

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF FEBRUARY 28, 2007

RE: *Hourigan Residential Development, 02TRM-00000-00005, 06RDN-00000-00004, 01RZN-00000-00003, 04DVP-00000-00027*

Hearing on the request of Laura Bridley, agent for the owner, Terri Hourigan, to consider the following:

- a) **02TRM-00000-00005** [application filed on May 2, 2002] for approval under County Code Chapter 21 to divide 5.88 acres into nine parcels in the DR-3.3 Zone District under the Santa Barbara County Land Use & Development Code;
- b) **06RDN-00000-00004** [application filed on February 24, 2006] for approval of a proposed/existing private road which will serve nine parcels addressed off North Patterson Avenue in compliance with Section 35.76 of the County Land Use and Development Code, Zoned DR-3.3;
- c) **01RZN-00000-00003** [application filed on November 9, 2001] proposing to rezone 5.88 acres from AG-I-5 to DR-3.3 in compliance with Section 35.104 of the County Land Use and Development Code;
- d) **04DVP-00000-00027** [application filed on June 15, 2004] for approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code to develop six new market rate residential units and related site improvements;

and to approve the Negative Declaration 06NGD-00000-00010 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics/Visual Resources, Biological Resources, Fire Protection, Transportation/Circulation, Water Resources, Air Quality, Cultural Resources, Geological Processes, and Noise. The ND and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara. The ND is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara. The applications involve AP No. 069-060-040, located at 1118 North Patterson, in the Goleta area, Second Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 28, 2007, the Commission took the following action:

Commissioner Brown moved, seconded by Commissioner Smyser and carried by a vote of 5-0 to:

1. Vote a late submittal into the record from Colin and Joanie Jones.

Commissioner Brown moved, seconded by Commissioner Valencia and carried by a vote of 5-0 to recommend that the Board of Supervisors:

1. Adopt the required findings for the project specified in Attachment A of the staff report dated February 9, 2007, including CEQA findings;
2. Approve the Negative Declaration, 06NGD-00000-00010 included as Attachment G of the staff report dated February 9, 2007 and adopt the mitigation monitoring program contained in the conditions of approval;
3. Approve the Rezone, Case No. 01RZN-00000-00003, of the subject 5.88-acre property from Agriculture (AG-I-5, five acre minimum parcel size) to Design Residential (DR-3.3, 3.3 unit per acre);
4. Approve the Vesting Tentative Tract Map, Case No. 02TRM-00000-00005, to subdivide the property into nine lots, including one open space lot;
5. Approve the Final Development Plan, Case No. 04DVP-00000-00027, to develop six new market rate residential units and related site improvements;
6. Approve a modification pursuant to Section 35.82.080(F)(1) of the Santa Barbara County Land Use & Development Code on Development Plans, to the parking regulation to allow the guest parking spaces in Lots 1, 2, 5 & 6 to be located on the property line, rather than five feet away from the property line, to minimize impacts on oak trees and visual impacts to neighbors;
7. Approve the Road Naming, Case No. 06RDN-00000-00004, to name the private road within the site; and
8. Approve the project subject to the conditions included as Attachments B and C of the staff report dated February 9, 2007, as revised at the hearing of February 28, 2007.

REVISIONS TO THE CONDITIONS OF APPROVAL, 02TRM-00000-00005

Condition 1, ninth and tenth paragraphs are amended:

Each of the new single-family residences on Lots 1-6 would provide two covered garage parking spaces. Lots 1 and 2 would also include one uncovered guest space; Lots 4, 5, and 6 include two uncovered guest spaces. The existing single-family residence on Lot 7 has two covered garage spaces and the existing residence on Lot 8 has three covered garage spaces.

A modification to one parking development standard would be required for the Development Plan. Specifically, Section 35.82.080(F)(1) of the Santa Barbara County Land Use & Development Code

requires that uncovered parking spaces be at least five feet from property lines. For Lots 1, ~~and 2~~, 5 and 6, the guest parking spaces are located on the property line.

Condition 5, second sentence is added:

5. **Aesthetics/Visual Resources-4.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Minimal lighting shall be used on Oaksid e Way and shall be no higher than 3 feet off the ground. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. as necessary to prevent off site light spillage. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of zoning clearances for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Condition 8, is revised:

8. **Agricultural Resources-1.** There shall be a minimum of a 50 foot buffer between the northern property boundary and any new habitable structures/spaces/additions, or active recreational areas in order to ensure a margin of safety is maintained and potential nuisance issues or land use conflicts with the adjacent active agricultural operations are minimized. Access roads, landscape screening, uncovered parking, walls, and fencing may be located within the buffer area. Non-habitable accessory structures (i.e. garages, workshops, studios, etc.) shall be allowed within the buffer on Lot 8 only, as long as the additional development does not further encroach northward due to the pre-existing development on this parcel. The 50 foot agricultural buffer shall remain in effect so long as the adjacent property to the north is zoned for agriculture and/or remains in active agricultural production. No invasive plant species shall be planted on the property. Plan Requirements and Timing: This condition shall be printed on and recorded with the tentative tract map. The Agricultural Commissioner's Office shall review and approve the landscaping plans to ensure that invasive plant species are not proposed.

MONITORING: P&D will ensure that this condition is printed on and recorded with the tentative tract map prior to map clearance. Permit Compliance shall confirm installation of approved landscaping prior to occupancy clearance.

Condition 24, language is revised:

24. **Energy-1 (Recommended).** The following energy-conserving techniques should be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:
- installation of low NO_x residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
 - installation of heat transfer modules in furnaces;

- use of ~~light colored~~ water-based paint and ~~roofing materials~~;
- 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;
- use of passive solar cooling/heating;
- use of natural lighting;
- use of concrete or other non-pollutant materials for parking lots instead of asphalt;
- installation of energy efficient appliances;
- installation of energy efficient lighting;
- use of landscaping to shade buildings and parking lots;
- installation of sidewalks and bikepaths.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans or shall submit proof of unfeasibility prior to approval of Zoning Clearances.

Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

Condition 43, second sentence, language is added:

43. **Purpose:** An exclusion envelope that corresponds with the property line for Lot 9, the dedicated open space parcel is necessary to specify the types of activities that are allowed within this parcel. No grading, including trenching, concrete, or asphalt shall be allowed within the exclusion envelope, except for abandonment of the existing septic systems. No residences or other accessory structures including cabanas, pools, tennis courts, sheds, garages, decks or patios shall be allowed within the exclusion envelope. No landscaping shall be installed within the exclusion envelope. Benches and narrow footpaths for passive recreational use of the area are allowed within the exclusion envelope. **Plan Requirements:** The legal description of the exclusion envelope shall be described by metes and bounds and shall be recorded as part of the notice document with the final map. The boundaries of the exclusion envelope shall be depicted on all plans submitted for zoning clearance and building permits. **Timing:** The exclusion envelope shall be staked in the field prior to construction.

