

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

## Agenda Number:

**Prepared on:** February 6, 2003  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** February 18, 2003  
**Placement:** Departmental  
**Estimate Time:** 1.5 hours  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case Files\Apl\2000s\02 cases\02apl-00000-00027\BOS-LTR.DOC

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**TO:** Board of Supervisors

**FROM:** Rita Bright, Planning Commission Secretary  
Planning & Development Department

## STAFF

**CONTACT:** Alan Hanson, Project Planner, 568-2854  
Patty Miller, Supervising Planner, 568-2054

**SUBJECT:** Hearing on the appeal of Eric Matthys and Allison Butler of the Planning Commission's decision on November 6, 2002 to deny Mr. Matthys' and Ms. Butler's appeal of Planning & Development's approval of 01LUP-00000-00290 to allow construction of a 4,773 ft<sup>2</sup> single family residence with an attached garage on a on a 36,904 ft<sup>2</sup> lot zoned DR-1 in the San Antonio Creek Neighborhood of the Goleta Community Plan Area.

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## Recommendation(s):

That the Board of Supervisor's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report and deny the appeal.
2. Affirm the decision of the Planning Commission to uphold Planning & Development's September 3, 2002 approval of 01LUP-00000-00290 subject to the revised conditions set forth in Attachment B.
3. Approve 01LUP-00000-00290

Refer back to staff if the Board takes other than the recommended action for appropriate findings and conditions.

**Estimated length of hearing:** 1.5 hours

## Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

## **Executive Summary and Discussion:**

### Background

The property that is the subject of the land use permit in question (01LUP-00000-00290) is known as Lot 19 of the La Romana Subdivision (TM 14,281) located at 1300 Via Brigette approximately 800 feet north of the intersection of La Riata Lane and San Antonio Creek Road in the unincorporated area of the Goleta Community Plan Area, Second Supervisorial District. Lot 19 is one of 26 lots (24 designated for single family residential development, one open space parcel, and one parcel encompassing the subdivision road network) that comprise the 28.52 acres encompassed within the La Romana Subdivision. The average lot size of the 24 parcels designated for residential development within the subdivision is approximately 30,000 ft<sup>2</sup> with Lot 19 consisting of 36,904 ft<sup>2</sup>. The subdivision also includes one common open space lot of approximately 12 acres.

The tract map and an accompanying development plan for subdivision entrance improvements (93-DP-016) was approved by the Planning Commission on April 30, 1997.<sup>1</sup> Subsequent to the approval of the tract map, P&D approved a land use permit to allow for construction of subdivision improvements (98-LUS-071). That permit approval was appealed to the Planning Commission who upheld P&D's action. The Commission's decision to deny that appeal was then appealed to the Board who upheld the Planning Commission's decision and denied the appeal in April of 2000. Starting in 1998 the Board also held numerous hearings on the acquisition of an offsite easement for emergency access required as part of the tract map conditions of approval. That easement was ultimately acquired by the County in 2000.

On March 28, 2001 the developer of the La Romana Subdivision filed an application for a land use permit to allow for the construction of a 4,995 ft<sup>2</sup> single family residence, including an attached garage with parking and landscape improvements on Lot 19. That application was reviewed by P&D staff and the County Board of Architectural Review (BAR) with permit approval granted by P&D on September 3, 2002. On September 13, 2002 Eric Matthys and his wife Allison Butler appealed that decision (please refer to Attachment D of the Planning Commission staff report which contains a letter by Mr. Matthys and Ms. Butler dated September 12, 2002 outlining in detail their reasons for the appeal of P&D's approval of the land use permit in question). That appeal was heard by the Planning Commission on November 6, 2002 and the decision of P&D was upheld on a unanimous vote. On November 15, 2002, Mr. Matthys and Ms. Butler appealed the Planning Commission's decision to the Board. On January 22, 2003 County Counsel hosted a facilitation meeting to try and resolve the issues pertaining to the appeal but that facilitation effort was not successful (County Counsel's report on the facilitation meeting will be provided to the Board under separate cover).

### Issues Analysis

For a complete analysis of the issues raised in Matthys/Butler appeal to the Planning Commission, please refer to the attached Planning Commission staff report (Attachment D). The following issues analysis is specific only to those concerns raised by the Matthys/Butler appeal

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<sup>1</sup> That approval by the Commission was subsequently appealed to the Board of Supervisors but the appeal was withdrawn prior to the Board's consideration of the appeal at a public hearing.

of the Planning Commission's action in the letter of appeal dated November 15, 2002 accompanying this staff report as Attachment C.

*Neighborhood Compatibility/Size, Scale, & Mass of the Proposed Residence:*

The appellants state in their letter that the size and proximity of the proposed residence to other, existing residences in the neighborhood is inconsistent with the design guidelines (Condition #28) and neighborhood compatibility requirements (Condition #31) of the tract map and development plan approval (TM 14,281/93-DP-016) for the La Romana Subdivision. Condition #28 limits the size of future residences within the subdivision to a maximum of 5,000 ft<sup>2</sup> including garage to ensure neighborhood compatibility between the project and the existing residential neighborhood. Language to that effect is specifically noted in the CEQA Findings (§1.1.4(8)) and Administrative Findings (§2.1.5) adopted by the Planning Commission when the tract map and development plan for the subdivision were approved in 1997. In addition, the conditions of approval imposed setbacks that were well in excess of the standard setbacks of the DR zone district on certain visually sensitive lots, including Lot 19. As such, P&D staff have relied on the compliance of the proposed project with these restrictions and limitations to ensure that future development within the subdivision remains consistent with the goals and objectives of the approved tract map and development plan.

