



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: 7/17/18
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: Yes
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Dianne Black, Director, Planning and Development
Director(s) (805) 568-2086
Contact Info: Jeff Wilson, Deputy Director, Development Review
(805) 568-2518

SUBJECT: Oak Hills Estate Request for Hearing of Case Nos. 15RZN-00000-00002, 15TRM-00000-00001/TM 14,180, 15DVP-00000-00001, and 17RDN-00000-00006. Third Supervisorial District.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrences: NA

Recommended Actions:

Staff recommends that your Board take the following actions:

- a) Make the required findings for approval of the project specified in Attachment 7, including CEQA findings;
- b) Certify the Final Environmental Impact Report (17EIR-00000-00001, Attachment 10) as modified by the Final EIR Revision Letter dated June 4, 2018 (Attachment 2), and adopt the mitigation monitoring program contained in the conditions of approval (Attachments 8.1, 8.2 and 8.3);
- c) Adopt an ordinance for Case No. 15RZN-00000-00002 (Attachment 9), rezoning the project parcel from Residential Ranchette, 1 unit per 10 acres (RR-10) to Design Residential, 1.8 units per acre (DR-1.8);
- d) Approve the Vesting Tentative Tract Map (15TRM-00000-00001/TRM 14,180) as depicted on Attachment 11 subject to the conditions of approval specified in Attachment 8.1;
- e) Approve a Development Plan (15DVP-00000-00001) for the future development of 29 single family residences within the DR-1.8 zone district subject to the conditions of approval specified in Attachment 8.2;

- f) Approve case No. 17RDN-00000-00006 subject to the conditions of approval specified in Attachment 8.3.

Alternatively, refer back to staff if your Board takes other than the recommended action for appropriate findings and conditions.

Summary Text: A. Project Description

The Oak Hills Estate project proposes to subdivide a 16.88-acre parcel into 30 lots consisting of 29 lots for single-family homes and one open space lot. The open space lot would include an ephemeral drainage in the central portion of the project site and would also be located along the northern and western perimeters of the site adjacent to the Burton Mesa Ecological Reserve. The proposed project consists of a Rezone, Vesting Tentative Tract Map, Development Plan, and Road Naming application.

B. Background

The March 13, 2018 hearing for the Oak Hills Estate project was continued to provide the applicant time to address requests by the Board to identify a new biological resources mitigation site and provide information regarding an endowment for long-term mitigation site management; evaluate whether the project design could include a recreation area on the project site; and to provide information about possible restoration measures that could be conducted within an on-site drainage. The Board also expressed a desire that the project conduct additional habitat impact mitigation on the project site. Additional information regarding each of these items is provided below.

C. Off-Site Mitigation

The Oak Hills Estate project would result in impacts to sensitive biological resources, including maritime chaparral habitat, rare plants, and native oak trees. Mitigation for those impacts was proposed to occur both on the project site and on portions of a 123-acre parcel owned by the Vandenberg Village Community Services Department (VVCSD) that is commonly referred to as "Lot 54." The VVCSD parcel is also the site used by the Clubhouse Estates project to mitigate biological resource impacts. Mitigation/restoration activities previously proposed to occur at the VVCSD property were described in a report titled *Offsite Mitigation Report and Concept Plan* (Final EIR Appendix D-3) and would have resulted in habitat restoration at multiple and generally small locations distributed throughout the VVCSD site.

In response to the Board's request to identify a new location to mitigate the proposed project's impacts to biological resources, the applicant has identified a mitigation site located on a 172-acre portion of the 5,300-acre Burton Mesa Ecological Reserve (BMER). The applicant has also prepared a new off-site conceptual restoration plan titled *Burton Mesa Ecological Reserve Offsite Mitigation Area and Lot 54 Oak Planting Conceptual Mitigation Plan*. The proposed habitat mitigation sites on the BMER are depicted on Attachment 1, and oak trees that are proposed to be planted on the VVCSD-owned Lot 54 are depicted on Attachment 4. The entire Conceptual Mitigation Plan is attached to the Final EIR Revision Letter (Attachment 2) that has been prepared for the Oak Hills Estate project.

The Mitigation Concept Plan for the BMER mitigation site was prepared in cooperation with the California State Lands Commission (CSLC), which owns the Reserve property, and the California Department of Fish and Wildlife (CDFW), which manages the Reserve. In a letter dated June 8, 2018 (Attachment 3), CDFW states that the agency is willing to allow project-related mitigation to occur on the Reserve if specified conditions are met. The conditions require that prior to recordation of the final tract map the applicant must: a) submit and receive approval of a final mitigation plan; b) obtain a lease agreement approved by CSLC to allow mitigation to occur on the BMER; c) obtain a Right of Entry Permit approved by CDFW to allow mitigation to occur on the BMER; and d) submit and receive approval of a long-term maintenance and funding plan for the BMER mitigation site from CDFW and CSLC. Tract Map Condition No. 31 (Attachment 8.1) requires that each of these items be completed prior to final map recordation.