MONITORING: During plan check, the planner shall confirm that the development restrictions within the exclusion envelope are met. P&D shall verify staking prior to construction during a pre-construction meeting. P&D shall conduct spot checks in the field during construction.

Condition 54, condition letter from Parks Department is added:

54. Compliance with Departmental letters required as follows:

g. Parks Department dated February 27, 2007.

Condition 58 is added:

58. Two performance securities shall be provided by the applicant prior to land use clearances, one equal to the value of installation of landscaping in the common areas and the other equal to the value of maintenance and/or replacement of landscaping in the common areas for a period of 3 years. 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 the landscaping. If plants and irrigation have been established and maintained, P&D may release the maintenance security 3 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 the landscaping according to the approved plan, P&D may collect the security and complete the work on the property.

Monitoring: Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

Condition 59 is added:

59. Utilities provided to future development shall be installed underground. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to land use clearance for development on each parcel.

Monitoring: P&D shall check plans prior to recordation and Permit Compliance shall inspect during construction.

Condition 60 is added:

60. All construction staging and storage shall be conducted in a designated area on the subject parcel. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

Condition 61 is added:

61. The new fence constructed between the new development and residences along May Court shall be constructed at the same height as the existing fence and measured from existing grade. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and the Board of Architectural Review prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

REVISIONS TO THE CONDITIONS OF APPROVAL, 04DVP-00000-00027

Condition 1, ninth and tenth paragraphs are amended:

Each of the new single-family residences on Lots 1-6 would provide two covered garage parking spaces. Lots 1 and 2 would also include one uncovered guest space; Lots 4, 5, and 6 include two uncovered guest spaces. The existing single-family residence on Lot 7 has two covered garage spaces and the existing residence on Lot 8 has three covered garage spaces.

A modification to one parking development standard would be required for the Development Plan. Specifically, Section 35.82.080(F)(1) of the Santa Barbara County Land Use & Development Code requires that uncovered parking spaces be at least five feet from property lines. For Lots 1, ~~and 2~~, 5 and 6, the guest parking spaces are located on the property line.

Condition 5, second sentence is added:

5. **Aesthetics/Visual Resources-4.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Minimal lighting shall be used on Oaksideway and shall be no higher than 3 feet off the ground. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. as necessary to prevent off site light spillage. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of zoning clearances for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Condition 8, language is added:

8. **Agricultural Resources-1.** There shall be a minimum of a 50 foot buffer between the northern property boundary and any new habitable structures/spaces/additions, or active recreational areas in order to ensure a margin of safety is maintained and potential nuisance issues or land use conflicts with the adjacent active agricultural operations are minimized. Access roads, landscape screening, uncovered parking, walls, and fencing may be located within the buffer area. Non-habitable accessory structures (i.e. garages, workshops, studios, etc.) shall be allowed within the buffer on Lot 8 only, as long as the additional development does not further encroach northward due to the pre-existing development on this parcel. The 50 foot agricultural buffer shall remain in effect so long as the adjacent property to the north is zoned for agriculture and/or remains in active agricultural production. No invasive plant species shall be planted on the property. Plan Requirements and Timing: This condition shall be printed on and recorded with the tentative tract map. The Agricultural Commissioner's Office shall review and approve the landscaping plans to ensure that invasive plant species are not proposed.

MONITORING: P&D will ensure that this condition is printed on and recorded with the

tentative tract map prior to map clearance. Permit Compliance shall confirm installation of approved landscaping prior to occupancy clearance.

Condition 24, language is deleted:

24. **Energy-1 (Recommended).** The following energy-conserving techniques should be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:
- installation of low NO_x residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
 - installation of heat transfer modules in furnaces;
 - use of light-colored water-based paint and roofing materials;
 - 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;
 - use of passive solar cooling/heating;
 - use of natural lighting;
 - use of concrete or other non-pollutant materials for parking lots instead of asphalt;
 - installation of energy efficient appliances;
 - installation of energy efficient lighting;
 - use of landscaping to shade buildings and parking lots;
 - installation of sidewalks and bikepaths.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans or shall submit proof of unfeasibility prior to approval of Zoning Clearances.

Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

Condition 43, second sentence, language is added:

43. **Purpose:** An exclusion envelope that corresponds with the property line for Lot 9, the dedicated open space parcel is necessary to specify the types of activities that are allowed within this parcel. No grading, including trenching, concrete, or asphalt shall be allowed within the exclusion envelope, except for abandonment of the existing septic systems. No residences or other accessory structures including cabanas, pools, tennis courts, sheds, garages, decks or patios shall be allowed within the exclusion envelope. No landscaping shall be installed within the exclusion envelope. Benches and narrow footpaths for passive recreational use of the area are allowed within the exclusion envelope. **Plan Requirements:** The legal description of the exclusion envelope shall be described by metes and bounds and shall be recorded as part of the notice document with the final map. The boundaries of the exclusion envelope shall be depicted on all plans submitted for zoning clearance and building permits. **Timing:** The exclusion envelope shall be staked in the field prior to construction.

MONITORING: During plan check, the planner shall confirm that the development restrictions within the exclusion envelope are met. P&D shall verify staking prior to construction during a pre-construction meeting. P&D shall conduct spot checks in the field during construction.

Condition 44, is amended:

44. ~~The Board of Architectural Review shall review and approval the final maximum heights and plate heights of the new residences and landscaping for the project. Pursuant to the Board of Architectural Review's direction, the majority of the plate heights on proposed new structures on Lots 3 through 5 shall be nine feet and the maximum height of the structures on these lots shall be dropped one foot from the plans reviewed at the November 2007 Board of Architectural Review meeting. The hedge and chain link fencing, or similar material, shall be retained along Patterson Avenue. Oaks, rather than deciduous trees, shall be planted between the new residences on Lots 3 and 4 and Patterson Avenue to provide additional screening. Proposed gazebos on Lots 3 and 4 shall be screened from the street. Tile shall be used for roof materials. **Plan Requirements/Timing:** The Board of Architectural Review shall review and approve the maximum height and plate heights of each new residence prior to zoning clearance. The Board of Architectural Review shall review and approve the design of the new houses, including the landscaping plans, prior to the approval of zoning clearances.~~

MONITORING: Building Inspectors shall follow their standard procedures to confirm heights of buildings prior to occupancy clearance. Permit Compliance shall confirm installation of landscaping prior to occupancy clearance and shall respond to complaints.

