meet the 20,000 square foot lot size requirement is because the square footage of the lot was lost when the City required the applicant to dedicate the terminus of La Vista del Oceano Drive as public right of way. Because of this, Planning Commission finds the oversized garage modification is supportable due to the benefit of a public road and because the applicant has shown that the proposed lot can easily accommodate a three car garage. The garage size would also be consistent with other existing and proposed garages in the neighborhood.

F. Findings for the Modification of the Lot Area for Lots 1 and 2 (SBMC §28.92.026.A.2)

The project site is zoned E-1, Single Family Residential, with a minimum lot size requirement of 15,000 square feet per newly created lot. In this zone, the minimum lot size required is increased when the average slope of the parcel falls within the following parameters:

Factor Percent of Average Slope

- 1.5 times minimum lot area 10% up to and including 20%
- 2.0 times minimum lot area over 20% up to & including 30%
- 3.0 times minimum lot area over 30%

The Single Family Project would merge and resubdivide 5.73 acres into six (6) lots, where the six residences are proposed. For the Single Family Project, the following lot sizes are proposed below:

Lot #	Average Slope	Required Lot Size per Zone (Net sq.ft.)	Proposed Lot Size (Net sq.ft.)	Lot Area Modification Required?
1	17%	22,500 sq.ft.	16,370 sq.ft.	Yes
2	>30%	45,000 sq.ft.	43,738 sq.ft.	Yes
3	>30%	45,000 sq.ft.	45,049 sq.ft.	No
4	>30%	45,000 sq.ft.	45,143 sq.ft.	No
5	>30%	45,000 sq.ft.	45,064 sq.ft.	No

6	>30%	45,000 sq.ft.	45,023 sq.ft.	No
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As stated in the table, two lot area modifications would be required for the Single Family Project for the proposed resubdivision. The Planning Commission finds that the modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to (i) secure an appropriate improvement on a lot, or (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement or (iv) construct a housing development which is affordable to very low-, low-, moderate-, or middle-income households. The reason why these two lots require lot area modifications is because square footage in these lots were lost when the City required the applicant to dedicate the terminus of La Vista del Oceano Drive as public right of way. Because of this, Planning Commission finds the lot area modifications supportable due to the benefit of a public road. In addition, these lots would also be larger than the existing lot sizes in the surrounding neighborhood that also shares the same hillside topography. The existing parcels on the upper portion of La Vista del Oceano Drive range in size from 8,000 to 24,700 square feet and average 13,246 square feet for the 21 parcels. Existing parcels in the Harbor Hills neighborhood range in lot size from 10,000 square feet to 1.4 acres, and average 18,685 square feet for the 30 parcels.

G. Findings for Neighborhood Preservation Ordinance Compliance to allow grading in excess of 500 cubic yards outside of the main building footprints within the Hillside Design District (SBMC § 22.68.070)

The Neighborhood Preservation Ordinance requires that the Planning Commission make the findings below that relate to hillside development and neighborhood compatibility for development in the Hillside Design District when the grading outside of the building foundation for the main buildings exceeds 500 cubic yards (cut and fill). Staff's position is that the project can be found in compliance with the Neighborhood Preservation Ordinance.

1. The public health, safety and welfare will be protected.

The project site is subject to a number of geologic and environmental constraints. As discussed in the Final Mitigated Negative Declaration, potential impacts associated with these hazards would be adequately addressed by implementing the identified project design and specified mitigation measures such that construction of the proposed development would ensure seismic and geologic stability, and reduce or avoid potential environmental impacts associated with unstable geologic conditions.

2. The grading has been designed with appropriate drainage and erosion control measures. All drainage improvements would be subject to design in accordance with hydrology calculations, City Ordinance provisions, and review by the City Building and/or Public Works Engineering Divisions.

The proposed project's landscape plans would comply with City high fire hazard area requirements for access, construction (access), water availability, and vegetation brush management.