CDFW also requested that prior to grading on the Oak Hills Project site: a) the final approved mitigation plan be implemented; b) funding for the long-term maintenance of the BMER mitigation area be secured; and c) the applicant obtain an approved U.S. Fish and Wildlife Service Incidental Take Permit and associated Habitat Conservation Plan. Development Plan Condition No. 21 (Attachment 8.2) requires that each of these items be completed prior to grading on the project site.

Approximately 45 oak trees would be planted on the VVCSD-owned “Lot 54.” Tract Map Condition No. 31 and Development Plan Condition No. 21 require the approval of planting, maintenance, and monitoring details for the oak trees on the VVCSD site, and the submittal of performance securities to ensure the survival of the trees.

D. On-Site Recreation Area Improvements

The Board of Supervisors requested that the proposed project provide an on-site recreation area, such as a playground, to enhance the project and to provide a benefit to the neighborhood and community. In lieu of providing an on-site playground, the project applicant has proposed to make a contribution of \$50,000 to the Vandenberg Village Park & Playground Coalition. The Coalition is a non-profit corporation and public charity that has a goal of constructing a playground in Vandenberg Village. The Coalition has identified a location for a future playground in Vandenberg Village. The site is on a 1.5-acre, County-owned parcel on the west side of Constellation Road, approximately 500 feet south of Burton Mesa Boulevard and 1,000 feet north of Highway 1. Attachment 5 provides the Coalition’s master plan for the development of a playground at the identified site. To implement this, Condition No. 1 (Project Description) for the Oak Hills Estate Development Plan states that the project applicant will make a \$50,000 contribution to the Vandenberg Village Park & Playground Coalition prior to zone clearance for the construction of first residence on the project site. The Oak Hills Estate project only proposes to contribute money towards the potential future development of the playground in Vandenberg Village and would not result in the construction of a playground. The proposed contribution would not result in physical changes to existing environmental conditions and would not have the potential to result in significant environmental impacts. Future construction of a playground would separately require compliance with CEQA.

E. On-Site Stream Channel Restoration

The Board of Supervisors requested that the Oak Hills Estate project consider restoration activities within the stream channel located in the central portion of the project site. Restoration within the stream channel would enhance the habitat value of the project site but is not required to reduce or mitigate any environmental impacts of the project.

In response to the Board's request, the proposed stream channel restoration would include the removal of debris from the existing concrete portion of the channel adjacent to Oak Hill Road; the removal of invasive ice plant and broken concrete debris that would not result in damage to existing native vegetation; installing erosion protection slope fabric; planting a variety of native plant species; and the installation of temporary spray irrigation. The proposed stream channel restoration plan is provided as Attachment 6, and the restoration activities would be conducted in conjunction with other on-site habitat and protection and restoration activities that have been proposed for the project site. Development Plan Condition No. 20 (Final EIR Mitigation Measure BIO-2.1) requires that the previously prepared *Oak Hills Estate Project Open Space Management Plan* be revised to include the proposed on-site stream channel restoration.

The U.S. Fish and Wildlife Service has reviewed the proposed stream channel restoration plan and stated that it is acceptable provided that restoration efforts do not disturb existing buckwheat plants or soil adjacent to the plants, which would have the potential to result in adverse impacts to the endangered El Segundo blue butterfly. The requirement to avoid impacts to on-site buckwheat plants has also been added to Development Plan condition No. 20.

F. Environmental Review of Proposed Project Revisions

A Final Environmental Impact Report (17EIR-00000-00001) was prepared for the proposed project (Attachment 10). An evaluation of the potential environmental impacts that may result from proposed revisions to the Oak Hills Estate project's on- and off-site mitigation plans is included in a Final EIR Revision Letter dated June 4, 2018 (Attachment 2). The Revision Letter describes the proposed revisions to the project; evaluates the potential for the revisions to result in new environmental impacts not previously identified by the Final EIR; and evaluates the potential for the project to result in environmental impacts that are more severe than the impacts identified by the Final EIR.

