

ATTACHMENT 4:

6.2 Comprehensive Plan Consistency

The following is a discussion of the project's consistency with applicable County policies, including policies of the Summerland Community Plan and Coastal Land Use Plan.

REQUIREMENT	DISCUSSION
<p>SCP Action LU-S-WH-1a.3: <i>The portion of the Knoll Area encircled by the 270-foot existing-grade contour as depicted in Figure 11 (White Hole Knoll/Trails Map) may be lowered no more than two feet.</i></p>	<p>Consistent: <u>The intent of this standard is to preserve the landform of the Knoll Area and provide for topographical variation by preventing significant site alteration, while still allowing for removal of the expansive soil which had been believed to be thinner in profile than what was ultimately encountered.</u> As a result of the removal of the black expansive soil that occurred as part of the unpermitted grading that went beyond the scope of the 2006 grading permit, portions of the Knoll area were lowered by up to approximately 13 feet due to the greater depth of the expansive soil than what was originally expected. <u>The proposal to construct a variable-height berm along the western edge of the Knoll area would ensure that the project is consistent with the intent of this standard to the maximum extent feasible by providing for topographical variation and a more natural, rounded appearance, thereby preserving the visual appearance of the Knoll area as viewed by the public.</u></p>
<p>Coastal Plan Policy 2-6: <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p>Consistent: Adequate services are available to serve the project. The proposed Recorded Map Modification and Lot Line Adjustment would have no bearing on the services currently available to serve future development, as the utility lines to serve each lot were previously installed under a valid permit.</p>

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<p>CLUP Policy 4-3: <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p>	<p>Consistent: No structural development is proposed as part of this project. Therefore, the project is consistent with this policy.</p>
<p>SCP Action LU-S-WH-1a.2: <i>If homes are proposed to be located in the Knoll Area as identified in Figure 11 (White Hole Knoll/Trails Map), they shall not have accessory structures which interfere with or impede public views across the Knoll, and they shall only be located along the eastern boundary of the Knoll Area. No accessory structures shall be located within primary public viewing corridors and significant gaps shall be maintained on the Knoll Area between the proposed homes.</i></p>	<p>Consistent: While no residential development is currently proposed, adherence to this policy would be required for future development on Lots 5, 6, and 7, which make up the Knoll Area. This policy would ensure that new homes, which would have the greatest potential to impact public views, would be required to be sited along the eastern portions of the building envelopes to protect the primary public views across the site from the west. Further, it would ensure that accessory structures are sited so as not to impede public views. This would necessitate, for example, pulling accessory structures far enough away from the edge of the slopes such that they do not intrude into the skyline as viewed from the public roads or trails. By relocating the trail further down on the western slope of the Knoll as compared to the recorded trail easement alignment, there is greater separation between the trails and building envelopes. Thus, there is potentially a greater ability to locate the accessory structures so as to not impede views from the public trail.</p> <p>The building envelopes on Lots 5, 6, and 7 do provide separation between future homes, with gaps along the western edge of the envelopes of 100 feet between the envelopes on Lots 5 and 6 and 80 feet between the envelopes on Lots 6 and 7. However, these gaps shrink towards the eastern end of the development</p>

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	<p>envelopes. Due to the relative uniformity of the grade on the Knoll after the unpermitted grading, and the proposed expansion of the development envelopes, there is a potential for residential development to overwhelm the site. In particular, courtyard-style homes have a tendency to create large visual masses and reduce potential gaps between homes by virtue of their form. The MND identifies a mitigation measure discouraging courtyard-style homes on the Knoll in order to provide for maximum gaps in between homes, minimize their western elevations, and help preserve the open character of the Knoll to the extent feasible. Application of this mitigation measure to future development, <u>as well as the proposed variable-height berm along the western edge of the Knoll</u>, would help to ensure consistency with this policy.</p>
<p>SCP Action LU-S-WH-1a.4: <i>Any residential structure built at or above the existing 260-foot elevation as depicted in Figure 11 (White Hole Knoll/Trails Map) shall be set back, on the southerly and westerly sides, a minimum of 125 feet from the 260-foot contour.</i></p>	<p>Consistent: A more accurate topographic survey of the site has shown that the contours indicated in Figure 11 are off by five feet, such that the 260-foot contour referenced in the Summerland Community Plan (SCP) and identified on Figure 11 of the SCP actually equates to the 255-foot contour on the Tentative Map and project plans (based on ground survey conducted by Simpson Land Surveying, Inc. in November 2008 and August 2010). This policy refers to “residential structure.” Staff interprets this to apply to the primary residences and not accessory structures such as pool cabanas or guest houses. Thus, any residence at or above the existing 255-foot elevation would need to adhere to the required southerly and westerly setback. The original approved building envelopes were configured to ensure consistency with this policy and this policy would have applied to future development on Lots 5 and 6 before the unpermitted grading took place. However, with the lowering of the Knoll Area, the building envelopes on Lots 5 and 6 are now located below the 255-foot</p>