3. **The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside due to the minimized grading and site development;**

The entire project area is located on a south facing slope with gradients that vary from approximately 5 to over 30 percent. The grading design for the single family project was designed to emulate many of the homes developed in the Rivera neighborhood of the City. The structures would be imbedded into the hillside and step down the slope of the property, with the uphill elevations at one-story, and downhill elevations at one or two stories. The majority of the grading volume for the project would be generated from underneath the structures. Grading outside the structure footprint would follow the natural landform, with the exception of localized fill occurring over the northerly portion of the existing eroded seasonal drainage feature within portions of Lots 4 and 5 of the single family residential project. The roads and driveways have been aligned to minimize grading while meeting the required design standards for width, gradient and cross fall. Estimated grading for the single family project would consist of 3,050 cubic yards (cy) of cut and 5,100 cy of fill outside the main building footprints.

Conservation Policy 2.1 states that "*development which necessitates grading on hillsides with slopes greater than 30 percent should not be permitted.*" The reason for this is due to the steepness of these slopes, the hillsides prominence in the overall community landscape and their provision of a significant and aesthetically attractive visual resource. The majority of the 30 percent slope areas on the project site are within the proposed dedicated development rights areas that account for 3.7 acres or 48 percent of the entire project area. The proposed dedicated development rights area would be restricted in perpetuity as open space. For the single family project, the average slope of the development envelopes for Lots 1,2,3 and 6 would be less than 30 percent and the average slope of the development envelopes for Lots 4 and 5 would exceed 30 percent. A small portion of the house structures on Lots 4 and 5 are designed on a slope greater than 30 percent. These slopes, however, reflect the pre-graded slope of the properties. In order to create the Fire Department required extension of La Vista del Oceano Drive Drive and the La Vista del Oceano Lane driveway, the western eroded drainage would be required to be filled in to meet road development standards. As a result of meeting the road development standards, the two areas on Lots 4 and 5 would also be filled and would have a slope resulting in less than 20 percent. Thus, all of the development envelopes for the

single family project would meet the intent of the no development on slopes greater than 30 percent policy.

The majority of the southern facing or visually prominent slopes would be protected from development through the proposed dedication of development rights. The project site would also introduce the use of native or naturalized and fire retardant vegetation, especially on the downward or southern facing slopes that would hide or break up any large surface area views of the structures facing down slope. Because very little vegetation exists on the project site currently, the addition of substantial additional vegetation would be an enhancement of the hillside. Finally, the proposed grading design implements the City's Hillside Housing Techniques and the grading plans for both projects would be compatible with the site's natural contour.

From a topographical standpoint, the Vic Trace Reservoir Property, which is directly north of the project site, is located on top of the ridgeline. However, as with all hillside development, it will appear that some or all of the development is on some portion of a ridgeline because the topography increases as you move up the hillside. Both project sites are designed to be built into the hillside, not on top of the existing hillside. The neighboring house at the top of the existing La Vista del Oceano Drive would remain taller and at a higher elevation than Lots 1 and 2, which would be considered the next major topographical line as one moves directly south of the Vic Trace Reservoir.

The project site can be viewed from Shoreline Park. A sidewalk analysis of Shoreline Park has demonstrated that, from nearly 60 percent of the walkways within the park, the project site could not be seen. The properties could be partially viewed from approximately 19 percent of the park, and fully viewed from 22 percent of the park. Note that the distance of the project site from Shoreline Park is approximately 2,700 to 3,700 feet away. In instances where the site could be seen completely or partially seen, a park user would typically see that view sporadically as the park user moved along the sidewalk. For example, the project site could be viewed from one of the park's picnic benches, but when a park user would throw away their trash approximately 10 feet away from the picnic bench, the project site could not be seen. Also due to the layout of Shoreline Park, the park is oriented more for a park user to look out at the Pacific Ocean and the immediate houses along Shoreline Drive rather than up the hillside.

4. **The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet from the base of the trunk.**

The project site does not contain any native or mature trees.

5. **The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.**

To determine whether the proposed projects would result in a negative aesthetic effect or incompatibility with surrounding land uses or structures due to project size, massing, scale, density, architecture, or other design features, statistics on surrounding area lot areas, square footage per lot, floor area ratios and ridgeline elevations were provided to staff, the ABR and PC (provided during the concept project reviews), to evaluate project compatibility with surrounding area development patterns on La Vista del Oceano Drive and Harbor Hills Drive.