Condition 53, condition letter from Parks Department is added:

53. Compliance with Departmental letters required as follows:
- g. Parks Department dated February 27, 2007.

New condition 57 is added:

57. Two performance securities shall be provided by the applicant prior to land use clearances, one equal to the value of installation of landscaping in the common areas and the other equal to the value of maintenance and/or replacement of landscaping in the common areas for a period of 3 years. 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 the landscaping. If plants and irrigation have been established and maintained, P&D may release the maintenance security 3 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 the landscaping according to the approved plan, P&D may collect the security and complete the work on the property.

Monitoring: Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

Condition 58 is added:

58. Utilities provided to future development shall be installed underground. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to land use clearance for development on each parcel.

Monitoring: P&D shall check plans prior to recordation and Permit Compliance shall inspect during construction.

Condition 59 is added:

59. All construction staging and storage shall be conducted in a designated area on the subject parcel. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.


Condition 60 is added:

60. The new fence constructed between the new development and residences along May Court shall be constructed at the same height as the existing fence and measured from existing grade. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and the Board of Architectural Review prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

The attached findings and conditions of approval reflect the Planning Commission's actions of February 28, 2007.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 02TRM-00000-00005, 06RDN-00000-00004, 01RZN-00000-00003, 04DVP-00000-00027
Planning Commission File
Records Management
Address File: 1118 North Patterson Ave., Santa Barbara, CA 93111
Agent: Laura Bridley AICP, 118 Mohawk Rd., Santa Barbara, CA 93109
Owner: Terri Hourigan, 1118 North Patterson Ave., Santa Barbara, CA 93111
County Chief Appraiser
County Surveyor
Fire Department
Flood Control

Park Department
Public Works
Environmental Health Services
APCD
Assessors Office
Supervisor Wolf, Second District
Commissioner Brown, Second District
David Allen, Deputy County Counsel
↓ Michelle Gibbs, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval (02TRM-00000-00005)
 Attachment C – Conditions of Approval (04DVP-00000-00027)

DMB/tlc

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The negative declaration reflects the independent judgement of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black located at 123 E. Anapamu St., Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Rezone Findings

Pursuant to Section 35.104.060, in order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone or Text Amendment request, the following findings shall be made by the Planning Commission and Board of Supervisors:

1. The request is in the interests of the general community welfare.

The proposed rezone from Agriculture (AG-I-5) to Design Residential would ensure that the use of the subject property is more in line with the purpose and intent of the residential land use designation for the subject parcel under the County's Comprehensive Plan and Goleta Community Plan, especially given that the subject parcel was not determined to be agriculturally viable any longer. Finally, the proposed residential development would be a natural extension of surrounding residential development in an urban area. The proposed residential development would provide additional housing that is needed in the community. Therefore, this finding can be made.

2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Santa Barbara County Land Use & Development Code.

The proposed rezone from Agriculture (AG-I-5) to Design Residential would be consistent with the existing residential land use designation for the subject parcel under the County's Comprehensive Plan and Goleta Community Plan. The proposed rezone, Tentative Tract Map, and corresponding Development Plan are also consistent with State planning and zoning laws, the policies of the County's Comprehensive Plan including the Goleta Community Plan, and Santa Barbara County Land Use & Development Code as discussed in Sections 6.2 and 6.3 of the staff report dated February 9, 2007, incorporated herein by reference. Therefore, this finding can be made.

3. The request is consistent with good zoning and planning practices.

The proposed rezone from Agriculture (AG-I-5) to Design Residential would ensure that the use of the subject property is more in line with the purpose and intent of the residential land use designation for the subject parcel under the County's Comprehensive Plan and Goleta Community Plan, especially given that the subject parcel was not determined to be agriculturally viable any longer. The proposed residential development would be a natural extension of surrounding residential development in an urban area. Finally, the proposed residential development would provide additional housing that is needed in the community. Therefore, this finding can be made.

2.2 Subdivision Map Act Findings

Pursuant to the Subdivision Map Act, the Planning Commission shall deny the tentative tract map if any of the following Subdivision Map Act Findings can be made:

1. State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

There is ample area surrounding each residence for planting to allow for passive heating or cooling and surrounding oak trees will provide for natural passive heating and cooling for each residence. Solar array panels or photo voltaic cells may also be feasible subject to obtaining the necessary permits. Therefore, this finding can be made.

2. State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.

The proposed Tentative Tract Map and corresponding Development Plan are consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the staff report dated February 9, 2007, incorporated herein by reference. Therefore, this finding can be made.

3. State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:

3.1 The proposed map is not consistent with applicable general and specific plans as specified in §66451.

The proposed Tentative Tract Map is consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the staff report dated February 9, 2007, incorporated herein by reference. Therefore, this finding can be made.

3.2 The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposed Development Plan is consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the staff report dated February 9, 2007, incorporated herein by reference. Therefore, this finding can be made.

3.3 The site is not physically suitable for the type of development proposed.

The proposed residential development would be a natural extension of surrounding residential development in the urban area. Because the proposed new residences were sited to avoid oak tress, ESH buffers, and an agricultural buffer, the site can be considered physically suitable for the proposed development. Therefore, this finding can be made.

3.4 The site is not physically suited for the proposed density of development.

The proposed project effectively sites new residences to avoid oak trees, ESH buffers, and an agricultural buffer. In addition, the proposed density of the residential development would be below the maximum allowed in the DR-3.3 zone district. Therefore, the site is physically suited for the proposed density of the development. Therefore, this finding can be made.

3.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

After analysis of the proposed project in a Negative Declaration (06NGD-00000-00010), it has been determined that all potentially significant impacts on the environment would be reduced to less than significant levels with implementation of mitigation measures contained in the Negative Declaration. Therefore, this finding can be made.

3.6 The design of the subdivision or type of improvements is likely to cause serious public health problems.

The proposed project would have potentially significant impacts on air quality, noise, transportation, and geologic resources, however, impacts would be reduced to less than significant levels with implementation of mitigation measures required in the Negative Declaration for the project (06NGD-00000-00010). Therefore, the proposed project would not cause serious public health problems. Therefore, this finding can be made.