The Revision Letter documents that proposed changes to the project's on- and off-site restoration plans would not result in any additional significant and unavoidable (Class 1) environmental impacts, and would not substantially increase the previously identified Class I environmental impacts that would result from the implementation of the project. The Revision Letter also concluded that proposed revisions to Final EIR mitigation measures BIO-2.1 (On-Site Habitat and Open Space Protection Plan) and BIO-2.2 (Mitigation Measures BIO-2.2a: Off-Site Habitat Mitigation, and BIO-2.2b: Off-Site Habitat Restoration Plan Implementation) ensure that the implementation of approved final on- and off-site restoration plans would reduce the proposed project's impacts to biological resources to a less than significant level. Mitigation measure BIO-2.2a is included as Tract Map condition No. 31 (Attachment 8.1), and mitigation measures BIO-2.1 and BIO-2.2b are included as Development Plan condition Nos. 20 and 21, respectively (Attachment 8.2). The proposed revisions to Final EIR mitigation measure BIO-2.2a and 2.2b also make the EIR's off-site mitigation program consistent with the conditions required by

CDFW to allow mitigation to occur on the BMER. The implementation of other mitigation measures previously identified by the Final EIR would be adequate to reduce potential significant and mitigable (Class II) cultural resource and fire protection impacts that may result from the implementation of the revised restoration plans to a less than significant level, and no additional or modified mitigation measures are required. The revisions to the analysis incorporated into the Final EIR by the Revision Letter dated June 4, 2018 fulfills the environmental review requirements for the revised Oak Hills Estate project, and the information contained in the Revision Letter does not require recirculation of the Final EIR pursuant to CEQA Guidelines Section 15088.5.

G. BMER Mitigation Site Long-Term Maintenance Funding

As stated in the Off-Site Mitigation section above, Tract Map Condition No. 31 (Attachment 8.1) requires that a long-term maintenance and funding plan for mitigation conducted on the BMER be approved by CDFW and CSLC prior to the recordation of the Oak Hill Estate tract map. CDFW has stated that they anticipate a permanent maintenance endowment will be required as part of their final mitigation plan approval process. In addition, Development Plan Condition No. 21 (Attachment 8.2) requires that the long-term mitigation area maintenance funding required by CDFW be secured prior to grading on the Oak Hills Estate project site. In addition, Development Plan Condition No. 21 (Attachment 8.2) requires that a performance security be posted with P&D to ensure installation and maintenance of the proposed off-site restoration on the BMER and VVCSD sites for a minimum of five years or until all approved restoration performance criteria are achieved and accepted by the County.

H. Potential to Provide Additional On-Site Habitat Impact Mitigation

The evaluation of the Oak Hills Estate project's impacts to biological resources concluded that the project would result in direct impacts to sensitive plants, a minimum of approximately 74 oak trees, and 6.92 acres of maritime chaparral habitat. The project would also result in significant impacts to a variety of wildlife species. Mitigation of the project's impacts to sensitive biological resources would require that approximately 740 oak trees be planted and 13.84 acres of chaparral habitat be restored. The Final EIR estimated that approximately 0.61 acres of open space area to be retained on the project site would not be subject to periodic vegetation management for wildfire hazard risk reduction and would be suitable for restoring impacted chaparral habitat. Other portions of the project site would also be suitable to partially mitigate the project's impacts to sensitive plants and oak trees. The remainder of the mitigation required to reduce the project's impacts to sensitive biological resources would occur at the proposed BMER mitigation site and the previously identified VVCSD-owned mitigation site in accordance with a final mitigation plan as required by Development Plan Condition No. 21.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs for processing this project are funded in the Planning and Development Permitting Budget Program, as shown on page D-289 of the adopted 2017-2018 FY budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on July 17, 2018. The notice shall appear in the Santa Maria Times. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the notice are included with this Board Letter. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

Attachments

- 1.0 Proposed BMER Mitigation Sites
- 2.0 Oak Hills Estate Residential Project Final EIR Revision Letter, June 4, 2018
- 3.0 Letter from the California Department of Fish and Wildlife
- 4.0 VVCSD Property Oak Tree Planting Concept Plan
- 5.0 Vandenberg Village Park & Playground Master Plan
- 6.0 On-Site Stream Channel Restoration Plan
- 7.0 Findings
- 8.1 Conditions of Approval for Case No. 15TRM-00000-00001
- 8.2 Conditions of Approval for Case No. 15DVP-00000-00001
- 8.3 Conditions of Approval for Case No. 17RDN-00000-00006
- 9.0 Board of Supervisors Ordinance
- 10.0 Oak Hills Estate Project Final EIR: <http://sbcountyplanning.org/projects/15RZN-00002OakHills/FEIR.cfm>
- 11.0 Proposed Vesting Tentative Tract Map

Authored by:

Steve Rodriguez, Planning & Development, Development Review Division, (805) 682-3413