If on the other hand as the appellants contend, such project specific restrictions and limitations function only as design guidelines similar to those accompanying the Montecito and Summerland Community Plans, then their value as project specific mitigation of potential compatibility and visual impacts as noted in the Planning Commission's findings in 1997 is lost for the following reason. Design guidelines function to facilitate implementation of broad community and area plan policies protecting visual/scenic/aesthetic resources and ensuring the compatibility of future projects with the surrounding neighborhood. In light of the fact that such guidelines cannot be developed to project specific level of detail as is the case with conditions imposed as part of a specific project approval, such design guidelines must be of a more advisory nature. This is especially true in light of the fact that it is highly undesirable to develop a "one size fits all" approach to such guidelines when they will be applied to such a wide range of future projects. However, with project specific conditions of approval the decision-maker has an opportunity to focus on a more substantially more limited scope of site characteristics and as such, can be far more specific in developing design restrictions and limitations applicable to the project itself. Therefore, in this case where the specific limitations on structure size, height, and setbacks were incorporated into the tract map/development plan conditions of approval, compliance with such requirements can be considered to demonstrate project consistency with these more qualitative goals and objectives.

It should also be noted that due to the relatively gentle topography of the subdivision and the fact that configuration of the lots and street network was designed and intended to avoid important biological resources onsite (e.g. native grassland), further reductions/modifications in the size and design of future residences within the subdivision to minimize grading and protect such resources were not necessary. Since the lot-specific setbacks were intended in large part to reduce visual impacts, staff does not believe that there is sufficient nexus to the implementation of County policies regarding protection of visual resources, minimization of site disturbance, and protection of biological resources, which are often the impetus for further restrictions and

limitations on structure mass, bulk, and height, to support the appellant's request for further reductions in the size of the proposed residence.

As far as the appellants' allegation that the difference between the lot size and floor area ratio (FAR) of the proposed project and the surrounding residences is demonstrative of the project's incompatibility with the neighborhood in violation of Condition #31, the Planning Commission pointed out during its hearing that the neighboring properties had been developed under 1-E-1 zoning which does not include a requirement for the reservation of 40% of the project site as open space. If the gross density of the La Romana project (24 units on 28.5 acres) is compared to the gross density of the surrounding residential development, such discrepancies are substantially reduced. In addition, the 40% open space requirement creates a visual/open space amenity for both the proposed project and the surrounding neighborhood that is not provided for by the adjacent development.

Based on the fact that the proposed residence complies with all project specific design requirements imposed by the County to mitigate potential compatibility impacts associated with development of the La Romana Subdivision, and the fact that the subdivider was required to provide for visual/open space amenities not required of surrounding development, staff concurs with the decision of the Planning Commission and continues to find that the proposed project does not violate the provisions of Conditions #28 & #31 of TM14,281/03-DP-016 as alleged by the appellants in their appeal to the Board.

*Calculation of Average Lot Elevation (Pre-Development):*

Based upon a phone conversation with the project engineer (telecom w/Bill Sandberg of Sid Goldstien, Civil Engineering Inc. on January 14, 2003), and a letter from Mr. Goldstien dated January 9, 2003, staff has learned that the 458.9 feet above mean sea level (MSL) average lot elevation denoted on the grading plan for the proposed residence on Lot 19 was taken from a previous grading plan for tract improvements that included mass lot grading to create building pads. That plan was later revised and no lot grading except for the installation of utilities and drainage improvements was actually done. According to Mr. Goldstien's letter, average lot elevation should be based on an average of the highest and lowest elevations on the subject property. Using that methodology, Mr. Goldstien has calculated three average lot elevations for Lot 19 using different low points based on how the usable area of the lot is defined (please refer to Attachment E). Given the most restrictive methodology noted by Mr. Goldstien (Method 3 of his 1/9/03 letter giving an average lot elevation of 457.9' above MSL and a maximum FF elevation of 459.9 above MSL), the planned FF elevation for the proposed residence (459.75' above MSL) would comply with the applicable tract map conditions of approval.

*Structure Size Calculation:*

As noted in the Planning Commission staff report, P&D staff have confirmed with former Planning Commission member and licensed architect Greg Jenkins (the 2<sup>nd</sup> District representative on the Commission at the time the tract map and development plan were approved) that the 5,000 ft<sup>2</sup> limitation on structure size was based on net floor area. Net floor area is, and has always been, based on the size of a structure measured from the interior of an exterior wall to the interior of an opposing exterior wall. It should also be noted that net floor area as defined by the County's ordinances does not include unenclosed balconies, corridors, and stairwells. As such, net floor area will always be smaller than the size of the building's footprint.

Therefore, regardless of whether or not the appellant agrees on the appropriateness of this measurement to limit structure size for neighborhood compatibility purposes, the proposed residence does comply with the specific size limitations imposed under the project approval.

*Noticing:*

As noted in the Planning Commission, the noticing requirements of the zoning ordinance were complied with in full. In addition, P&D sent written notice of the approved land use permit to a neighbor at 1333 San Antonio Creek Rd. that had requested said notice. Staff has also ensured that all parties requesting notice of, or demonstrating interest in the project have been included in the mailing list for the Board hearing.

*Potential Risk to the Neighboring GWD Tank:*

As noted in the Planning Commission staff report, the Goleta Water District had to approve the tract map before it could be recorded. As such, the District was aware of the proximity of proposed development to its storage tank and still granted its approval. Furthermore, staff has reviewed the environmental document for the project as well as supporting data and found no evidence in the record that residential development on Lot 19 would pose a significant risk to this facility. In addition, the District holds an easement over Lot 19 for the purposes of accommodating a water line to the tank facility in question and protecting it from residential development. Finally, the appellant himself has provided no data to support any conclusion that residential development on Lot 19 could endanger this water storage facility. Therefore, P&D staff continue to find that allegations by the appellant regarding a potential risk posed by the proposed project on the tank in question are not supported by the available facts.