- 3.7 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

Vehicular access into and around the project site would be provided by a private roadway accessed from Patterson Avenue at the southern boundary of the project site. The new private road would follow the alignment of the existing private driveway on the project site. Therefore, this finding can be made.

- 4. State Government Code §66474.4. The legislative body of a county shall deny approval of a tentative map or parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.**

The subject parcel is not currently in an agricultural preserve contract. Therefore, this finding can be made.

- 5. State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The proposed residential development has received a “can-and-will serve” letter from the Goleta Sanitary District to hook up to their sewer system. Therefore, this finding can be made.

2.3 Development Plan Findings

Pursuant to Section 35.82.080(E), a Preliminary or Final Development Plan shall be approved only if all of the following findings can be made:

- 1. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.**

The proposed residential development would be a natural extension of surrounding residential development in the urban area. Because the proposed new residences were sited to avoid oak tress, ESH buffers, and an agricultural buffer, the site can be considered physically suitable for the proposed development. In addition, the proposed density of the residential development would be below the maximum allowed in the DR-3.3 zone district. Therefore, the site is physically suited for the proposed density of the development. Therefore, this finding can be made.

- 2. That adverse impacts are mitigated to the maximum extent feasible.**

After analysis of the proposed project in a Negative Declaration (06NGD-00000-00010), it has been determined that all potentially significant impacts on the environment would be reduced to less than significant levels and mitigated to the maximum extent feasible with implementation of mitigation measures contained in the Negative Declaration. Therefore,

this finding can be made.

3. That streets and highways are adequate and properly designed.

Public streets accessing the project site are adequate and properly designed to serve the new housing units. Additionally, vehicular access into and around the project site would be provided by a private roadway accessed from Patterson Avenue at the southern boundary of the project site. The new private road would follow the alignment of the existing private driveway on the project site and would be in compliance with all County development standards, including those of the fire department. Therefore, this finding can be made.

4. That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.

The construction of six net new dwelling units on the project site would not significantly increase the demand for police protection or health care services in the area and only two additional school children would be generated by the proposed project (which would not necessitate additional classrooms). The proposed project has also received “can-and-will serve” letters from both the Goleta Sanitary District and Goleta Water District indicating adequate capacity to serve the proposed residential development for sewer and water services. Therefore, this finding can be made.

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

The proposed project would not cause serious public health problems and the proposed project would provide additional housing in the Goleta area which is sorely needed.

Several neighbors to the proposed project have voiced concerns with neighborhood compatibility issues with the proposed project, specifically, with respect to potential visual impacts associated with the proposed development and additional noise and traffic associated with the new residences. With respect to potential visual impacts, the new residences have undergone review by the Board of Architectural Review and significant improvements have been made to the bulk, height, and style of the new houses as well as to setbacks and landscaping in order to address neighbor concerns. The new residences have been sited on the property to minimize impacts to existing oak trees on site and structures and parking areas are screened from existing nearby residences to the maximum extent feasible. Existing and proposed landscaping and fencing would also minimize visual impacts to nearby residences. The proposed development would meet the development standards of the existing and proposed zone district, including the height limit of 35 feet and setbacks. Finally, the proposed density of the development is considerably less than the density of the surrounding residential neighborhood and would be consistent with residential development in an urban area.

With respect to noise, construction noise would be mitigated by restricting hours of construction and by ensuring that construction of all new residences would occur at the same time, rather than over several years. After construction, noise associated with the residential development over the long-term would be similar to background noises in the surrounding residential areas. Finally, the proposed residential development would generate an additional 60 Average Daily Trips and approximately 6 peak hour trips in the morning and afternoon to area roads, including Patterson Avenue. This additional traffic

does not exceed thresholds of significance according to the County's environmental thresholds of significance. In addition, a line of sight study was performed for the project and determined that the proposed project would be safe with implementation of minor mitigation measures (e.g., trimming of some hedges adjacent to the entrance to the development). Sidewalk improvements would also be made along the southern boundary of the development along Patterson Avenue, making it safer for pedestrians to walk in the area as compared with existing conditions.

Therefore, the proposed development is compatible with the neighborhood and would not significantly affect the safety, comfort, and convenience of neighbors. Therefore, this finding can be made.

6. That the project is in conformance with the applicable provisions of the Land Use & Development Code and the Comprehensive Plan.

The proposed project would be consistent with the policies and development standards of the Comprehensive Plan, including the Goleta Community Plan as well as the development standards of the Santa Barbara County Land Use & Development Code as discussed in Sections 6.2 and 6.3 of the staff report dated February 9, 2007, incorporated herein by reference. Therefore, this finding can be made.

7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The subject parcel is in an urban area. The proposed residential development would be a natural extension of surrounding residential development in the urban area. Therefore, this finding can be made.

8. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

Vehicular access into and around the project site would be provided by a private roadway accessed from Patterson Avenue at the southern boundary of the project site. The new private road would follow the alignment of the existing private driveway on the project site. Therefore, this finding can be made.

2.4 Goleta Community Plan Overlay Findings

1. In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Land Use & Development Code), as identified in each section of Article 35.8 of the Land Use & Development Code, a finding shall also be made that the project meets all the applicable development standards included in the Goleta Community Plan of the Land Use Element of the Comprehensive Plan.

The proposed Tentative Tract Map and corresponding Development Plan are consistent with the policies and development standards of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 of the staff report dated February 9, 2007, incorporated herein by reference. Therefore, this finding can be made.

2.5 Road Naming Findings

Pursuant to Section 35.76.050(E)(2), in order to approve a road name, the name shall meet the following standards:

1. **Road names shall not be duplicated within the area served by the same United States Post Office or police or fire department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.**

The proposed road name for the private roadway for the development (i.e., Oakside Way), has been reviewed and approved by the County Fire Department and the Police Department, which ensures that the road name is not duplicated within the area. The Fire Department's process for evaluating the road name is comprehensive enough to ensure that the name is not duplicated by the U.S. Postal Service as well. Therefore, this finding can be made.

2. **Roads shall not be named after surnames of living persons.**

The proposed road name, Oakside Way, does not contain a surname of a person. Therefore, this finding can be made.

3. **Roads may be named after family surnames prominent in Santa Barbara County history, even if family members still reside in the area.**

The proposed road name, Oakside Way, does not contain a surname of a person. Therefore, this finding can be made.

4. **Road names shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, way, street).**

The proposed road name, Oakside Way, has less than 24 letters. Therefore, this finding can be made.

5. **Road names shall be easy to pronounce and spell.**

The proposed road name, Oakside Way, is easy to pronounce and spell. Therefore, this finding can be made.

