

**SANTA BARBARA COUNTY
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Zoning Administrator

FROM: John Karamitsos, Supervising Planner (934-6255)
Development Review Division - North

DATE: March 15, 2007

HEARING
DATE: March 26, 2007

RE: **Herthel – Montanaro Lot Line Adjustment,
05LLA-0000-00015, APN 135-240-001 (portion of)
2531 Grand Ave., Los Olivos, Third Supervisorial District**



1.0 INTRODUCTION

The subject Lot Line Adjustment was continued to the March 26, 2007 Zoning Administrator hearing from the January 22 and February 26, 2007 hearings in order to provide time for staff to:

1. Review Cultural Resource issues associated with the proposed project; and
2. Meet with the applicant and Santa Ynez Band of Chumash Indians (SYBCI) representatives, individually and collectively, if possible.

The project was initially considered at the September 25, 2006 hearing. In order to respond to tribal concerns, specifically CEQA requirements, the project the project was continued to the October 9 hearing and subsequently continued to the hearing of December 11, 2006 in order to prepare and circulate a CEQA Initial Study/Draft Negative Declaration.

2.0 RECOMMENDATION AND PROCEDURES

The Zoning Administrator's action should include the following:

1. Adopt the required findings, including revised CEQA findings, for the project specified in Attachment A of the Zoning Administrator memorandum, dated March 15, 2007
2. Accept Negative Declaration No. 06NGD-00000-00029, included as Attachment B, pursuant to CEQA Guidelines Sections 15070-15075.
3. Approve the project subject to the conditions included as Attachment C.

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

3.0 REVISED PROJECT DESCRIPTION

Minor revisions, consisting of: 1) new Assessor's Parcel Numbers, for Assessor's Office purposes only, (e-mail correspondence: Tish Beltranena 03/12/07); and 2) revised square footages for the commercial building and barn on-site (previously identified during Initial Study preparation), have been made to the project description. These changes are reflected by underline and strikethrough in Attachment C. A revised site plan denoting the new APNs is included as Attachment D.

4.0 REVISED DRAFT NEGATIVE DECLARATION (06NGD-29): CULTURAL AND HISTORIC RESOURCE ISSUES

The following discussion was prepared in consultation with Joyce L. Gerber, Planner II, M.A., RPA (Registered Professional Archaeologist. In summary, the Phase 1 Archaeological Survey and Resource Assessments (Larry Carbone, Western Points Archaeology, February 2007) of the Herthel properties (An Additional Phase 1 Assessment for 05LLA-00000-00016, the Herthel – Four project was also submitted) did not identify *in situ* prehistoric cultural resources. Local Chumash experts (Larry Spanne letter, dated 01/17/07; Larry Spanne e-mail, dated 01/05/07; and Michael Glassow, Ph.D., UCSB Professor, letter dated 02/16/07) have indicated that: 1) the alluvial deposits and archaeological sensitivity of the immediate area justify a limited subsurface testing program; 2) any resulting restrictions on future development could be recorded on the final map; and 3) prior to substantial alteration or demolition of existing structures onsite, an evaluation should be performed by a qualified architectural historian. Please refer to Attachment B of this memo for a detailed discussion.

4.1 Prehistoric Resources

The subject property lies along the east bank of Alamo Pintado Creek. A Chumash cemetery known as CA-SBA-188, dating between about 1,300 and 900 years ago, has been recorded along the west bank of the creek immediately opposite the Montanaro property. The exact location and boundaries of the cemetery are unknown and the village associated with the cemetery has never been located. A February, 2007 Phase 1 surface survey for the subject property had negative results. However several local Chumash experts have stated that because the creek area is extremely sensitive for cultural resources, which are likely to be deeply buried in this alluvial area, the addition of a limited subsurface testing program would clarify the presence or absence of cultural materials on the Montanaro property.