*HBAR Review:*

As noted in the Planning Commission staff report, Mr. Emory currently fills the position of the Homeowner's Association Board of Architectural Review per the subdivision's CC&Rs and as such, further review or input on project design by other interested parties is not required to comply with the applicable conditions of approval at this time.

Therefore, based on the fact that the proposed single family residence complies with all specific design guidelines and does not need further modifications to protect important public resources or minimize site disturbance, staff cannot support the appellants' request and recommends that the Board deny the appeal and approve the proposed project.

**Mandates and Service Levels:** Pursuant to §35-327.3, Article III, Chapter 35 of the County Code, decisions of the Planning Commission may be appealed to the Board by the applicant or any person adversely affected by such action.

**Fiscal and Facilities Impacts:** The costs of processing appeals of land use permits are typically covered through fixed fees and funds in Planning & Development's adopted budget. Fees collected for appeals vary based on the location of the project and who files the appeal. This appeal was filed by an interested third party and a fee of \$435 was collected. The cost of processing the appeal above the \$435 filing fee will be borne by Planning & Development. The estimated cost of processing this appeal is approximately \$4,000 and is budgeted in the Permitting and Compliance Program on page D-266 of Planning & Development's 2002-2003 fiscal year budget.

**Special Instructions:** The Clerk-of-the-Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attn: Cintia Mendoza.

**Concurrence:**

County Counsel

**Attachments**

Attachment A, Findings

Attachment B, Conditions of Approval

Attachment C, Matthys/Butler Appeal of the Planning Commission's  
11/6/02 Action

Attachment D, Planning Commission Staff Report & Supporting Materials  
dated October 25, 2002

Attachment E, Letter from Sid Goldstien dated 1/9/03

## ATTACHMENT A

### FINDINGS

The Board of Supervisors upholds the November 6, 2002 decision of the Planning Commission to deny the appeal of Planning & Development's approval of 01LUP-00000-00290 and approved the project with the following conditions of approval based on the ability to make the required findings for the granting of a Land Use Permit pursuant to Section 35-314.5 of the County of Santa Barbara Zoning Ordinance, Article III of Chapter 35, as follows:

***1.1 The proposed development conforms to the applicable policies of 1) the Comprehensive Plan and 2) with the applicable provisions of this Article and/or falls within the limited exception allowed under §35-306.7.***

The proposed single family residence on Lot 19 of the La Romana Subdivision is consistent with the applicable provisions of the Comprehensive Plan and Article III, Chapter 35 of the County Code as described in the staff report for the project (Staff Report for Pozatto Subdivision and Development Plan dated February 19, 1997; §6.2 Comprehensive Plan Consistency and §6.3, Ordinance Consistency) and findings adopted by the Planning Commission (Attachment A of Planning Commission Action Letter; Revised Final of March 30, 1998 on file with P&D). These documents are hereby incorporated by reference and the consistency analysis and findings therein are re-adopted for this land use permit. Additionally, as noted in §6.2 and §6.3 of the staff report dated October 25, 2002, there are no changes in circumstances since the original approval which alter prior conclusions of consistency with the Comprehensive Plan and applicable ordinance requirements.

***1.2 That the proposed development is located on a legally created lot.***

Lot 19 of the La Romana Subdivision was created as TM 14,281, recorded on September 30, 1999 in Book 184, pages 74 to 77 of Maps. Therefore, the subject property is a legally created lot.

***1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation processing fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under §35-305 et. seq.***

The applicant has fulfilled or is in the processing of fulfilling all required conditions of approval for TM 14,281 and 93-DP-016. These conditions were adopted by the Planning Commission in compliance with all laws, rules and regulations pertaining to the applicable provisions of Article III, Chapter 35 of the County Code. There are no zoning violation processing fees assessed for the project and no legal nonconforming uses or structures on the property.

## **ATTACHMENT B**

### **CONDITIONS OF APPROVAL**

Case #: 01LUP-00000-00290

Project Name: Lot 19, La Romana Subdivision

Project Address: 1300 Via Brigette

APN: 059-460-019

1. This land use permit is based upon and limited to compliance with the following project description, the hearing exhibits marked Planning Commission Exhibit A dated November 6, 2002, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project involves the construction of a 4,773 ft<sup>2</sup> single family residence and attached garage. The maximum ridge height, measured from finished grade shall not exceed 18'-0" and the maximum height of any architectural projections shall not exceed 23'-0" in accordance with the Conditions of Approval for TM 14,281. The fencing plan has been revised to include a split-rail, wood fence along the southern property line similar in design to that along the western property line and Goleta Water District's easement, and the applicant shall repair and extend the existing fencing along the easterly property line in a manner consistent with its current design and color. No native vegetation or specimen trees will be removed. Parking will be provided by a three-car garage and one additional off-street parking space to the north of the proposed garage and outside of the side yard setback. Water service shall be provided by the Goleta Water District and sanitary service shall be provided by the Goleta Sanitary District. Access to the proposed residence shall be from Via Brigette, a private road off La Riata Lane. The swimming pool shown on the submitted plans is not part of the improvements covered by this permit. If the property owner decides in the future to construct said pool, it will require a separate land use permit.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

#### **Mitigation Measures**

2. A grading plan shall be designed to minimize erosion and shall include the following:  
Drought tolerant landscaping shall be established in all site drainages, where appropriate.
  - a. Methods such as retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into adjacent streams during grading and construction activities.