6. **Road names shall be grammatically correct whether in English or a foreign language.**

Oakside is not a real word. Nevertheless the road name is grammatically correct. Therefore, this finding can be made.

7. **Road names shall include an appropriate road classification (e.g., street, lane, way, etc.).**

The proposed road name, Oakside Way, has an appropriate road classification. The road classification of Drive or Street indicates that the road is a through street, while Way or Lane can apply to roads that dead end, as is the case for the proposed roadway. Therefore, this finding can be made.

ATTACHMENT B:

CONDITIONS OF APPROVAL FOR THE
TENTATIVE TRACT MAP WITH DEPARTMENTAL LETTERS

PROJECT DESCRIPTION

1. This rezone, tentative tract map, development plan, and road naming are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1, dated February 5, 2007, 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 property presently has a land use designation of Residential, 3.3 units per acre. The current zoning of the property is AG-I-5, with a 5-acre minimum parcel size. The applicant is requesting a rezone to Design Residential, (DR-3.3, 3.3 units per acre), consistent with the existing land use designation. (The actual unit density proposed under the development plan would be 1.36 units per acre.)

The proposed vesting tentative tract map (TRM) would subdivide the 5.88 acre-parcel into eight residential lots (Lots 1 - 8) ranging in size from 0.22 acres to 0.84 acres and one common open space lot (Lot 9) of 2.61 acres.

Six single-family residences are proposed to be constructed under the proposed development plan. Construction of the new residences would occur at the same time. Two existing single-family residences on the property would be retained as part of the plan. An unpermitted modular home on proposed Lots 6 and a storage shed on Lot 5 would be demolished under the development plan. All existing and proposed development would be located outside of the 50-foot riparian setback from Fremont Creek, which runs along the western property boundary.

The applicant has elected to meet the County Housing Element Inclusionary Housing requirements, applicable to all projects with five or more net new lots or units, through the payment of in-lieu fees, consistent with Housing Element Policy 1.3. Rather than building affordable units on site, the in-lieu fees paid by the applicant would be deposited in the County's Housing Trust Fund and used for development or rehabilitation of affordable or special needs housing off-site. The estimate for the required in-lieu fees would total \$16,675.43¹.

The Tract Map would provide for tract grading and drainage and for the development of community infrastructure, including roads and utilities. Vehicular access into and around the project site would be provided by a private roadway accessed from Patterson Avenue at the southern boundary of the project site. The new private road would follow the alignment of the existing private driveway on the project site and would be widened to 20 feet for most of its length, narrowing to 16 feet along the northern parcel boundary leading to Lots 7 and 8. The proposed name for the new private road is Oakside Way.

¹ The estimated in-lieu fee is base upon the fee per affordable unit in place at the time that the project was deemed complete: 6 units x 12.5% IHP requirement x \$74,113 per affordable unit x 30% pro-rating for projects less than 13 units = \$16,675.43.

Water to serve the proposed development would be provided by the Goleta Water District. Sanitary services would be provided by the Goleta Sanitary District. Fire protection would be provided by the Santa Barbara County Fire Department.

The proposed final development plan includes six new and two existing dwelling units. Details for the lots are as follows:

Lot	1st floor area (in s.f.)	Basement (s.f.)	Garage (s.f.)	Total res. unit (s.f.) ¹	Total floor area (s.f.) ²	Bldg. coverage (s.f.) ³	Driveway Area (s.f.)	Lot Area (in s.f.)	Unpaved Open Space
New Single Family Residences (Units 1 through 6)									
1	2,966	1,248	552	4,214	4,766	3,518	1,329	10,263	
2	2,992	1,634	587	4,626	5,213	3,579	1,445	9,498	
3	2,835	2,128	629	4,963	5,592	3,464	(in lot 5)	19,228	
4	2,857	2,128	628	4,985	5,613	3,485	(in lot 5)	17,169	
5	2,840	2,128	629	4,968	5,597	3,469	6,573	18,415	
6	2,445	2,314	680	4,759	5,439	3,125	1,908	12,429	
Existing Residences (Lots 7 & 8)									
7	3,132	0	611	3,132	3,743	3,743	5,612	18,995	
8	4,600	0	678	4,600	5,278	5,278	4,035	36,405	
Subtotal						20,640		142,402	
Open Space Lot (9)	0	0	0	0	0	0	10,018	113,682	103,664
Total						20,640		256,094	

Notes:

- 1 First floor + basement
- 2 First floor, basement, + garage
- 3 First floor + garage

Building footprints would constitute ±10.5% of the project site. An additional ±12.1 % of the project site would be paved (roadway, parking, driveways and walkways). The project's proposed common open space would consist of the unpaved areas of proposed Lot 9, which totals 2.38 acres of the 2.61 gross acres total of Lot 9 and constitutes ±40.4 % of the project site. Lot 9 is located in the center of the subdivision between Lots 1, 2, 7, and 8 and the private access roadway. All owners would have equal access to the common area.

Each of the new single-family residences on Lots 1-6 would provide two covered garage parking spaces. Lots 1 and 2 would also include one uncovered guest space; Lots 4, 5, and 6 include two uncovered guest spaces. The existing single-family residence on Lot 7 has two covered garage spaces and the existing residence on Lot 8 has three covered

garage spaces.

A modification to one parking development standard would be required for the Development Plan. Specifically, Section 35.82.080(F)(1) of the Santa Barbara County Land Use & Development Code requires that uncovered parking spaces be at least five feet from property lines. For Lots 1, 2, 5, and 6, the guest parking spaces are located on the property line.

The proposed project includes an engineered combination of surface and underground storm drain systems to allow for onsite infiltration and to convey the majority of site runoff to Patterson Avenue storm drains. Infiltration pits, drop inlets and a bioswale constructed along the eastern property boundary connecting to the Patterson Avenue storm drain would serve proposed Lots 3-6. Bioswales would capture and allow for infiltration of runoff on proposed Lots 1 and 2. No new drainage infrastructure is proposed for the already-developed Lots 7 and 8 or for open space Lot 9.

Grading for the project would include approximately 8,479 cubic yards (c.y.) of cut and approximately 2,246 c.y. of fill; approximately 4,068 cy of soil would be exported offsite.

Proposed improvements to the public right-of-way along Patterson Avenue would include new curb, gutter and sidewalk extending the length of the southern property line from Fremont Creek to the southeastern corner of the property.