The Single Family Project's architecture is a Mediterranean theme and the six residences would be designed to tuck and blend into the hillside, and gradually step down the slope. From natural grade, the building height of the residences would be one and two stories. The ABR conceptually reviewed the single family project on three occasions and Planning Commission also conceptually reviewed the project. On the last ABR concept review, the Board felt more comfortable with the project's mass, bulk and scale due to the redesign of some houses, the increase in plantings, and other visual analysis evidence provided. The Board's original concern with the six homes and how they tended to blend together on the hillside has been significantly alleviated by the addition of greenery and reduction of the residence's footprint on Lot 5. The Board was also more comfortable with the houses on Lots 1 and 2 since more significant skyline trees were added to the rear of these houses. The Board also appreciated the significant skyline trees proposed between the units, which would provide a layering effect to breaks up the architecture. The ABR recommended significant variations in colors and details in architecture as viewed from a distance in order to minimize a continuous campus-like style of buildings. The grading plans were also revised to the satisfaction of the Board as they are now more consistent with the site's natural contours.

Since the last PC concept review, the proposed residences have been further reduced in size, mass and scale specifically from the visually prominent south elevation. The floor area reduction for the units ranges from 241 square feet to 478 square feet. The homes on Lots 4 and 5 have also been redesigned to lessen their encroachment into the pre-existing 30 percent slope drainage area. The resulting house sizes now range from 3,525 to 4,517 square feet instead of 3,850 and 4,995.

With the comments received by the ABR and with the applicant's response to the Planning Commission's comments, Staff's position is the proposed project has incorporated all the applicable hillside design techniques into the project design. The proposed project design would be in keeping with the scenic character of the City and would enhance the appearance of the neighborhood.

6. **The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.**

Refer to NPO finding #4 analysis. The proposed development would be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.

7. **The development will preserve significant public scenic views of and from the hillside.**

The proposed project would not obstruct any public scenic view corridors to the ocean or lower elevations of the City nor would it obstruct any upper foothill or mountain views from the beach or lower elevations of the City. See also discussion under NPO finding #2.

H. Findings for the Vesting Tentative Subdivision Map to merge and re-subdivide 5.73 acres into six (6) residential lots per SBMC §27.07.01 – 110 and §66499.20.1/2 of the State Subdivision Map Act.

The tentative subdivision map is consistent with the City's General Plan and the Zoning Ordinance, with the requested modifications above. A review of the surrounding neighborhood shows that the proposed subdivision would be consistent with the surrounding neighborhood, both in size and in the pattern of development. The geology report submitted found the site to be appropriate for the type and amount of development proposed. With the incorporated conditions of approval, the proposed subdivision would not result in significant adverse effects on biological resources or serious public health problems.

The Planning Commission finds:

1. **The proposed map is consistent with applicable General and specific plans;**

As discussed in detail in the Final Mitigated Negative Declaration, the proposed project would be consistent with all applicable General Plan policies.

2. **The design or improvement of the proposed development would be consistent with applicable General and specific plans;**

As discussed in detail in the Final Mitigated Negative Declaration, the proposed project would be consistent with all applicable General Plan policies.

3. **The site would be physically suitable for the type of development;**

The project site is subject to a number of geologic and environmental constraints. As discussed in the Final Mitigated Negative Declaration, potential impacts associated with these hazards would be adequately addressed by implementing the identified project design and specified mitigation measures such that construction of the proposed development would ensure seismic and geologic

stability, and reduce or avoid potential environmental impacts associated with unstable geologic conditions.

According to the geology and soils report, there are three main types of soils on the subject site: Quarternary artificial fill, surficial Quarternary colluvium, and Santa Barbara formation silts and sands. None of these soil types would be considered expansive soils. Existing soils onsite may be used in the construction of driveways, retaining walls, building pads and swimming pools, if the recommendations of the geology and soils report are followed. Artificial fill material associated with prior grading activities would need to be removed and recompacted in accordance with current grading standards. With these measures, potentially significant impacts would be mitigated to less than significant levels.

All drainage improvements would be subject to design in accordance with hydrology calculations, City Ordinance provisions, and review by the City Building and/or Public Works Engineering Divisions.

4. **The design of the development or the proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

As discussed in the Final Mitigated Negative Declaration, the proposed design of the Single Family Project would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. **The design of the development or the type of improvement would not cause serious public health problems.**

As discussed in the Final Mitigated Negative Declaration, the proposed design of the Single Family Project would not cause serious public health problems.