- b. Graded areas shall be revegetated within 30 days of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- d. A detailed geological and/or soils engineering study addressing structure sites and the access road shall be prepared to determine structural design criteria, as recommended by the County Public Works Department. The study shall be submitted for review and approval by Public Works.
- e. Temporary storage of construction equipment shall be limited to the areas affected by approved grading plans.

**Plan Requirements:** The plan shall be submitted for review and approved by P&D prior to map recordation. The applicant shall notify Permit Compliance prior to commencement of grading. **Timing:** Components of the grading plan shall be implemented prior to final grading signoff or approval of a land use permit for the development of any structures.

**Monitoring:** Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities

- 3. All runoff water from impervious areas shall be culverted and diverted to avoid exposed slopes and directed to the nearest natural drainage channel with an energy-dissipating outfall installed. Disturbed areas shall be revegetated. Drainage construction shall be consistent with approved drainage and grading plans. **Plan Requirements & Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning, shall be submitted to P&D, Public Works and the Flood Control District for review and approval prior to final map recordation.

**Monitoring:** Permit Compliance will ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

- 4. Where expansive and/or liquefiable soils are found within areas planned for structures, the soils engineer shall make appropriate recommendations for construction. Such recommendations may include removal and replacement of certain soils. **Plan Requirements & Timing:** The soils investigation, submitted with project grading plans, shall determine the location of expansive and liquefiable soils. Grading plans for the tract improvements and individual residences shall indicate steps to be taken.

**Monitoring:** Grading inspectors shall verify compliance in the field.

- 5. A grease trap and/or silt basin shall be installed in all drop inlets closest to the creek to prevent oil, silt and other debris from entering the creek. Such traps/basins shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming. **Plan Requirements:** The grease trap and/or silt basin shall be shown on plans submitted for tract grading prior to recordation of the tract map. A maintenance program shall be presented for P&D approval prior to land use clearance. **Timing:** Trap/basin shall be installed prior to final sign off on tract grading and cleaned every six months.

**Monitoring:** Permit Compliance shall site inspect prior to grading and signoff to verify installation as well as provide review and signoff for the yearly review of facility maintenance.

6. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. **Timing:** The wash off area shall be designated on all plans prior to land use clearance. The wash-off area shall be in place throughout construction of tract improvements and all structural development.

**Monitoring:** P&D staff shall check plans prior to land use clearance and compliance staff shall site inspect throughout the construction period to ensure proper use.

7. To ensure that water is available to serve the proposed development, a can and will serve letter from the Goleta Water District indicating that water is available to serve the proposed residences shall be provided prior recordation of the tract map. **Plan Requirements and Timing:** Compliance shall be verified by P&D staff prior to recordation of the tract map.

**Monitoring:** P&D shall verify compliance with this requirement prior to recordation of the tract map.

8. Prior to issuance of land use clearance for installation of tract improvements, the applicant shall coordinate with Public Works to ensure that landscaping at the intersection of La Riata and San Antonio Creek Roads is trimmed to provide adequate sight distance. In the event that Public Works is unable to trim landscaping located within the road right-of-way, the applicant shall be responsible for vegetation trimming. **Plan Requirements & Timing:** Prior to approval of land use clearance for tract improvements evidence that trimming has occurred shall be provided to P&D.

**Monitoring:** P&D would verify compliance prior to issuance of land use clearance of installation of tract improvement.

9. Upon completion of tract grading and/or if the construction site is graded and left undeveloped for over three (3) weeks, the following methods shall be employed immediately to inhibit dust generation:

- a) seeding and watering to revegetate graded areas; and/or
- b) spreading of soil binders; and/or
- c) any other methods deemed appropriate by County APCD or P&D.

If grading activities are discontinued for over three weeks, applicant shall contact both Permit Compliance staff and a grading inspector to site inspect revegetation/soil binding.

**Plan Requirements:** These requirements shall be noted on all plans. **Timing:** Plans are required prior to land use clearance, implementation required as indicated.

**Monitoring:** P&D and Grading Inspector shall perform periodic site inspections.

10. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below:

- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering, revegetating, or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
- d) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

**Plan Requirements:** All requirements shall be shown on grading and building plans.

**Timing:** This condition shall be adhered to throughout all grading and construction periods.

**Monitoring:** P&D shall ensure all required mitigation measures are on submitted plans. Permit Compliance staff and building inspectors shall spot check. APCD inspectors shall respond to nuisance complaints.

11. The following energy conserving measures shall be incorporated into project plans unless the developer provides evidence that incorporation of a specific measure is not feasible:
  - a) Installation of low NO<sub>x</sub> residential water heaters and space heaters per specifications in the 1991 County Air Quality Attainment Plan;
  - b) Installation of heat transfer modules in furnaces;
  - c) Use of light colored water based paint and roofing materials (P&D has accepted red tiles for roofing to comply with this condition);
  - d) Installation of solar panels for residential water heating systems and other facilities and/or the use of water heaters that heat water only on demand;
  - e) Use of passive solar cooling/heating;
  - f) Use of natural lighting;
  - g) Use of concrete or other non-pollutant materials instead of asphalt;
  - h) Installation of energy efficient appliances and lighting;
  - i) Use of landscaping to shade buildings;

**Plan Requirements & Timing:** These measures shall be incorporated in project plans submitted for land use clearance. Where the measures are considered infeasible, the applicant shall provide documentation that demonstrates infeasibility.