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	<p>contour. However, one of the apparent intents of this policy was to protect public views by ensuring adequate setbacks from the edge of the slopes and minimizing any views of structures from public roads downslope to the west and south. Thus, this policy would still apply to the project site to ensure that the intent of the policy is met. Adherence to this setback by siting future primary residences on Lots 5 and 6 along the eastern portions of the building envelopes would ensure consistency with this policy. Sheet 4 of the proposed Vesting Tentative Map depicts this setback to be applied to future development of primary dwellings by showing the areas within each development envelope where the primary residence could be located versus the areas of each envelope where accessory structures could be located as well.</p>
<p>CLUP Policy 3-13: <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p>CLUP Policy 3-14: <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.</i></p> <p>SCP Policy LU-S-WH-3: <i>Public and private land uses on the "White Hole" properties shall be sited and designed in a manner that respects natural features and limits environmental impacts.</i></p>	<p>Consistent: The building envelope on Lot 8 has been rotated in order to follow the contours rather than be perpendicular to the contours. This change generally has the effect of reducing the amount of grading that will be necessary to prepare a level building pad for future development.</p> <p>The building envelope on Lot 7 as proposed and as graded in the field has been significantly shortened, which eliminates the potential for development to run down the ridgeline thus reducing the amount of potential grading associated with future development on this lot. Since the project site contains sloping parcels of varying degrees, and the original subdivision established rather large building pads, a certain amount of grading was expected in order to facilitate future residential development. The bulk of the unpermitted grading was done in order to remove the black expansive soil and create level building pads. Grading that has occurred was primarily in previously disturbed areas and largely avoided impacting native vegetation. The project</p>

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	<p>continues to avoid the steeper portions of the site, which would remain in open space consistent with CLUP Policy 3-14. Grading of the Knoll also included creation of a berm along the western edge in order to prevent runoff from eroding the western slope above Greenwell Avenue or contributing to additional slope failures in the future. This would help to reduce potential erosion and slope instability impacts associated with future residential development in the Knoll area.</p>
<p>SCP Action LU-S-WH-3.1: <i>In order to minimize grading on slopes greater than 20%, no grading or development shall occur on those areas shown in Figure 11 (White Hole Knoll/Trails Map) as “Constrained” except that access to Area B from Via Real and Area C from Greenwell would necessitate crossing small areas outside of the designated buildable area.</i></p> <p>SCP Action LU-S-WH-3.2: <i>For any development on slopes of 20-30%, a geologic investigation which addresses slopes and soil/geology hazards must be conducted. The conclusion of that investigation will be used by decision-makers in considering the proposed development.</i></p>	<p>Consistent: As part of the unpermitted grading that went beyond the scope of the 2006 grading permit and establishment of the building pads, grading did occur within small portions of the “Constrained” (20% slopes or greater) area of the site, especially on lots 4 and 8. Grading in these areas consisted primarily of fill slopes necessary to create level building pads within the development envelopes. Restoration and revegetation of these fill slopes (both that which already occurred under the approved Restoration Plan implemented in 2007-2008 and the proposed additional reseeding and weed control below the building pads on Lots 1, 4, 7, and 8 where grading encroached into the “Constrained” areas), would help to minimize any impacts associated with these grading activities, thereby ensuring consistency with the intent of this policy Action LU-S-WH-3.1.</p> <p>Further, Action LU-S-WH-3.2 indicates that development could occur on slopes of 20-30% if supported by a geologic investigation and approved by County decision makers, which infers that the prohibition of grading and development on slopes greater than 20% as stated in Action LU-S-WH-3.1 is not absolute.</p>
<p>Action LU-S-WH-1a.1: <i>Up to a maximum of three of the units may be built in the Knoll area as identified in Figure 11 (White Hole Knoll/Trails Map).</i></p>	<p>Consistent: Three residential lots exist within the Knoll area and the proposed Recorded Map Modification and Lot Line Adjustment would not change that fact.</p>
<p>Action LU-S-WH-1a.5: <i>In general, size, height and bulk limitations for structures</i></p>	<p>Consistent: There is no structural development proposed as part of this project.</p>