6. **The design of the development or the type of improvement would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.**

The proposed design of the Single Family Project would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

II. Said approval is subject to the following conditions:

- A. **Permit Sequencing.** Applicant must obtain a Certificate of Occupancy for all units and site related improvements for the Duplex Project (MST2003-00620) before obtaining a Certificate of Occupancy for the Single Family Project (MST2003-000227) units and site related improvements.
- B. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the

Owner with the Final Map on 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/or Public Works Director:

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 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 as 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. **Water Rights Assignment.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
5. **Allowed Development.** The development of the Real Property approved by the Planning Commission on November 18, 2004, is limited to six single family residences and the improvements shown on the Vesting Tentative Subdivision Map signed by the chairman of the Planning Commission 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, common drainage facilities, public pedestrian trail 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 parcels.

- D. **Final Map Submittal.** The Owner shall submit to the Public Works Department, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
- E. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the approval and recordation of the Final Map for the project:
1. **Driveway Maintenance.** The Owner shall record an agreement for maintenance of the proposed private driveway which shall be reviewed as to form by the City Attorney, and as to content by the Community Development Director and the Public Works Director. Said agreement shall be recorded in the office of the County Recorder.
 2. **Street Light Requirement.** The Owner shall provide a written Street Light Petition Notice (Notice) to all property owners, businesses, and residents on the entire length of La Vista del Oceano Drive. 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 it is determined that a residential street light(s) is to be added, the Owner shall install City standard residential street light(s), as determined by the Public Works Department at the expense of the Owner.

If a residential mid-block street light(s) is not installed as a result of the initial petition, then either a) five years following Planning Commission approval or, b) prior to Certificate of Occupancy, whichever occurs first, the Owner shall again provide a written Notice to all property owners, and residents on those same streets fronting the subject property. The citizens will be given another opportunity to request a residential mid-block street light(s). If a residential mid-block street light(s) is determined to be added, the Owner shall install a City standard residential street light(s) as determined by the Public Works Department at the expense of the Owner.
 3. **Land Development Improvements Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements. An approved Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements are required prior to execution of the agreement.

4. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain surface pollutant interceptor. The Plan shall be reviewed and approved by the Land Development Engineer.
5. **La Vista del Oceano Drive Requirements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the subject property road frontage on La Vista del Oceano Drive and for constructing extension of the road into the new subdivision. Public Works C-1 Improvement Plans shall be submitted separately from Building Permit plans, directly to the Public Works Department. As determined by the Public Works Department, the improvements shall commence at Ricardo Road for the full length of La Vista del Oceano Drive and shall include; Construction of new City public road, City standard curbs, gutters, driveway approaches, asphalt concrete on aggregate base and/or slurry seal, underground service utilities, public water main, public sewer main, supply and install a minimum of three new residential style street lights to City standard, plus additional street lights if approved by neighborhood through residential street light petition process, directional/regulatory traffic control signs, construction of a private on-site drainage system including on-site bio-filter and swale, and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The public improvement plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
6. **Drainage System Requirement.** The Owner(s) shall maintain drainage system, including concrete V-ditch on SHIFCO property, and storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
7. **Maintenance of Drainage System.** Record a Maintenance agreement by separate instrument between private property owners delineating the responsibilities of each owner for use of the existing concrete V-ditch.
8. **Hydrology Calculations.** Submit to the Land Development Engineer final hydrology calculations justifying that the proposed and existing drainage conveyance system adequately conveys a 25-year storm event.
9. **Street Easement Dedication.** The Owner shall covenant a dedication for easement as shown on the approved Vesting Tentative Subdivision Map, or described below, subject to approval as to form by the City Attorney and content by the Public Works Director and the Community Development Director.
10. **Storm Water Quality Control.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction

Project Best Management Practices. All new residential development projects shall address water quality through the use of best management practices (BMPs) as determined by the City. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.