**Monitoring:** P&D would verify inclusion on project plans. Permit Compliance and building inspectors shall verify construction occurs as to plan.

12. In order to minimize NO<sub>x</sub> emissions, the following measures shall be implemented for each piece of heavy duty diesel construction equipment:
  - a) Engines and emissions systems shall be maintained in proper operating condition;

- b) Two-degree engine timing retard shall be implemented;
- c) High pressure fuel injectors shall be installed; and;
- d) Reformulated diesel fuel shall be used.

**Plan Requirements & Timing:** Prior to the final map clearance, the applicant shall record agreement to comply with conditions. Prior to the commencement of construction, the applicant shall demonstrate to the satisfaction of the APCD that the above measures have been complied with for each piece of heavy duty diesel equipment utilized on site.

**Monitoring:** Permit Compliance shall monitor compliance in the field.

13. The tract landscaping plan shall include the planting of a minimum of 10 five gallon or larger coast live oak trees obtained from locally occurring saplings or seed stock. The trees shall be planted, gopher fenced and irrigated (drip irrigation on a timer) for a three year maintenance period. Landscaping comprised of trees, shrubs and groundcover shall be installed along the site's La Riata frontage. **Plan Requirements:** This requirement shall be shown on a landscape plan to be reviewed and approved by P&D, the BAR and Public Works prior to map recordation. A performance security shall be required prior to land use clearance for tract improvements. **Timing:** Prior to approval of a land use permit for the development of structures, trees shall be planted, fenced, and irrigated.

**Monitoring:** Permit Compliance shall verify tree installation and maintenance. Performance security release requires Permit Compliance sign-off.

14. An open space easement reviewed and approved by P&D and County Counsel for Lot 25 shall be dedicated to the County of Santa Barbara or a qualified non-profit entity, such as the Land Trust for Santa Barbara County. A minimum three (3) foot high fence suitable to preclude encroachment of motorized vehicles and non-motorized vehicles (e.g. bicycles) into the preserve area shall be constructed. Appropriate signage shall be provided to prevent encroachment. The easement shall be recorded prior to or concurrent with the final map. Temporary protective fencing shall be in place prior to the commencement of tract grading and improvements. Permanent fencing approved by the BAR shall be installed prior to approval of a land use permit for the development of structures. **Plan Requirements & Timing:** The open space easement agreement shall be submitted for review and approval by P&D and County Counsel prior to final map recordation. The easement shall be recorded with the final map. The permanent fencing around the open space easement shall be approved by the BAR prior to map recordation and installed prior to the approval of a land use permit for development of the structures.

**Monitoring:** Upon recordation of the open space easement, provisions of the easement and encroachment prevention plans shall be monitored annually through site inspections and photo documentation by P&D staff.

15. Prior to map recordation, the applicant shall develop a maintenance and restoration plan for the open space area. Revegetation would be limited to areas that are dominated by non-native plants and shall be limited to clearing non-natives and reseeding with *Nasella pulchra* seeds collected on the project site. The plan shall identify the parties responsible for maintaining the open space area, including maintenance of fences and restoration areas, and steps to be taken to prevent encroachment of non-native plants. The developer shall endow a maintenance fund in an amount adequate to cover maintenance costs over a five (5) year

period. The Homeowners Association shall be responsible for long term maintenance of the open space area. **Plan Requirements & Timing:** The maintenance plan shall be prepared by a P&D-qualified biologist and shall be subject to review and approval by P&D prior to issuance of final map clearance. Evidence of endowment of the maintenance fund shall be provided prior to approval of land use clearance for installation of tract improvements.

**Monitoring:** Permit Compliance shall verify compliance with the maintenance plan.

16. A minimum 25-foot undisturbed buffer shall be maintained surrounding the oak woodland. No structures, ground disturbance or non-native plantings shall be permitted within the buffer area. The area shall be fenced with protective fencing in a location acceptable to P&D. **Plan Requirements:** The oak woodland limits and fence location shall be shown on all appropriate grading plans. **Timing:** Fencing shall be installed prior to any earth movement.

**Monitoring:** P&D shall perform site inspections throughout the construction phase.

17. Excavation work within or adjacent to sensitive habitats including native trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D) it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing 5 tons or less. If significant large rocks are present, or if spoil placement would impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff. **Plan Requirements & Timing:** The above measure shall be noted on all grading and construction plans.

**Monitoring:** Permit Compliance shall ensure compliance on site during construction.

18. Outlet structures shall minimize disturbance to the natural drainage and avoid use of hard bank structures. Outlet structure construction shall be limited to summer months (June 1-September 30) to avoid potential impacts to red-legged frogs. Where such structures must be utilized, natural rock or steel gabions shall be used for bank retaining walls. If concrete must be used, then prefabricated crib wall construction shall be used rather than pouring concrete. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D. **Plan Requirements:** Plans shall be submitted for review and approval by P&D and Flood Control prior to land use clearance. **Timing:** Structures shall be in place prior to approval of land use clearance for the construction of residences.

**Monitoring:** Permit Compliance shall ensure construction occurs according to plan.

19. Plantings within 25 feet of the common open space for habitat preservation shall be comprised of native species only. **Plan Requirements & Timing:** Landscape plans for tract improvements submitted prior to land use clearance shall reflect this requirement. A performance security for installation and maintenance of landscaping shall be provided. This requirement shall be recorded with the final map. Purchasers of lots adjacent to the open space area shall be notified of this requirement and be provided with a list of acceptable native landscape material to be approved by P&D prior to map recordation.