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<p><i>constructed on the Knoll shall be determined by the Coastal Zoning Ordinance, the Summerland BAR Guidelines and the policies of this Plan. In addition, the following limitation shall apply to development on the Knoll Area as shown in Figure 11 (White Hole Knoll/Trails Map):</i></p> <p><i>a. Maximum height shall be no more than sixteen feet to the highest ridge.</i></p> <p><i>b. The average plate height of exterior walls shall not exceed nine feet.</i></p> <p>Action LU-S-WH-2.1: <i>All new development on Areas B, C and D shall comply with the following objectives. Prior to approval of any development, the County BAR shall make the following findings:</i></p> <p><i>a. The development will have a compatible approach to signing, color, street furniture, lighting, landscaping, building height, color and style;</i></p> <p><i>b. The development will present a harmonious massing of structures;</i></p> <p><i>c. The development will maximize open space and view corridors;</i></p> <p><i>d. The development will provide for the integration of natural open space and the built environment; and</i></p> <p><i>e. The development will provide for the preservation of rural residential and agricultural character of the area.</i></p>	<p>Future residential development on the subject lots would be subject to compliance with these policies. Nonetheless, the proposed project does expand the amount of open space on the project site by approximately 1.75 acres and the existing slopes below the Knoll area would continue to be preserved as open space. Landscaping with appropriate native vegetation along the edge of the open space area, as required as a condition of approval, would help to integrate future development with the natural open space areas of the site.</p>
<p>Action LU-S-WH-1a.6: <i>Any application for discretionary approval to construct residences and associated structures in the Knoll Area shall be accompanied by a Landscaping Plan. This Plan shall provide for the following:</i></p> <p><i>a. Visual impacts of development in the Knoll Area shall be mitigated to the maximum extent feasible through the use of landscaping.</i></p> <p><i>b. Landscaping within 100 feet of the residences and associated physical structures in the Knoll Area may be of conventional design and employ conventional plant</i></p>	<p>Consistent: There is no structural development proposed as part of this project. Future residential development on the subject lots would be required to prepare a landscape plan in compliance with this policy.</p>

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<p><i>materials. Any landscaping beyond this 100 foot radius shall consist mainly of drought-tolerant, primarily native species.</i></p> <p><i>c. The Landscaping Plan shall provide for removal from the Knoll Area plant species not associated with the Coastal Sage Scrub plant community and their replacement with appropriate native plant species.</i></p>	
<p>Action LU-S-WH-1a.7: <i>Public access to and utilization of the Knoll Area shall be provided for as follows. There shall be three public resting and view enjoyment areas (hereafter, "public areas") in the Knoll Area. These public areas shall be located substantially as depicted in Figure 11 (White Hole Knoll/Trails Map). Easements for the public area, together with easements for the trails providing public access to and between the public areas, shall be dedicated to the County of Santa Barbara as a condition of granting subdivision approval. Detailed plans for the construction of the public areas and trails shall be prepared by the developer with input from the Summerland Citizen's Association and the Montecito Trails Foundation and shall incorporate their recommendations to the greatest extent feasible. These plans shall be reviewed and approved by the County Parks Department and Resource Management Department at the time of subdivision approval. The costs of initially constructing the public areas and trails shall be borne by the developer. Trails and public areas shall be constructed concurrently with or prior to development on the site. Once the public areas and trails are constructed and granted as easements, the County Parks Department shall maintain them and accept liability for them. The developer shall minimize to the greatest degree possible conflicts between development and trails and public areas.</i></p> <p>Action LU-S-WH-1a.8: <i>Each of the three public areas as depicted in Figure 11(White</i></p>	<p>Consistent: Three public viewing areas are provided as part of the subdivision and dedicated to the County through an easement. The public trail and viewing areas were constructed and installed in a different location than what was originally recorded with the subdivision and easement and where they are depicted in Figure 11 of the SCP. The trail and viewing areas were shifted lower down on the slope in order to create greater separation from future residential development, which is a benefit to both the trail users and future residents. While the viewing areas are at lower elevations than what is described in Action LU-S-WH-1a.8, views to the south, west, east, and north are provided at the viewing areas, consistent with the intent of this policy. In addition, the Montecito Trails Foundation, which participated in the original design of these trails and public viewing areas, has reviewed the current trail and viewing area locations and is supportive of maintaining the current configuration and modifying the existing easement to be consistent with on-the-ground conditions. As a result, the trail elements are in substantial conformance with these policies.</p> <p>There are short sections of chain link fencing placed in the areas of Public Viewing Areas #1 and #3 to prevent trail users from accessing the top of the knoll or nearby building envelopes. Such fencing is inconsistent with Action LU-S-WH-1a.9. Mitigation has been identified to require removal or replacement of this fencing with a less obtrusive material, thereby ensuring</p>

