



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Board of Supervisors

FROM: Glenn Russell, Ph.D. Director, Planning & Development

DATE: January 12, 2012

RE: Revisions
Bagdasarian Appeal of Montecito Planning Commission Denial of 10APL-00000-00016 and 09LUP-00000-00256 (Case No. 11APL-00000-00009)

Following additional consultation with the appellant on January 12, 2012, P&D recommends making modifications to the critical requirements for the final restoration plan. These changes are shown beginning on the next page in strikethrough/underline text. In addition, the proposed Land Use Permit Condition No. 6 has been revised pursuant to these changes. P&D also recommends revising Condition No. 9, which requires the appellant to obtain any necessary authorizations from the California Department of Fish and Game and/or federal agencies, to only require obtaining authorization from Fish and Game prior to issuance of the Land Use Permit. The change is recommended because the temporary Arizona crossing of the tributary pre-existed the appellant's tenancy at the parcel and will be restored upon completion of the habitat restoration plan.

With these changes P&D recommends that the Board of Supervisors take the following actions:

1. Uphold the appeal, Case No. 11APL-00000-00009;
2. Make the required findings for *de novo* approval of the modified project, 09LUP-00000-00256, including CEQA findings, as provided in Attachment A of the Board Letter;
3. Determine the modified project is exempt from CEQA pursuant to CEQA Guidelines Section 15303(e) as provided in Attachment B of the Board Letter; and
4. Approve *de novo* the modified project Case No. 09LUP-00000-00256 with required conditions of approval included as [Revised](#) Attachment C of this [P&D memo to the Board of Supervisors dated January 12, 2012](#) ~~Letter~~.

Critical Requirements for the Final Restoration Plan

Area 1a: Island (Lawn area)

- Replace developed lawn area with native trees, shrubs, and grasses to provide diversity, cover, structure and function similar to adjacent upland and streamside habitat of Hot Springs Creek.
- Plant ESH buffer areas on the west side of Hot Springs Creek with fast-growing California native shrubs in order to provide visual screening and habitat cover.
- Restore removed vegetative structural elements of the degraded riparian corridor by planting one-third of required oak mitigation (56 trees) in the northern and southern portions of the “island” where oak trees were removed. This shall be accomplished by planting clusters of oak trees and densely-planted native shrubs and grasses in at least ~~70%~~65% of the island area; trees and shrubs shall not be pruned in these areas, and plantings shall be at a sufficient density within five years to provide protective cover for wildlife potentially moving through the riparian corridor area; planting clusters to be shown on plans.
- Within the 65% canopy cover, understory plantings shall predominantly be of locally occurring native plant species with some selective use of non-local California native species, as indicated on the November 16, 2011 plant species list (Attachment E).
- Open areas (i.e., no tree canopy) may be retained, but shall not exceed ~~30%~~35% of the island area, as measured from the edges of the retaining walls on the west to the top-of-bank of Hot Springs Creek on the east.
- Non-local California native species, as indicated on November 16, 2011 list (Attachment E), may be planted in the ~~30%~~35% open areas.
- Outside native cluster areas where no pruning is allowed, pruning of mature oak trees shall not exceed 20% of each individual tree on an annual basis.

Success Criteria:

- 80% success rate for container planted materials after 3 years.
- Minimum 50% increase in canopy cover (trees and shrubs) in Area 1a within 5 years (present canopy cover is approximately 20%, based on 2010 aerials).
- Removal of 50% of Myoporum hedge within 3 years; complete removal within 5 years.

Area 1b: Tennis Court Area

- No restoration is required in this area due to its degraded nature as shown in aerial photographs since 1998 and its proximity to the developed portion of the estate.

Area 2: Rock Stockpile

- Replant one-third of required coast live oak mitigation (56 of the required 168 trees) and half of required sycamore mitigation (30 of 60 trees) to replace lost canopy cover; include native understory species.

Success Criteria:

- 80% survival rate for container trees and plants after 3 years.
- Minimum 50% increase in canopy cover within 5 years.

Area 3: Tributary

- Allow native oaks and sycamores, including re-sprouting plants, to regenerate and regain size, form, and cover typical for the species.
- Retaining walls to be removed as shown on November 7, 2011 site plan; resulting slopes shall be rounded and planted with native grasses and/or low shrubs.
- At least one-third of the required oak mitigation (56 of 168 required trees) and half the required sycamore mitigation (30 of 60 required trees) to be planted in the tributary.
- “Elephant ears” may remain.

Success Criteria:

- Presence of a minimum of at least three vegetative strata (trees, shrubs, vines and herbs) along a 200 ft. length of the tributary. Measurement shall be according to the protocols described by Lee et al. 2001 (page 5-149), or as modified and previously-approved by P&D; understory species may include those proposed by appellant for the tributary on November 16, 2011 (Attachment E).
- At least 80% survival of planted oaks and sycamores after 3 years.
- At least 80% survival of understory species after 3 years.

Area 4: Hot Springs Creek

- Remove target weedy species (primarily giant reed and fennel) from on-site portions of Hot Springs Creek, tributary and confluence on APN 011-020-034.

Success Criteria:

- ~~100% removal~~ Treatment/removal of giant reed and fennel in on-site portion of the creek and its tributary with goal of 100% eradication within 3-5 years.
- Non-native annual grass species acceptable to remain.

“Hardscape” Elements

- “Arizona” crossing within ESH to remain unpaved and utilize erosion control BMP’s during restoration activities; crossing shall be used for restoration purposes and then abandoned.
- Upper bridge to remain as shown on appellant’s November 7, 2011 site plan.
- Lower bridge to remain as shown on appellant’s November 7, 2011 site plan.