4.2 Historic Resources

The historic structures on the property have not been evaluated for significance. Should these buildings be substantially altered or demolished, an historic evaluation would be required to comply with CEQA and the County of Santa Barbara Regulations Governing Archaeological and Historical Projects Undertaken in Conformance with CEQA and related Laws: Cultural Resource Guidelines (1986, Revised January, 1993). Recent inquiries have been made at the P&D counter regarding renovation of an existing, potentially historic, structure on the Montanaro site. Prior to any permitting determinations, a letter report and subsequent review by the Historic Landmarks Advisory Committee (HLAC) is expected to be completed.

4.3 Staff Analysis

In staff's opinion, Mr. Carbone, Mr. Spanne, and Mr. Glassow are in agreement with regard to necessary and appropriate cultural resource investigations. Documents reviewed in reaching this conclusion consist of: 1) letters from the SYBCI dated 09/25/06, 10/09/06, and 01/02/07; 2) letters from Larry Spanne, archaeologist and former Vandenberg Air Force Base Historic Preservation Officer, dated 12/16/06 and 01/17/06; and e-mail from Mr. Spanne dated January 5, 2007; and 3) Michael Glassow, Professor, UCSB, letter dated 02/16/07.

Larry Spanne's December 16, 2006 comment letter, in particular, contains a concise summary of the issues regarding the potential archaeological and religious/ceremonial importance of CA-SBA-188. The letter presents recommendations for refinement of mitigation measures necessary to avoid and/or minimize potential impacts to CA-SBA-188. In staff's opinion; the recommended revisions to Mitigations Measures 2 and 3 contained in Attachment B of this memo are appropriate.

Staff concurs with Mr. Spanne's conclusion that the discovery clause alone is not sufficient to mitigate potential impacts to the referenced archaeological site. The addition of a Phase 1 study with limited subsurface testing, however, would reduce potential impacts to CA-SBA-188 to less than significant levels. Implementation of this measure would complete the environmental review process in support of staff's recommendation for project approval.

The proposed mitigation measures, specifically Mitigation Measure 2 (Condition of Approval 3), are timed to be completed prior to Record of Survey. Completion of the Extended Phase 1 Study prior to record of survey would ensure that any cultural resources identified as a result of the study would be adequately protected and/or mitigated through further studies.

However, another feasible option would be to conduct the Phase 1 with subsurface presence/absence testing prior to any future development on the lots that result from the LLA, and staff would defer to the Zoning Administrator in this regard.

5.0 ATTACHMENTS

- A. Findings for Approval
- B. Revised draft Negative Declaration: Cultural and Historic Resources sections only
- C. Conditions of Approval with attached Departmental letters: Fire; PW Flood Control
- D. Revised Lot Line Adjustment Exhibit (dated June 2006), received 03/12/07.
- E. Public Comment letters:
 - 1. Larry Spanne letter, dated 01/17/07
 - 2. Larry Spanne e-mail, dated 01/05/07
 - 3. Michael Glassow, Professor, UCSB, letter dated 02/16/07.

ATTACHMENT B:

**PROPOSED FINAL NEGATIVE DECLARATION FOR 05LLA-00000-00015
 (REVISED SECTION ONLY)**

NOTE: ~~Strikethrough~~ and underline indicate 1/07 deletions and additions to the original draft ND. ~~Double strikethrough~~ and double underline indicates subsequent deletions and additions, respectively, to the revised draft ND. The proposed Final ND incorporates Carbone Phase 1 Assessment, and address Santa Ynez Band of Chumash Indians, Larry Spanne, and Michael Glassow comments.

4.5 Cultural Resources

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site?			X		
b. Disruption or removal of human remains?			X		
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?			X		
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?		X			
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?		X			
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?			X		
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?			X		

Setting:

Physical:

The Santa Ynez area was at one time densely populated by the Chumash, in part because of the abundant natural habitat and other resources in the area. A number of archeological sites have been identified in the general area, including a prehistoric Chumash cemetery located approximately ½ mile south of the flagpole in the center of Los Olivos(the precise location is unknown). The creekside location and the presence of a cemetery near the project give it a high potential for cultural resources. The subject property has been disturbed by past agricultural operations and construction of residential and agricultural structures. The property has been partially surveyed, however neither systematic survey nor subsurface presence/absence testing has been conducted on the entire property. ~~However, there are no known archaeological sites on the subject property.~~ However, a known cultural site is located on a parcel within ¼ mile of the proposed project site.