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<p><i>Hole Knoll/Trails Map) shall meet the following criteria:</i></p> <ul style="list-style-type: none"> <i>a. each area shall be of a size sufficient to provide rustic seating areas for pedestrian and equestrian users;</i> <i>b. each area shall include vegetative screening that shall visually separate the public area from nearby residences and this vegetative screen shall be a mix of native plants that do not grow higher than five feet;</i> <i>c. all structures shall be set back 125 feet from any trails connecting public areas #1 and #2. Setbacks shall be a minimum of 100 feet from the trail leading from public area #2 to area #3. Setbacks from trails leading from public area #3 to the northern boundary of the property should be sufficient to ensure the privacy and protection of the trails; and</i> <i>d. all driveways and roadways shall be set back a minimum of 50 feet from public areas and trails.</i> <p><i>Specifics for each public area are as follows:</i></p> <p>Area #1. <i>This area shall be located on the 260-foot contour line and shall provide views to the south, east and west including views from Sand Point to Hammonds Beach.</i></p> <p>Area #2. <i>This area shall be located on the northeast edge of the 260-foot contour and shall provide views to the southwest, west, north and northeast including views of Rincon Mountain and the city of Santa Barbara.</i></p> <p>Area #3. <i>This area shall be located on the northernmost edge of the 240-foot contour and shall provide views to the west, north and east including the south coast and adjacent ocean areas toward Anacapa Island and the westerly mountains.</i></p> <p>SCP Action LU-S-WH-1a.9: <i>Public trails providing access to the public areas shall be provided as substantially shown in Figure 11 (White Hole Knoll/ Trails Map). The trail providing access between public areas #1 and</i></p>	<p>consistency with this policy. Additionally, mitigation has been identified requiring the maintenance of overgrown vegetation around Viewing Area #3 in order to preserve views to the east and southeast consistent with these policies.</p> <p>The trails and viewing areas are sited such that any future development within the building envelopes would be setback consistent with the requirements of Action LU-S-WH-1a.8.</p>

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<p><i>#2 shall be located along the 260-foot contour line and the trail connecting areas #2 and #3 shall be direct and generally follow contour lines as substantially as shown in Figure 11. These trails shall be built to design standards acceptable to the County Parks Department and shall plan for use by both pedestrians and horses. The limits of all trails to and between the public areas may be delineated by vegetative barriers not to exceed five feet in height and designed so as to not block public views from the trails. Fencing shall not be utilized to delineate trails. However, where necessary, unobtrusive fencing of 4 feet or less in height, which does not obstruct public views, may be constructed within the 125-foot setback from trails. All structures, with the exception of fences, shall have a minimum 125-foot setback from all trails except as identified in Action LU-S-WH-1a.8.</i></p>	
<p>Action LU-S-WH-1a.11: <i>New development proposed for Areas B and D shall include building envelopes which are located to minimize grading and impacts to public views; new homes within these envelopes shall be of an appropriate size to achieve these goals.</i></p>	<p>Consistent: There is no development proposed as part of this project. The building envelopes are proposed to be enlarged on Lot 6 and to a lesser degree Lot 5, though future residential development on these lots would continue to be subject to compliance with applicable policies in the Summerland Community Plan protecting public views in the Knoll area. The building envelope on Lot 8 has been rotated in order to follow the contours rather than be perpendicular to the contours. This change generally has the effect of reducing the amount of grading that will be necessary to prepare a level building pad for future development.</p> <p>The building envelope on Lot 7 as proposed and as graded in the field has been shortened, which eliminates the potential for development to run down the ridgeline thus reducing the amount of potential grading associated with future development on this lot. While changes have been proposed, the building envelopes are generally in the same locations as with the</p>