An arborist report has been prepared for the proposed project by Bill Spiewak (February 2007). All recommendations contained in the arborist report would be implemented for the proposed project to mitigate potential impacts to coast live oak trees.

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 FROM NEGATIVE DECLARATION 06NGD-00000-00010

2. **Aesthetics/Visual Resources-1.** The design, scale and character of the project architecture, landscape and exterior lighting shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit a site plan, including water tanks if any, architectural drawings, landscape plans and lighting plans for the project for review and approval by the Board of Architectural Review (BAR) prior to approval of zoning clearances. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.
3. **Aesthetics/Visual Resources-2.** Dark natural building materials and colors compatible with surrounding terrain (dark earthtones and non-reflective paints), subject to BAR review, shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

Monitoring: P&D shall inspect prior to occupancy clearance.

4. **Aesthetics/Visual Resources-3.** Landscaping shall be maintained for the life of the project.

Monitoring: Staff shall ensure that project CC&Rs specify Home Owner Association (HOA) responsibility for perpetual landscape maintenance.

5. **Aesthetics/Visual Resources-4.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Minimal lighting shall be used on Oakside Way and shall be no higher than 3 feet off the ground. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. as necessary to prevent off site light spillage. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of zoning clearances for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

6. **Aesthetics/Visual Resources-5.** To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Construction waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to approval of zoning clearances, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

7. **Aesthetics/Visual Resources-6.** The applicant or his designee shall clear the project site of all excess construction debris on a regular weekly basis or more frequently as directed by Permit Compliance staff throughout construction. **Plan Requirement:** Prior to approval of zoning clearances, applicant shall designate and provide to P&D the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on final building plans. **Timing:** Final debris clearance shall occur prior to occupancy clearance.

Monitoring: P&D shall site inspect throughout construction and immediately prior to occupancy clearance.

8. **Agricultural Resources-1.** There shall be a minimum of a 50 foot buffer between the northern property boundary and any new habitable structures/spaces/additions, or active recreational areas in order to ensure a margin of safety is maintained and potential nuisance issues or land use conflicts with the adjacent active agricultural operations are minimized. Access roads, landscape screening, uncovered parking, walls, and fencing may be located within the buffer area. Non-habitable accessory structures (i.e. garages, workshops, studios, etc.) shall be

allowed within the buffer on Lot 8 only, as long as the additional development does not further encroach northward due to the pre-existing development on this parcel. The 50 foot agricultural buffer shall remain in effect so long as the adjacent property to the north is zoned for agriculture and/or remains in active agricultural production. No invasive plant species shall be planted on the property. **Plan Requirements and Timing:** This condition shall be printed on and recorded with the tentative tract map. The Agricultural Commissioner's Office shall review and approve the landscaping plans to ensure that invasive plant species are not proposed.

MONITORING: P&D will ensure that this condition is printed on and recorded with the tentative tract map prior to map clearance. Permit Compliance shall confirm installation of approved landscaping prior to occupancy clearance.

9. **Agricultural Resources-2 (Recommendation).** A Notice To Property Owner (NTPO) including the County's Right to Farm ordinance should be recorded with the County Clerk-Recorder to notify all future property owners of adjacent agricultural uses and of the County's support of the ongoing agricultural operations.
10. **Air Quality-1.** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods 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 Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Zoning Clearances.

Monitoring: Grading Inspector shall perform periodic site inspections.

11. **Air Quality-2.** Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site, 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. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

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

Condition shall be adhered to throughout all grading and construction periods.

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on site. APCD inspectors shall respond to nuisance complaints.

12. **Air Quality-3.** The following should be adhered to during project grading and construction to reduce NOx emissions from construction equipment to the maximum extent feasible:
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be utilized wherever feasible.
 - b. The engine size of construction equipment shall be the minimum practical size.
 - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - d. Construction equipment shall be maintained in tune per the manufacturer’s specifications.
 - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - g. Diesel catalytic converts shall be installed, if available.
 - h. Diesel particulate emissions shall be reduced using EPA or California certified and or verified control technologies like particulate traps.
 - i. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - j. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: These recommendations should be noted on all grading plans. **Timing:** The final grading plan shall be submitted for review prior to land use permit approval.

Monitoring: P&D should ensure measures are on plans.

13. **Biological Resources-1** In order to protect existing native California live oak trees (*Quercus agrifolia*) and minimize adverse effects of grading and construction onsite, the applicant shall prepare and implement an Oak Tree Protection and Replacement Plan. No ground disturbance including grading for buildings, accessways, easements or subsurface grading shall occur within the critical root zone of any native tree except as shown on the approved Preliminary Grading and Drainage Plan and Final Development Plan and as specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:
- a. An exhibit showing the location, diameter and critical root zone of all native trees located onsite.

- b. Fencing of all trees to be protected at or outside the critical root zone. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating “tree protection area” at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to land use permit approval and shall remain in place throughout all grading and construction activities.
- c. The tree protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be restricted to outside the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- g. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
- h. No permanent irrigation shall occur within the critical root zone of any native tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- i. Only trees designated for removal on the approved tree protection plan shall be removed.
- j. Any oak trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone), shall be replaced as reviewed and approved by a Certified Arborist on site on a 10:1 basis with 1-gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy and irrigated and maintained until established, for

a minimum of five years. The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.

- k. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

Plan Requirements: Prior to approval of Zoning Clearances, the Oak Tree Protection and Replacement Plan shall be submitted to P&D for review and approval. The approved Oak Tree Protection and Replacement Plan shall be recorded with the final map. Prior to approval of Zoning Clearances, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented consistent with the approved Oak Tree Protection and Replacement Plan. Prior to approval of Zoning Clearances, the applicant shall successfully file evidence of posting of a performance security which is acceptable to P&D to guarantee tree replacement. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

Monitoring: P&D shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures, including required tree replacement. Release of performance security requires P&D staff signature.

14. **Biological Resources-2.** The applicant shall include in CC&R's a copy of the State Department of Agriculture pamphlet, *Living Among the Oaks*.
15. **Biological Resources-3.** All ground disturbances and vegetation removal shall be prohibited in a 50-foot setback from either side of the top-of-bank of Fremont Creek, a sensitive riparian habitat area. The area shall be fenced during construction with a fencing type and in a location acceptable to P&D. **Plan Requirements:** The riparian habitat area shall be shown on all grading plans. All grading, drainage and construction plans shall include the instruction: "No personnel, equipment, materials, or vehicles will be permitted within 50 feet of the top of the creek banks." **Timing:** Fencing shall be installed prior to any earth movement.