- F. The following shall be finalized and specified in written form and submitted with the application for a building permit for any subdivision improvements:
1. **Mitigation Monitoring Program.** The owner shall submit to the City's Environmental Analyst a monitoring program for the project's mitigation measures, as stated in the Negative Declaration, MST2003-000227 and MST2003-00620. Mitigation monitors responsible for permit compliance monitoring must be hired and paid for by the applicant. The mitigation monitoring program shall include, but not be limited to:
 - a. A list of the project's mitigation measures.
 - b. An indication of the frequency of the monitoring of these mitigation measures.
 - c. A schedule of the monitoring of the mitigation measures.
 - d. A list of reporting procedures.
 - e. A list of the mitigation monitors to be hired.
- G. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Unanticipated Archaeological Resources.** Prior to the removal of any vegetation or paving, or any 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 Owner. 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, preparation and implementation of a Phase III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, 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. (CR-1)

2. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Contractor and Subcontractor(s).
3. **Grading.** Grading shall be prohibited during the rainy season (November 1st through March 31st).
4. **Watering of Site.** 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. (AQ-1)
5. **Covered Fill Material/Truck Loads.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-2)

6. **Wind Erosion Control.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by: (AQ-3)
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.
7. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-4)
8. **Gravel pads.** Gravel pads must be installed at all access points to prevent tracking of mud on to public roads. (AQ-5)
9. **Dust Control Monitor.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to approval of map recordation and issuance of any grading permits for the project. (AQ-6)
10. **Construction Equipment Requirements.** The following shall be adhered to during project grading and construction to reduce NOx emissions from construction equipment: (AQ-7)
 - a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
 - b. Clean diesel fuel (Ultra-Low Sulfur Diesel) fuel shall be used.
 - c. The engine size of construction equipment shall be the minimum practical size.
 - d. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - e. Construction equipment shall be maintained in tune per the manufacturer specifications.

- f. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - g. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - h. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
 - i. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - j. Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.
11. **Wood-burning Fireplaces.** Wood-burning fireplaces and wood stoves shall be prohibited. (AQ-8)
12. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
13. **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.) to help reduce truck traffic on adjacent streets and roadways.
14. **Truck Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager. The route of construction-related traffic shall also be established to minimize trips through surrounding residential neighborhoods (TC-1).
15. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m. Monday through Friday 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. (N-1)

16. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment.
 - c. Storage of construction materials within the public right-of-way is prohibited.
 - d. (Free) off-site parking for construction workers and off-site storage for materials and equipment shall be provided (during phases of the construction when it cannot be accommodated on-site). The location of this off-site area shall be subject to the approval of the Community Development Director. (TC-2)

17. **Erosion Control Measures.** The applicant shall implement all recommendations specified in the biologist's report prepared by Rachel Tierney Consulting (dated, February 17, 2003, revised December 18, 2003, and addendum dated March 2, 2004) with respect to erosion control measures (B - 1).

18. **Removal of Non-Native Vegetation.** Pampas Grass, Ice Plant, Tobacco Tree and Fennel shall be removed from the western portion of the site during construction and for five years following construction. (B-2)

19. **Earthwork, Foundation, and Structural Design.** The applicant shall implement all recommendations specified in the geology and soils report prepared by Coastal Geoscience, Inc. (November 2002 and addendum dated March 5, 2004). (G-1)

20. **High Fire Vegetation Management.** Residences located in the High Fire Hazard area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation (mosaic style) and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures. The owner shall perform the following maintenance annually for the life of the project. **(H-1)**
 - a. Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure and within 2 inches of the ground.
 - b. Thin brush from streets and driveways both horizontally and vertically along the property. Flammable vegetation must be cleared on each side of the street or driveway for a distance of 10 feet and a vertical distance of 13 feet, 6 inches. Vegetation must be cut to within 2 inches of the ground. This applies to the public or private driveway and any public or private streets that border the property.
 - c. Remove dead wood, trim the lower branches, and limb all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
 - d. Trim tree limbs back a minimum distance of 10 feet from any chimney opening.
 - e. Remove all dead trees from the property.
 - f. Maintain the roof of all structures free of leaves, needles or other vegetative debris.
 - g. Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 12 inches in depth, and at least 30 feet from any structure.
21. **Landscape Plan.** The landscape plan shall adhere to the Fire Department Landscape Guidelines for properties that are in the high fire hazard area. These plans shall be reviewed and approved by the Architectural Board of Review. **(H-2)**
22. **Construction Notification to Neighbors.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notification to property owners and residents within 450 feet of the project area, to surrounding area homeowners associations, and posted at the access to construction site. The notice shall provide a construction schedule, required noise conditions applied to the project, and the name and telephone number of the Project Manager who can address questions and problems that may arise during construction. **(N-2)**