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	<p>approved subdivision. The grading which has occurred and which lowered and leveled the Knoll area has reduced the natural visual quality of the Knoll, thereby increasing impacts to public views as compared to the approved subdivision. However, public views are only available at a distance, and the flat aspect of the Knoll would be softened and mitigated by required landscaping <u>as well as construction of the variable-height berm along the western edge of the Knoll to re-create a more natural, rounded appearance</u>. Further, the public trail and viewing areas are appropriately sited in relation to the building envelopes.</p>
<p>Action LU-S-WH-2.2: <i>Landscape materials shall include predominately native and low water using species. Landscaping of public open space areas shall allow for view enhancement and passive recreational use. A unified rural design shall be used for all landscaping, walls and fences and shall be approved by the Board of Architectural Review.</i></p>	<p>Consistent: No residential development is proposed as part of this project. Landscaping associated with future residential development within the project site would be subject to consistency with this policy. Landscaping within and immediately adjacent to the public open space easement areas is limited to native species consistent with this policy.</p>
<p>Action LU-S-WH-2.3: <i>Ample setbacks shall be provided from the street and from adjoining property lines to create a spacious rural setting and to provide an adequate buffer from sensitive habitat areas and agricultural uses to the east.</i></p>	<p>Consistent: Significant setbacks exist between the proposed building envelopes and nearby streets and adjoining properties, consistent with this policy.</p>
<p>Policy LU-S-WH-3: <i>Public and private land uses on the "White Hole" properties shall be sited and designed in a manner that respects natural features and limits environmental impacts.</i></p>	<p>Consistent: Approximately 24 acres of the 35-acre project site would remain in public open space and would be protected from disturbance. This has the effect of limiting environmental impacts associated with future development. The unpermitted grading that did occur was largely confined to the areas of the site outside of the easement areas with the exception of a few minor encroachments. Re-seeding of those encroachments and incorporating an additional 1.75 acres into the open space easement would help to limit environmental impacts of the project. The unpermitted grading did have the effect of lowering and leveling the Knoll area, which is</p>

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	<p>a natural feature of the site. However, the grading was done to remove black expansive soil and a portion of this area was already designated for residential development. While the natural feature of the top of the Knoll has been altered, the unpermitted grading preserved the majority of the slopes below the Knoll comprising the open space area of the site. As such, the natural slope features characterizing the site remain as part of the proposed project. In addition, mitigation has been identified to require that the western edge of the Knoll area be landscaped with native shrub species in a random pattern so as to soften the graded landform and blend in with the hillside coastal sage scrub habitat. <u>This landscaping, combined with the construction of the variable-height berm along the western edge to re-create a more natural, rounded appearance, would help to ensure consistency with this policy to the maximum extent feasible.</u></p>
<p>Action LU-S-WH-3.3: <i>The individual dwelling units shall be designed to minimize grading and major land form alterations. Excessive grading to achieve views is not allowed. Grading of individual building pads access roads, and other earth disturbances shall not be done until the development has received BAR approval and all the necessary permits for the grading work have been issued.</i></p>	<p>Consistent: The grading which did occur was primarily done to remove expansive soil material from the site and to achieve positive drainage towards the private roads and away from the slope above Greenwell Avenue. Grading was not conducted to enhance views. The original subdivision was approved by the Board of Architectural Review (BAR) and South County BAR review and approval will be required for individual lot development.</p>
<p>Policy LU-S-WH-5: <i>Significant open space areas and public access shall be provided on the "White Hole" properties in order to: avoid specific environmental constraints, preserve views of the property, preserve hiking and equestrian trails and to mitigate the potential for development impacts on the site.</i></p> <p>Action LU-S-WH-5.1: <i>Development rights to the "Constrained" areas as shown in Figure 11 (White Hole Knoll/Trails Map) shall be dedicated as part of the discretionary approval</i></p>	<p>Consistent: The proposed project increases the amount of land designated as public open space easement by approximately 1.75 acres, consistent with the intent of these policies. The open space easement is currently dedicated to the County of Santa Barbara and will be revised to reflect the additional acreage added into the easement area. In addition, public access is maintained as part of the proposed project consistent with these policies.</p>