Regulatory:

The County's Cultural Resources Guidelines (1986, revised January, 1993) in the Environmental Thresholds and Guidelines Manual provides, in part, for the following:

As part of the environmental review process, archaeological site maps are reviewed to determine if a recorded cultural resource is located within the project site or whether there is a high potential for its presence onsite based on recorded site distribution patterns or historical accounts. If this determination is positive and the project site is not developed, a Phase 1 archaeological investigation including a systematic inspection of the ground surface is carried out by Planning and Development staff or a County-approved professional archaeologist. Sub-surface testing to define the presence of archaeological artifacts or site boundaries is also part of a Phase 1 study when vegetation obscures ground visibility or in areas historically subject to rapid alluviation (Phase 1, Prehistoric Archaeological and Historical Projects, Section 3.1.g (p.4).

If historical remains are suspected, a professional historian is retained to more fully evaluate the resource. The Phase 1 investigation and report are required to follow the specifications defined in the County of Santa Barbara Resource Management Department Regulations Governing Archaeological and Historical Projects Undertaken in Conformance with the California Environmental Quality Act and Related Laws: Cultural Resource Guidelines (1986, Revised January, 1993). ~~Regulations Governing Cultural Resource Projects Undertaken in Conformance with Federal and State Environmental Protection Acts.~~

In addition, CEQA ~~Appendix K~~ provides for an archaeological evaluation of the ~~“surprise” find discoveries~~ during construction. Construction shall cease in the area of the find but may continue on other parts of the building site while evaluation and necessary mitigation takes place. If the find is determined to be an important archaeological resource under CEQA, ~~Appendix K~~ contingency funding and a time allotment sufficient to allow recovering a data recovery sample or to apply one of the avoidance measures shall be implemented.

Impact Discussion:

(a-g) The proposed project would not result in 1) a change in the potential location of future development or 2) an increase of the developability of the parcels in question.

However, the general vicinity of the site is considered to be sensitive for archaeological resources based on its proximity to both the creek and a known prehistoric cemetery. ~~based on the general~~

historic settlement patterns of the Chumash people and the identification of a burial ground on including and a mapped known prehistoric Chumash cemetery located approximately ½ mile south of the flagpole in the center of Los Olivos in close proximity to the project site. The property has been previously disturbed by agricultural activities, but it is possible that cultural materials are present under the cultivation zone in this alluvial area. For these reasons, the potential impacts of future development on the property are unknown.

A Phase 1 Archaeological Survey and Resource Assessment (Larry Carbone, Archaeologist, Western Points Archaeology, February 2007) was submitted for the subject project by the applicant following the December ZA hearing. The results of the intensive field survey revealed no cultural midden-type soils characteristic of a prehistoric Native American archaeological deposit. This assessment resulted from examination of naturally exposed or eroded soils, mechanically cleared ground surface, and visual scrutiny of animal burrowing locations. Per standard Phase 1 procedures, no subsurface testing was performed. The results were negative; no *in situ* prehistoric cultural resources or artifacts were discovered. Mr. Carbone's recommendations indicate that no further archaeological work is necessary at this time. However, he concludes that any future development proposed on the subject property "would require an Extended Phase 1 or a Phase 2 test excavation program to detect any subsurface archaeological deposit that may be in the pathway of development ground disturbances" (North Farm study p. 21, and South Farm study p. 24). It is important to note that on Page 10 of Mr. Carbone's North Farm Phase 1 study, second paragraph, last line, he states, "The SBA-188 Boundary is plotted in Figure 3." However, it should also be noted that the boundary for this site has not actually been formally established or recorded.