23. **Construction Equipment Mufflers and Shields.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Sound control devices and techniques, such as noise shields and blankets, shall be employed as needed to reduce the level of noise to surrounding residents. (N-3)
24. **Construction Staging Areas.** Appropriate construction equipment staging areas shall be identified, such that the short-term construction impacts to neighboring residences would be minimized. (N-4)
25. **Delivery and Storage of Materials and Equipment.** All deliveries of material and equipment will occur on-site within the construction barricades and only during the hours specified by the City on weekdays. The queuing of construction vehicles outside the site specified hours will be strictly prohibited. Vehicles delivering materials and equipment to the site shall be operated in strict conformance with regulations established by the United States Department of Transportation and all State and Local requirements. The vehicles shall all utilize mufflers and other devices to minimize noise levels. All materials and equipment will be stored on-site and within the confines of the construction barricades. (N-5)
26. **No Worker Access to the Neighborhood.** All workers will be required to park on-site (i.e. behind the construction barricades or in designated off-site parking areas) that are outside of the entire residential area surrounding the site. Workers will also be required to remain in designated on-site areas during all breaks and workers will not be permitted to gather off-site during the course of proposed construction. (N-6)
27. **Vehicle Noise.** Except as otherwise required by law, all vehicle horns shall remain silent except in the case of emergency. (N-7)
28. **Limited Site Access.** Access to the site shall be limited to areas approved by the City of Santa Barbara and agreed upon during the contractor's detailed noise mitigation plan. The gate shall incorporate the same method of noise shielding as the construction fence and shall be kept closed except for vehicle passage. (N-8)
29. **Portable Equipment.** Where portable power generation or air compressors are required on the site, locate these noise sources as far away from the property line as possible. Where required because of proximity to residential areas, utilize a three or four sided enclosure which is lined with a sound absorbing material. Locate portable equipment where the noise shielding provided by remaining building structure will be beneficial. Another approach is to utilize very quiet power generation and air compressors, similar to those utilized in the motion picture industry on location. (N-9)

30. **Solid Waste Management Plan.** A solid waste management plan identifying measures for reuse, source reduction, and recycling shall be developed for construction and operation of the proposed project, and submitted to the City's Environmental Analyst and the City's Solid Waste Specialist for review and approval prior to building permit issuance. (PS-1)
31. **Erosion Control Plan.** An Erosion Control Plan shall be developed for construction activities to maintain all sediment on site and out of the drainage system. The plan shall include Best Management Practices approved by the City and Regional Water Quality Control Board, and shall include, at a minimum, the following: (W-1)
 - a. Minimize the area of bare soil exposed at one time (phased grading).
 - b. Identify silt fencing (installed with a 6 inch by 6 inch right-angled, buried lip) and/or closely aligned hay bales on the edge of all development envelopes.
 - c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction. Any area outside of the development envelopes shall be seeded to promote immediate erosion control and long-term cover. Utilize the seed mix and hydroseeding procedures for grassland restoration of disturbed slopes adjacent to the development envelopes per the Rachel Tierney's Biological Resources Assessment Report.
 - d. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - e. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
 - f. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.
32. **Storm Drain Markings.** Stenciled information shall be printed on all curb storm drains warning of the direct connection to the creek and ocean. (W-2)
33. **Site Runoff.** All project runoff waters from areas such as the access roads, roofs, driveways shall be captured on-site and conducted, via the proposed drainage system, to prevent increased site runoff. (W-3)
34. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s)

name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

35. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. 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. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
- 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.
 - Complete Public Improvements.** Public improvements, as shown in the improvement/building plans.
 - Cross Connection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 - New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

NOTICE OF TENTATIVE SUBDIVISIONS MAPS (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

PLANNING COMMISSION RESOLUTION No. 053A -04
1701, 1702, 1703, AND 1704 LA VISTA DEL OCEANO DRIVE;
1706 AND 1708 LA VISTA DEL OCEANO LANE
NOVEMBER 18, 2004
PAGE 25

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval, per SBMC Section 27.07.110, unless the subdivider requests an extension of time before the expiration of the tentative map, not to exceed two (2) years beyond the expiration of the original two (2) years expiration date or per the allowances provided in the Subdivision Map Act.

This motion was passed and adopted on the 18th day of November, 2004 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 1 ABSTAIN: 0 ABSENT: 1 (Jacobs)

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

Liz N. Ruiz, Planning Commission Secretary

Date

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