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<p><i>process to the County of Santa Barbara and/or may also be dedicated to an applicable non-profit entity, and shall remain in open space and be insured as such by conditions of approval. A gap shall be allowed in the "Constrained" area shown on Figure 12 which will allow access to Area B through Area D off Via Real and to Area C off Greenwell. All areas designated as "Constrained" on Figure 11 shall remain natural and undeveloped except for the following:</i></p> <ul style="list-style-type: none"> <i>a. Pedestrian/equestrian trails, benches and scenic lookout points</i> <i>b. Small scattered areas of landscaping (intent: primarily native landscaping)</i> <i>c. In general, fences shall not be allowed along property lines, fences shall only be allowed to delineate public vs. private areas and immediately surrounding the residence and its associated private yard; and</i> <i>d. Small directional/informational signs</i> 	
<p>Policy VIS-S-3: <i>Public views from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced. Where practical, private views shall also be protected.</i></p> <p>Action VIS-S-3.1: <i>The maximum height for structures within the urban area shall be 22 feet and the maximum height for structures in the rural area shall be 16 feet.</i></p> <p>Policy VIS-S-7: <i>In the rural areas all development shall be designed to minimize visual and aesthetic impacts.</i></p>	<p>Consistent: Future development would not obstruct public views of the ocean and would not interfere with public views of the foothills from the highway. The building envelopes are setback from the edges of the slopes such that future development would not be expected to intrude into the skyline as seen from the highway. This would be confirmed on a case-by-case basis as part of individual lot development (i.e. through story poling). Lowering and leveling of the Knoll area would not substantially change the impact of future development on nearby private views. Future development would be limited to a maximum height of 16 feet. The maximum height limit, combined with review and approval by the SBAR for individual lot development, would help to ensure that future development is visually compatible with the neighborhood and aesthetic impacts are minimized.</p>
<p>Policy HA-S-1: <i>Significant cultural, archaeological and historical resources in the Summerland area shall be protected and</i></p>	<p>Consistent: As confirmed by prior archaeological surveys within the project boundaries, there are no significant cultural,</p>

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<p><i>preserved.</i></p> <p>CLUP Policy 10-2: <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p>CLUP Policy 10-3: <i>When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</i></p>	<p>archaeological, and/or historical resources that would be impacted by the proposed project. The EIR Addendum (to the Summerland Community Plan EIR) prepared for the original Tract Map (TM 14,290) concluded that future development of the knoll area could result in significant impacts due to the potential for undetected buried artifacts or features to be present outside of the areas trenched, despite the low density of archaeological materials observed on the site. To reduce this impact to a less than significant level, the EIR Addendum included the report's recommendation for monitoring during grading and construction as a mitigation measure. A subsequent Phase 1 survey of the surrounding hillsides conducted by Applied Earthworks in 1998 revealed that no additional cultural resources were identified on the steeper slopes within the project site, further pointing to the lack of any significant cultural resources within the project site. The unpermitted grading was not monitored by an archaeologist, in conflict with the mitigation measure and condition of approval of the original Tract Map. The owner contracted with a Native American monitor in 2008 to survey the site after the unpermitted grading had been completed. The monitor surveyed the perimeter of the graded area where thin bands of top soil remained and found no evidence of archaeological material. Given these various factors, there is no evidence to suggest that significant cultural resources are/were present on the project site in the area of disturbance. No further mitigation is warranted, though the project would be conditioned with the standard discovery clause in the event archaeological remains are encountered during grading.</p>
<p>CLUP Policy 9-1: <i>Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or</i></p>	<p>Consistent: The proposed project maintains the open space easement area of the site, a portion of which is identified as containing environmentally sensitive habitat. The project adds approximately 1.75 acres to the protected</p>

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<p><i>projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.</i></p> <p>CLUP Policy 9-36: <i>When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.</i></p> <p>Summerland Community Plan Policy BIO-S-1: <i>Environmentally Sensitive Habitat areas within the Community Plan Study Area shall be protected, and where appropriate, enhanced.</i></p> <p>Summerland Community Plan Development Standard BIO-S-1.1: <i>The County shall require appropriate protection measures (e.g. fencing) where necessary to protect sensitive biological resources during all construction.</i></p> <p>Summerland Community Plan Development Standard BIO-S-1.2: <i>All new development within 100' of an Environmentally Sensitive Habitat, including but not limited to, riparian, oak or willow woodlands, and coastal sage scrub shall be required to provide for setbacks or undeveloped buffer zones (possibly through open space easements) from these habitats. Staff shall refer to the Summerland Biological Resources Map for information on the location</i></p>	<p>open space easement. The grading which has occurred and is proposed to be legalized as part of this project was conducted primarily in previously disturbed areas of the site or areas with limited native vegetation. The open space easement area containing the native vegetation and environmentally sensitive habitat is protected as part of this project, consistent with these policies. Future development would be set back from the edge of the open space easement area, and landscaping within 10 feet of the open space easement areas is required to be composed of compatible native species consistent with these policies.</p>