**Monitoring:** Permit Compliance shall verify compliance.

20. In the event that cultural resources are encountered during grading and construction, work shall be stopped and redirected until the potential significance of the find can be evaluated by a County-qualified archaeologist. **Plan Requirements & Timing:** This condition shall be shown on all grading plans submitted for land use clearance and the agreement to comply with conditions of approval.

**Monitoring:** Permit Compliance shall verify compliance in the field.

21. Construction activity for site preparation and for future residences shall be limited to the hours between 7 a.m. and 4 p.m. Monday through Friday. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site. An agreement to comply with this requirement shall be provided by individual residence builders prior to approval of land use clearance. **Timing:** Signs shall be in place prior to land use clearance and throughout grading and construction activities. Agreements shall be submitted prior to lot land use clearance.

**Monitoring:** Building inspectors and Permit Compliance shall spot check and respond to complaints.

22. The applicant shall develop and implement a Solid Waste Management Program. The program shall include one or more of the following measures, but is not limited to these measures:

- a) Implementation of a curbside recycling program to serve the new development as feasible.
- b) Development of a plan for accessible collection of materials on a regular basis.
- c) Development of an area for the composting of common area yard waste.

**Plan Requirements:** The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval. **Timing:** Program components shall be in place prior to approval of a land use permit for development of structures.

**Monitoring:** Permit Compliance shall site inspect as required under the monitoring plan.

23. Recycling bins shall be provided on site throughout all grading and construction activities. **Plan Requirements & Timing:** Bins shall be provided on site prior to the commencement of grading activities. Developers of individual residences shall provide bins onsite prior to issuance of a land use permit for development of residences.

**Monitoring:** Permit Compliance would verify compliance in the field throughout grading and construction activities.

24. The applicant shall cooperate with the County, including:

- a) The payment of costs, to acquire and construct secondary access across APNs 153-360-008 and 153-360-001 to Via Clarice. Applicant's responsibility shall be governed by Government Code Section 66462.5.
- b) The applicant shall establish an easement on the applicant's property for possible emergency access from the site through to Via Clarice should an easement over the

neighboring property be obtained through condemnation or other mechanism at a future date.

- c) If the emergency access road is installed in the future, speed bumps or other devices to discourage the regular use of the northerly access may be installed.
- d) All structures shall be installed with fire sprinklers and systems.

**Plan Requirements & Timing:** (a.-c.) Prior to final map recordation, the applicant shall provide evidence of an emergency access road easement on the project site. Within 120 days of filing the final map, the offsite easement for the emergency access road shall be obtained by negotiation or condemnation proceedings shall be commenced, or condition 24a shall be waived and have no further effect. (d) Prior to land use permit, sprinklers and systems shall be shown on the building plans.

**Monitoring:** P&D would verify compliance with approved plans in the field.

25. Development on the project site shall comply with County standards for development in high fire hazard areas and shall utilize fire resistant landscaping. **Plan Requirements & Timing:** A notice stating that the project site is within a high fire hazard area subject to wildfire shall be recorded with the map. This notice shall also state that prior to commencing residential design and landscaping, lot owners should contact County Fire and Building and Safety for information describing building and landscaping requirements.

**Monitoring:** P&D would ensure the notice is recorded with the map.

26. A trail easement following the tight-of-way along La Riata Lane continuing along the western property boundary adjacent to Maria Ygnacio Creek to the private road west of the property site shall be dedicated. **Plan Requirements & Timing:** Concurrent with or prior to map recordation, the easement shall be dedicated.

**Monitoring:** P&D would verify compliance prior to map recordation.

27. All development onsite shall conform to the approved Design Standards. Conformity shall be reviewed by the Homeowners Association Architectural Committee, by P&D staff, and by the County BAR prior to approval of a land use permit for the development of any structures. Final approval by or the recommendations of the HOA's Architectural Committee shall be provided to P&D and BAR prior to approval of land use clearance. **Plan Requirements & Timing:** The approved Design Standards shall be recorded with the Final Map. A copy of the approved Standards shall be included with any application for land use clearance.

**Monitoring:** P&D shall ensure compliance with approved Design Standards.

28. The Design Standards for TM 14281:

**Goals and Objectives:**

- To protect and enhance the scenic character and natural integrity of the site consistent with Tract 14,281.
- To encourage grading and development that will be appropriate to the site and will not significantly alter the topography.
- To encourage architecture that blends with the site and is compatible in terms of size, massing and scale.

- To encourage a variety of housing style while maintaining a consistency of neighborhood compatibility and a high standard of architectural quality.

**Guidelines:**

The architectural design of individual structures shall conform to the following criteria. Definition of terms shall be in accordance with Santa Barbara County Zoning Ordinance, with the exception of b, below:

- a) Structural Floor Area: The total maximum floor area of structural development for each lot shall be limited to 5,000 square feet. This limitation includes garages and accessory structures.
- b) Maximum Height: Single story elements shall have a maximum plate height of 12' and a maximum ridge height of 18'. Two story elements shall have a maximum plate height of 19' and a maximum ridge height of 25'. For one story elements, architectural projections shall not exceed 23 feet in height and for two story elements, architectural projections shall not exceed 30 feet in height.
- c) Second Story Limit: Where second stories are allowed, the floor area shall not exceed 60% of the first story floor area.
- d) One/Two Story Lots: Lots 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 17, 18, 19, 21 and 24 shall be restricted to single story structures. Lots , 2, 3, , 10, 15, 16, 20, 22 and 23 may include two story structures.
- e) Garages: Each lot shall contain an enclosed garage for a minimum of two full-sized vehicles. Garage doors for all lots (except lots 22, 23, and 24) with frontage on road "A" shall be oriented away from Road "A". Detached garages shall have a front yard setback a minimum of one-half the lot depth.
- f) Materials: Materials subject to glare, rapid deterioration and inconsistent with high quality standards shall not be permitted.
- g) Landscaping: Each lot shall include landscaping as appropriate to soften and blend with the constructed buildings and the natural environment at the site. Drought-tolerant native Mediterranean species are encouraged. The landscaping shall enhance the developed lot aesthetics. All street trees shall not exceed 35 feet in height at maturity. Landscaping shall be installed consistent with Conditions 13, 15, 16, 19, 50, of TM 14,281.
- h) Driveways: Driveways shall be designed such that vehicles will remain outside of setbacks.
- i) Color: The color of exterior materials shall be subdued and to the maximum extent feasible blend into the natural environmental surroundings (colors which blend in with the surrounding vegetation, soils and rock outcroppings). All colors shall be reviewed and approved by the Santa Barbara County BAR.
- j) Siting: All structures shall be sited within the building envelopes designated for each Lot on the final tract map consistent with Planning Commission Exhibit A-4, dated April 30, 1997 and shall comply with the setback requirements of the R-1 zone district.
- k) Passive Solar Design: It is encouraged but not mandatory that passive solar energy design principles be used in the design of residences on the property, such as south facing glass, thermal storage, shading, insulation devices, and other elements of passive design that can result in an attractive building that also provides heating and cooling. Solar equipment shall be screened from offsite views.



- l) **Lighting:** Night lighting located within the residence Lots shall be low intensity, hooded and shielded inward from the property boundaries. Future street lighting is prohibited.
- m) **Fencing:** An open type fence such as split rail should be used, when fencing is desired, in all front yards and to delineate the open space lot. Rear/side yard fencing should be similar and may include wire mesh, however, chainlink fence is prohibited. All fencing shall be consistent throughout the Tract. All fencing within the project site shall be subject to review and approval of P&D and the BAR.
- n) The finished floor elevations for future residential development shall not exceed two (2) feet above the average existing lot grade measured as grades exist today, prior to the commencement of grading and shall not exceed the highest existing grade on the subject lot. Tract grading shall be completed in compliance with Planning Commission Exhibit A-4, dated April 30, 1997.

**Architectural Review:**

Prior to construction and in order to maintain consistency, and attractiveness, all single family residences, garages, and accessory buildings shall receive architectural review and approval from the Association's Architectural Committee. Each lot owner is strongly encouraged to submit conceptual design review drawings to the "Architectural Committee" prior to submitting for a formal review. The conceptual design review is recommended to avoid unnecessary expense in preparing architectural plans which may not meet the requirements of the building and landscape standards and tract map conditions of approval. Said reviews are designed to maintain architectural consistency, value, attractiveness, and desirability within the Tract.

Prior to land use permit approval, all building plans must receive approval from Santa Barbara County BAR in addition to other plan approvals. The County BAR will require information and photographs of adjoining development to determine compatibility. One item of particular note will be the staggering of front yard setbacks. Owners are encouraged to submit conceptual plans for comments.

**Plan Requirements and Timing:** The approved Design Standards shall be recorded with the Final Map. A copy of the approved standards shall be included with any application for land use clearance.

**Monitoring:** P&D shall ensure that the Design Standards are recorded with the Final Map and that all future applications for land use clearance include a copy of the Standards.

- 29. The onsite private road shall be developed without the use of street lights unless such lighting is determined to be essential for safety purposes. Future street lighting is prohibited.

**Plan Requirements & Timing:** All proposed tract lighting shall be shown on tract improvement plans submitted prior to land use clearance for tract improvements.

**MONITORING:** Building & Safety shall ensure compliance with this requirement.

- 30. Prior to issuance of building permits, radon testing shall be conducted. If radon gas is present, habitable structures shall be designed to provide venting and any other measures identified to reduce exposure. **Plan Requirements & Timing:** A radon report including recommendations shall be submitted to Building and Safety prior to issuance of building permits.

**Monitoring:** P&D shall ensure compliance with this requirement.

### **Project Specific Conditions**

31. The design, scale and character of future residences and accessory residential structures shall be compatible with vicinity development. Natural building materials and colors compatible with surrounding terrain (earthtones and non reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement & Timing:** Materials shall be denoted on building plans. Structures shall be painted prior to occupancy clearance. The applicant shall submit architectural drawings of the project for review and approval by the Board of Architectural Review prior to approval of Land Use Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.

**Monitoring** Permit Compliance shall inspect prior to occupancy clearance.

32. The developer installing tract improvements and the developers for all future residential construction shall ensure the project site is cleared of all excess construction debris. **Plan Requirement:** This requirement shall be noted on final building plans. **Timing:** Debris clearance shall occur prior to occupancy clearance.

**Monitoring:** Permit Compliance shall site inspect prior to occupancy clearance.

33. All structural development shall be limited to the building envelopes noted on Planning Commission Exhibit A-4.

34. The following fire prevention methods shall be used for all future structures:

- a) Building materials for all structures including residences, fences and accessory structures shall be constructed of fire resistant materials.
- b) County Fire Department Class A or B roofing (i.e., non combustible tile or asphalt composite shakes) shall be required for all future on-site structures.
- c) Spark arrestors shall be required for wood burning fireplaces.
- d) Private decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timber.

**Plan Requirements:** Where appropriate, the fire prevention measures shall be graphically depicted on grading and building plans. **Timing:** Mitigation measures shall be installed prior to occupancy clearance.