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

16. **Biological Resources-4.** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirements and Timing:** Prior to approval of Zoning Clearances, the applicant must receive all necessary permits from California Department of Fish and Game.

Monitoring: P&D shall monitor as required by Fish & Game.

17. **Biological Resources-5.** Silt fencing shall be installed along the base of the chain link fence along the edge of Fremont Creek and shall remain in place during construction to block native amphibians and reptiles from moving into the construction area. **Plan Requirements and**

Timing: The silt fencing along Fremont Creek shall be installed prior commencement of grading.

Monitoring: P&D shall perform site inspections throughout the construction phase to confirm that the silt fencing along Fremont Creek remains in place.

18. **Biological Resources-6.** The chain link fence at the northeastern corner of the project site separating the project site from the adjacent orchard property to the north shall be maintained and the gate shall be locked throughout construction. All personnel shall be instructed to keep off the orchard property. **Plan Requirements and Timing:** The chain link fence shall be shown on all grading, drainage and construction plans.

Monitoring: P&D shall perform site inspections throughout the construction phase to confirm that the fence at the northeastern property corner remains in place and the gate remains locked.

19. **Biological Resources-7.** Construction shall avoid the bird breeding season (March 25 through July 1) to avoid potential impacts to special status bird species. Alternatively, a County-approved qualified biologist may survey the site within two weeks of the start of construction during bird breeding season to determine whether any special status bird species are nesting in the area. If no nesting special status bird species are found, construction may proceed. **Plan Requirements and Timing:** This condition shall be printed on all construction, grading, and building plans.

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

20. **Biological Resources-8.** To minimize pollutants impacting downstream waterbodies or habitat, the applicant shall install a combination of structural and non-structural Best Management Practices (BMPs) (e.g., bioswales, storm drain filters, permeable pavement, storm drain filters/inserts, inline clarifiers, or separators in the project area storm drain inlets and/or permeable paving, etc.) to effectively prevent the entry of pollutants from the project site into the storm drain system during and after development. **Plan Requirements:** The applicant/owner shall submit and implement a Storm Water Quality Management Plan (SWQMP). The SWQMP shall include the following elements: identification of potential pollutant sources that may affect the quality of the storm water discharges; the proposed design and placement of structural and non-structural BMPs to address identified pollutants; a proposed inspection and maintenance program; and a method for ensuring maintenance of all BMPs over the life of the project. The approved measures shall also be shown on all site, building and grading plans. Records of maintenance shall be maintained by the HOA. **Timing:** Prior to approval of Zoning Clearances, the SWQMP shall be submitted to P&D, Flood Control, and the Water Agency. All measures specified in the plan shall be constructed and operational prior to occupancy clearance. Maintenance records shall be submitted to P&D on an annual basis prior to the start of the rainy season and for five years thereafter. After the fifth year the records shall be maintained by the HOA and be made available to P&D or Public Works on request.

Monitoring: P&D, Flood Control and/or the Water Agency shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance. Maintenance of the BMPs over the life of the project shall be the responsibility of the HOA.

21. **Biological Resources-9.** Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control

measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by P&D and Flood Control prior to approval of Zoning Clearances. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

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

22. **Biological Resources-10.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearances. The washout area(s) shall be in place and maintained throughout construction.

Monitoring: P&D staff shall check plans prior to approval of Zoning Clearances and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

23. **Cultural Resources-1.** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant 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 applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans.

Monitoring: P&D shall check plans prior to approval of Zoning Clearances and shall spot check in the field.

24. **Energy-1 (Recommended).** The following energy-conserving techniques should be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:
- o installation of low NO_x residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
 - o installation of heat transfer modules in furnaces;

- use of water-based paint;
- 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;
- use of passive solar cooling/heating;
- use of natural lighting;
- use of concrete or other non-pollutant materials for parking lots instead of asphalt;
- installation of energy efficient appliances;
- installation of energy efficient lighting;
- use of landscaping to shade buildings and parking lots;
- installation of sidewalks.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans or shall submit proof of unfeasibility prior to approval of Zoning Clearances.

Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

25. **Fire Protection-1.** In order to prevent arcing, utilities provided to future development shall be installed underground. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to approval of Zoning Clearances for future development on each parcel.

Monitoring: P&D shall check plans and inspect prior to and during construction.

26. **Geologic Processes-1.** The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1), unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. All other recommendations in the Preliminary Foundation Investigation prepared by Pacific Materials Laboratory, dated October 16, 2002, shall be followed. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within four weeks of grading completion.

Monitoring: P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

27. **Geologic Processes-2.** All project grading shall conform to the Santa Barbara County Grading

Ordinance and to the recommendations specified in the Pacific Materials Laboratory Preliminary Foundation Investigation dated October 16, 2002.

Monitoring: P&D shall site inspect during grading.

28. **Noise-1.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). 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:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

29. **Noise-2.** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location throughout construction activities.

Monitoring: Permit Compliance shall perform site inspections to ensure compliance.

30. **Noise-3.** The walls, doors and windows of residences that face Patterson Avenue shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 45 dBA. This would require at a minimum the use of double-paned windows on all floors for those windows that face the street at the second floor level. Such windows should have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated. Doors with a minimum STC of 35 shall be used for those doorways facing the street on the second floor and they shall be insulated in conformance with California Title 24 requirements. The exterior wall facing material shall be stucco and/or shall be designed for a minimum STC of 45. Normal construction practices, per the latest edition of the Uniform Building Code will be needed to meet these measures.

Plan requirements: Measures shall be indicated on building plans. **Timing:** All measures shall be installed and inspected prior to final occupancy approval.

Monitoring: Building plan checker shall confirm plans are correctly drawn. Building inspectors shall confirm installation in the field.

31. **Transportation/Circulation-1.** A construction staging area shall be established on the project site and all construction equipment and construction employee vehicles shall be stored and parked in this area. **Plan Requirements and Timing:** Prior to approval of Zoning Clearances, the project plans shall graphically indicate the location of the construction staging area.

Monitoring: P&D Compliance staff shall spot check in the field and shall respond to complaints.

32. **Transportation/Circulation-2.** The mailboxes at the existing entrance shall be relocated, and the existing west entrance wall shall be reduced to a height of 2 feet or lower, in order to comply with

Public Works/ Road Division requirements for adequate sight distance at the existing entrance to the project site. Within the sight distance range of the proposed new entrance to Lot 1, hedges shall be cut back or relocated as needed in order to comply with Public Works/ Roads Division requirements for adequate sight distance. **Requirements and Timing:** The project plans shall graphically indicate adequate sight distance clearances for both entrances to the project site. **Monitoring:** P&D shall site inspect during construction.