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<p><i>of native habitats, as well as referring to other available data (i.e., other maps, studies or observations). Installation of landscaping with compatible native species may be required within the buffer zone to offset impacts to sensitive habitats from development and increased human activities onsite. If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.</i></p>	
<p>Summerland Community Plan Development Standard BIO-S-1.5: <i>In the event that activities determined to be zoning violations result in the degradation of native habitat, the applicant shall be required to prepare and implement a habitat restoration plan. Degraded or disturbed areas of an identified habitat outside of any formal landscaping plan shall be restored with appropriate native species to offset increased development and increased human and domestic animal presence.</i></p>	<p>Consistent: The unpermitted grading did result in minor encroachments into the open space easement area. However, restoration of the site, which was required in conjunction with the original subdivision, was implemented after the unpermitted grading occurred and encompassed the easement areas impacted by the unpermitted grading. As such, disturbed areas have been restored consistent with this policy. However, since some of these areas have recently been taken over by non-native species, the applicant proposes to re-seed these areas and manage the weed growth consistent with the intent of this policy. In addition, mitigation would require that the western edge of the Knoll area be landscaped with native shrub species in a random pattern so as to soften the graded landform and blend in with the hillside coastal sage scrub habitat.</p>
<p>CLUP Policy 3-17: <i>Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.</i></p> <p>CLUP Policy 3-18: <i>Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to</i></p>	<p>Consistent: Cut and fill slopes disturbed during the unpermitted grading were stabilized through a restoration effort implemented on the site, which included seeding to re-establish a vegetative cover on the exposed slopes. The unpermitted grading had the effect of conducting runoff towards the roadways where it would be conducted to storm drains and away from the slope above Greenwell Avenue in order to reduce erosion and protect the slope from future landslides and instability. There is sufficient area within the site to allow for a certain amount of groundwater recharge before the surface runoff is conveyed off-site,</p>

REQUIREMENT	DISCUSSION
<i>accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.</i>	consistent with these policies.

6.3 Ordinance Compliance

6.3.1 Compliance with Article II, Coastal Zoning Ordinance

The subject property is located within a Rural Residential (RR-5) zone district and has the following overlay designations: Environmentally Sensitive Habitat, Summerland Community Plan, Geographic Appeals Jurisdiction, and Site Design. No structural development is proposed as part of the current project.

All future development on individual lots will be required to meet all applicable Article II RR-5 ordinance standards for height, setback, parking and other specified requirements.

6.3.2 Compliance with Chapter 21, Subdivision Regulations

The proposed Lot Line Adjustment is consistent with all applicable requirements of Chapter 21. The parcels that are subject to the Lot Line Adjustment meet minimum parcel size requirements before and after the adjustment and the Lot Line Adjustment would not increase the number of developable lots.

6.3.3 Compliance with Existing Conditions of Approval

The subdivided land is currently subject to conditions of approval applied to the prior recorded map modification, Case No. 04RMM-00000-00004. The project site does not currently comply with certain conditions of approval. Specifically, Condition No. 11 states that “all fencing within the open space easement area shall be designed to allow free movement of wildlife.” Six-foot tall chain-link fencing is currently in place along the north, south, and west property lines that restricts wildlife movement within the easement area, in conflict with this condition of approval. In order to ensure compliance with this condition, which remains in effect, the current project would be conditioned to require the establishment of openings in the fencing to allow for wildlife movement through the easement area.

Condition No. 23 requires that any fencing within the 125-foot setback from trails be “unobtrusive fencing of four feet or less in height which does not obstruct public views.” There are two short sections of chain-link fencing in between viewing areas 1 and 3 and the Knoll area to block the public from accessing the building envelopes in the Knoll area. The project would be conditioned to require removal or replacement of this fencing consistent with this condition.

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Attachment 4-17

In the absence of this project, compliance with these conditions could be achieved through P&D's zoning enforcement staff or permit compliance staff since there is an active permit compliance case (01PMC-00000-00037) associated with this subdivision.