Mr. Laurence Spanne, archaeologist and retired Vandenberg Air Force Base Historic Preservation Officer, has expressed his professional opinion that: 1) the creek area is extremely sensitive for cultural resources, which are likely to be deeply buried in this alluvial area; and 2) limited subsurface testing normally associated with an extended Phase 1 study is an appropriate way to assess the presence or absence of cultural materials on the Montanaro property.

Dr. Michael Glassow, past Chair of the Anthropology Department at the University of California, Santa Barbara, and recognized expert on Chumash archaeology, submitted a letter of indicating that limited backhoe testing would be appropriate for assessing the presence or absence of cultural resources on the subject property.

In summary, APN 135-240-001 is potentially sensitive for cultural resources because the exact location of the cemetery and its relationship to the project site is still unknown. The project area has not been completely surveyed. Subsurface testing has not been conducted. The existence of a Chumash cemetery strongly implies the existence of an as-yet unrecorded village. Finally, the location of the project in a floodplain indicates the possibility of deeply buried deposits beneath the cultivated zone.

For these reasons, an Extended Phase 1 Survey/Assessment which includes limited subsurface testing consisting of presence/absence determinations via small, controlled backhoe excavations and screening of a limited number of bucket samples is required. The extended assessment would identify the presence or absence of cultural deposits and should be conducted prior to Record of Survey in order to allow any development limitations resulting from the study to be identified on the final map. Providing this information prior to reconfiguration of lot lines would

minimize the potential for future landowners to be unaware of the resource and thus impact it unintentionally. Clarification of cultural material presence/absence would allow planning of any future development on the proposed adjusted parcels to avoid impacting these cultural resources.

The proposed mitigation measures, specifically Mitigation Measure 2 (Condition of Approval 3), are timed to be completed prior to Record of Survey. Completion of the Extended Phase 1 Study prior to record of survey would ensure that any cultural resources identified as a result of the study would be adequately protected and/or mitigated through further studies.

~~However, the site itself is not recorded as being of religious or ceremonial significance. There are no known or recorded archaeological sites on the property, based on records search and review of the County Archaeological Resource Maps. There has been disturbance of the ground surface on portions of the parcels from grading for agricultural and residential development, as well as agricultural farming operations. However, during future development, any ground disturbance for the purpose of fencing of property lines, grading for a building pad, driveways and septic system, and constructing structures has the potential for uncovering buried cultural resources, which would result in a potentially significant adverse impact. The impact of disturbing such resources would be reduced to **less than significant levels with application of a standard discovery measure** which requires that: if any archaeological resources are uncovered during excavation, grading or construction activities anywhere on the property, work would be stopped until the artifacts can be assessed and any appropriate activity for their disposition conducted; and the added specific requirement of a Phase I Archaeological Study supplemented by subsurface investigations to areas containing finds of cultural significance be completed prior to map recordation.~~

Mitigation and Residual Impact:

Mitigation would involve ~~specific procedures~~ the following measure prior to record of survey as well as the standard County discovery clause.

2. A Phase 1 Archaeological Study supplemented by limited subsurface testing shall be prepared by a County-listed Archaeologist and approved by P&D. ~~investigations to areas containing finds of cultural significance.~~ **Plan Requirements/Timing:** The study shall include but not be limited to ~~mapped studies within one mile, recorded sites within 1/2 mile,~~ a records search at the University of California, Santa Barbara Central Coast Information Center (CCIC); pedestrian survey of the entire project lot(s) including careful examination of the creek banks; and subsurface testing via carefully controlled backhoe lifts to determine the presence or absence of cultural materials within the ~~lot(s), parcel(s),~~ ~~(probably with shovel test pits (STP). STPs excavated in 10 cm levels and waterscreened through 1/8 inch mesh. Backhoes may be used but~~ A small representative sample of excavated ~~resulting~~ materials must be water-screened through 1/8-inch mesh. The work and report shall be completed according to County guidelines, ~~report conforming to the County's guidelines for an ex.~~ Subsurface investigations shall be monitored by a Native American Observer. The report shall be submitted to P&D for approval prior to record of survey.