**Monitoring:** The Fire Department shall site inspect prior to occupancy clearance.

35. Adequate structural access shall be provided. **Plan Requirements:** Individual lot access shall be submitted by the applicant for review and approval by the County Fire Department prior to approval of land use permit. **Timing:** Primary access shall be installed during initial grading.

**Monitoring:** Access shall be reviewed and approved by P&D and County Fire Department prior to approval of land use permit. The Fire Department and Permit Compliance shall ensure compliance through site inspections.

36. Reclaimed water shall be used for all dust suppression activities during grading and construction. **Plan Requirements & Timing:** This measure shall be included as a note on

the grading plan. Prior to the commencement of earth movement, the applicant shall submit to Planning and Development an agreement/contract with a company providing reclaimed water stating that reclaimed water shall be supplied to the project site during all ground disturbances when dust suppression is required.

**Monitoring:** P&D staff shall inspect activities in the field to ensure non-potable water is being used in water trucks.

### **Standard Final Development Plan Conditions**

37. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
38. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit G, dated February 26, 1997. Substantial conformity shall be determined by the Director of P&D.
39. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of Land Use Permit clearance.
40. No permits for development, including grading, shall be issued prior to recordation of TM 14,281.

### **County Rules and Regulations**

41. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Land Use Permit will be approved by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development.
42. Two performance securities shall be provided by the applicant prior to approval of a Land Use Permit, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D

may release the maintenance security three years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

43. Installation of fencing surrounding the open space lot, installation of street trees and tract landscaping in accordance with the approved landscape plan, and implementation of tree protection measures during construction, prior to occupancy clearance.

**Monitoring:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

44. Landscaping shall be maintained for the life of the project.
45. Agreement to Comply with Conditions: Prior to approval of the Land Use Permit, the applicant shall provide evidence that he has recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
46. Compliance with Departmental letters:
  - a) Air Pollution Control District dated November 11, 1996
  - b) Environmental Health Services dated February 13, 1997
  - c) Fire Department dated February 10, 1997
  - d) Flood Control dated June 13, 1994
  - e) Road Division (Public Works) dated February 1997
  - f) Park Department dated February 20, 1997
47. All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
48. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
  - a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b) Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c) Pay fees prior to map recordation as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

49. Prior to approval of land use permit the applicant shall pay all applicable P&D permit processing fees in full.
50. Any unnamed road within the project boundary or unnamed road from which the project site takes access shall be named in accordance with Article V Road Naming Ordinance requirements prior to recordation of the tract map.
51. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tract Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
52. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

#### **Conditions of Approval in Addition to TM 14,281/93-DP-016**

53. The applicant shall submit a grading plan for final site work including all necessary grading and excavation to construct said residence. **Plan Requirements:** Said grading plan shall be prepared by a licensed engineer and shall include cut and fill estimates to complete all necessary grading/site work. **Timing:** Said grading plan shall be reviewed and approved by P&D prior to the issuance of any land use permit for residential construction on Lot 19.  
**Monitoring:** P&D staff shall verify compliance with this requirement prior to the issuance of any land use permit for residential construction on Lot 19.
54. To verify compliance with the setback requirements of TM 14,281, the applicant shall submit a site improvement location certificate verifying said compliance. **Plan Requirements & Timing:** Said site improvement location certificate shall be prepared by a licensed surveyor and shall be reviewed and approved by P&D prior to any pre-concrete foundation inspections by Building & Safety inspectors.  
**Monitoring:** P&D staff shall verify compliance with this requirement prior to any pre-concrete foundation inspections by Building & Safety inspectors.
55. Finished grade of the proposed building pad shall not exceed an elevation of 459.25 feet above MSL and the elevation of the first floor shall not exceed 459.75 feet above MSL. **Plan Requirements & Timing:** Prior to any inspection of foundation forms by Building & Safety Division inspectors, the applicant shall submit verification from a licensed surveyor that the finished grade of the proposed building pad does not exceed an elevation of 459.25 feet above MSL and that the elevation of the first floor does not 459.75 feet above MSL.  
**Monitoring:** P&D staff shall verify compliance with this requirement prior to pre-concrete foundation inspections by Building & Safety inspectors.

56. To verify compliance with the maximum 18-foot height limitation measured from finished grade per the Conditions of Approval of TM 14,281/93-DP-016, the applicant shall have the roof ridge height surveyed. **Plan Requirements & Timing:** The applicant shall have the height of the roof ridgeline of the proposed residence on Lot 19 surveyed by a licensed surveyor prior to the final roof inspection for the residence by Building & Safety inspectors. Said survey shall be reviewed and approved by P&D staff prior to the final roof inspection by Building & Safety inspectors.

**Monitoring:** P&D staff shall ensure compliance with this requirement.

57. The applicant shall amend all plans submitted for issuance of a land use permit for the proposed project to indicate that said residence shall be equipped with a fire sprinkler system consistent with the requirements of Condition 24d of TM 14,281/93-DP-016 **Plan Requirements & Timing:** Said amendments to the project plans, with verification that the accompanying building plans include the required fire sprinkler improvements, shall be submitted for review and approval by P&D staff prior to the issuance of any land use permit for the proposed residence on Lot 19.

**Monitoring:** P&D staff shall verify compliance with this requirement. Building & Safety Division inspectors as well as Fire Department inspectors shall verify compliance during plan check as well as in the field.

**End of Attachment**

**ATTACHMENT C**  
**MATTHYS/BUTLER APPEAL TO THE BOARD OF SUPERVISORS**

**ATTACHMENT D**  
**PLANNING COMMISSION STAFF REPORT DATED OCTOBER 25, 2002**



**ATTACHMENT E**

**Letter from Sid Goldstien, Civil Engineer dated January 9, 2003**