MONITORING: The County-listed archaeologist shall coordinate with P&D personnel on submittal and review of the required study. P&D compliance personnel shall field

check during grading and construction activities to ensure compliance with approved plans and conditions.

3. In the event archaeological remains are encountered during ground disturbance, ~~grading~~, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicants to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicants. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to approval of Land Use Permits and shall spot check in the field.

Upon adoption of these mitigation measures, residual impacts would be **less than significant**.

Cumulative Impact: The subject Lot Line Adjustment is separated from the parcels associated with 06LLA-00000-00016 by two intervening parcels, both of which are currently vacant. In total, the portions of the "Montanaro property" involved in the two separate proposed projects is comprised of nine legal parcels, each of which could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines between seven of these parcels with no resultant increase in future development potential. While the number of residences which could be developed would not increase, the Lot Line Adjustment would reconfigure the four parcels in a manner which results in four parcels of equal size and configuration, precluding potential clustering of the primary single family dwelling for each of parcel (See Attachments 3 and 4 for changes in parcel configuration). In both the existing and proposed scenarios, the potential adverse impacts to Cultural Resources would remain essentially the same; future development could be clustered along shared property lines, or distributed across the property at maximum intervals. Cumulative impacts would be **less than significant**.

4.10 Historic Resources

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?			X		
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?			X		

Impact Discussion:

(a, b) The "Montanaro Farm" structures have not been evaluated or listed as historic properties. However, the County does recognize their historic significance and has identified them among

“potential historic landmarks” in the Santa Ynez Valley. The proposed Lot Line Adjustment would not affect the historic significance of the structures located onsite but would facilitate their preservation by isolating them on reconfigured lots, as opposed to the current dissection of the structures.

~~(a, b) The proposed Lot Line Adjustment would not result in the creation of any additional parcels, and the potential for additional residential development with ancillary structures on those parcels currently undeveloped would remain the same. There is no proposal to remove or alter any structures already present as a part of this project proposal.~~

Should these buildings be substantially altered or demolished, an historic evaluation would be required to comply with CEQA and the County of Santa Barbara Regulations Governing Archaeological and Historical Projects Undertaken in Conformance with CEQA and related Laws: Cultural Resource Guidelines (1986, Revised January, 1993).

The SYBCI has expressed concerns regarding the effect of a lot line adjustment on the historic structures on the Montanaro property. The concern of the SYBCI as expressed in Mr. Armenta’s Sept. 26, 2006 letter to the ZA is that the Montanaro Farm is a historic farm that was never intended to be subdivided. The letter argues that the lot line adjustment would sever the existing structures (a farm house, a barn, and a commercial structure) from their associated farm land. The letter suggests that this is a significant effect. From a cultural resources point of view, and specifically from a historic resource point of view, the location of lot lines does not necessarily affect the significance of a historic resource and no inconsistency with CEQA as it applies to cultural resources would result from a lot line adjustment separating the Montanaro structures from their associated farmland. The LLA would not have a significant impact on historic cultural resources as it would not cause a substantial adverse change in the significance of the resource (California Public Resources Code Section 21084.1)

As a result, impacts from the proposed Lot Line Adjustment on historic resources would be **less than significant**.

Mitigation and Residual Impact: No mitigation would be required. Residual impacts would be **less than significant**.

Cumulative Impact: The subject Lot Line Adjustment is separated from the parcels associated with 06LLA-00000-00016 by two intervening parcels, both of which are currently vacant. In total, the portions of the "Montanaro property" involved in the two separate proposed projects is comprised of nine legal parcels, each of which could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines between seven of these parcels with no resultant increase in future development potential. While the number of residences which could be developed would not increase, the Lot Line Adjustment would reconfigure the four parcels in a manner which results in four parcels of equal size and configuration, precluding potential clustering of the primary single family dwelling for each of parcel (See Attachments 3 and 4 for changes in parcel configuration). In both the existing and proposed scenarios, the potential adverse impacts to Historic Resources would remain essentially the same; future development could be clustered along shared property lines, or distributed across the property at maximum intervals. Cumulative impacts would be less than significant.