33. **Water Resources-1.** To allow for infiltration and treatment, runoff from the site shall be directed to a permanent grass or vegetated drainage swale as indicated on plans. A registered civil engineer or other qualified professional shall design the vegetated drainage swale. Only non-invasive, drought-tolerant plants shall be used in the drainage swale. **Plan Requirements and Timing:** Swale designs, including the plant palette and the source of plant material, shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. A maintenance program shall be specified in an inspection and maintenance plan. The plan shall specify, at a minimum, annual inspection for signs of erosion, vegetation loss, and channelization, and regular mowing when grasses reach a height of 6 inches with clippings removed from the swale. Long term maintenance shall be the responsibility of the HOA. A maintenance program shall be specified in the CC&Rs. The plans and a copy of the long-term maintenance program shall be submitted to P&D, Flood Control, and the Water Agency for review prior to approval of Zoning Clearances.

Monitoring: Planning and Development shall site inspect for installation of the swale and periodically to ensure long-term maintenance.

34. **Water Resources-2.** The applicant shall install a roof runoff collection and disposal system. Runoff shall be directed to a subsurface infiltration trench, French drains, landscaped areas, or connected to the site's irrigation system. **Plan Requirements and Timing:** The roof runoff collection system shall be shown on grading, building and landscape plans. The plans shall be submitted to P&D for review prior to approval of Zoning Clearances. The system shall be installed prior to occupancy clearance.

Monitoring: P&D shall site inspect for installation of the system.

35. **Water Resources-3.** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of Zoning Clearances, the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

Monitoring: P&D shall review the documentation prior to approval of Zoning Clearances. P&D shall site inspect during construction for compliance with the SWPPP.

36. **Water Resources-4.** To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design. **Plan Requirements and Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans and shall include at minimum all uncovered parking spaces and patio areas. The plans shall be submitted to P&D for review prior to approval of Zoning Clearances.

Monitoring: Permit compliance and Building inspectors shall monitor implementation of this

design element in the field.

37. **Water Resources-5.** To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site, building and grading plans prior to approval of grading and land use permits. Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of grading permits and Zoning Clearances.

Monitoring: Planning and Development shall site inspect prior to occupancy clearance.

38. **Water Resources-6.** The Homeowners’ Association shall be responsible for the long-term maintenance of the drainage facilities on site. **Plan Requirements and Timing:** The proposed maintenance responsibilities and schedule shall be included in the CC&Rs. The CC&Rs shall be submitted for review by P&D, Flood Control and the Water Agency prior to approval of Zoning Clearances. Annual records of the maintenance activities shall be maintained by the HOA and submitted to P&D upon request.

Monitoring: P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the Homeowners Association.

39. **Water Resources-7.** To prevent sediment from being tracked off of the construction site, stabilized entrances shall be installed. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** The stabilized entrances/exits shall be located and detailed on the grading and drainage plan. Dry cleaning methods shall be enumerated in the project specifications and included on grading and drainage plans. **Timing:** The plans shall be submitted to P&D for approval prior to approval of Zoning Clearances. The stabilized entrances/exits shall be installed prior to initiation of grading and maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

Monitoring: P&D shall site inspect during construction.

40. **Water Resources-8.** Storm drain inlets within the project site shall be covered/blocked when applying seal coat, tack coat, slurry seal, fog seal, etc. **Plan Requirements and Timing:** All grading and drainage and site plans shall include the language of this requirement.

Monitoring: P&D Compliance and Building Inspectors shall ensure that the construction contractor adheres to this requirement.

41. **Water Resources-9.** 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. 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 approval of Zoning Clearances. The washoff area shall be in place throughout construction.

Monitoring: P&D staff shall check plans prior to approval of Zoning Clearances and compliance staff shall site inspect throughout the construction period to ensure proper use.

42. **Water Resources-10.** The applicant shall secure Can and Will Serve letters from the Goleta Water District (GWD). **Plan Requirements and Timing:** Prior to map recordation, the applicant shall provide P&D with a Can and Will Serve letter indicating adequate service for each parcel.

Monitoring: P&D shall ensure Can and Will Serve letters have been secured.

PROJECT SPECIFIC CONDITIONS

43. **Purpose:** An exclusion envelope that corresponds with the property line for Lot 9, the dedicated open space parcel is necessary to specify the types of activities that are allowed within this parcel. No grading, including trenching, concrete, or asphalt shall be allowed within the exclusion envelope, except for abandonment of the existing septic systems. No residences or other accessory structures including cabanas, pools, tennis courts, sheds, garages, decks or patios shall be allowed within the exclusion envelope. No landscaping shall be installed within the exclusion envelope. Benches and narrow footpaths for passive recreational use of the area are allowed within the exclusion envelope. **Plan Requirements:** The legal description of the exclusion envelope shall be described by metes and bounds and shall be recorded as part of the notice document with the final map. The boundaries of the exclusion envelope shall be depicted on all plans submitted for zoning clearance and building permits. **Timing:** The exclusion envelope shall be staked in the field prior to construction.

MONITORING: During plan check, the planner shall confirm that the development restrictions within the exclusion envelope are met. P&D shall verify staking prior to construction during a pre-construction meeting. P&D shall conduct spot checks in the field during construction.

VESTING TENTATIVE TRACT MAP CONDITIONS

44. Prior to recordation of the tentative tract map and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
45. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
46. Three copies of the map and an application for a map clearance to finalize the tentative map, and required review fees in effect at the time, shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final map clearance to the County Surveyor.
47. Title to the common open space (Lot 9) shall be held by a non-profit association of homeowners or by any other non-profit group on such reasonable terms and conditions as the Board of Supervisors may prescribe. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with anything except open

space or noncommercial recreation shall be conveyed to the County of Santa Barbara.

48. Prior to recordation, the applicant shall record CC&R's which provide for shared maintenance responsibilities by all parcels for the drainage system including the bioswales, landscaping, fencing, and access, subject to approvals from Flood Control, P&D and County Counsel. The CC&R's shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project.
49. If, prior to the Board action on the map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
50. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
51. The tentative map shall expire three years after approval or conditional approval by the final decisionmaker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

COUNTY RULES AND REGULATIONS

52. **Additional Approvals Required:** Approval of the tentative tract map, development plan, and road naming is subject to the Board of Supervisors approving the required rezone
53. **Additional Permits Required:** 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 Land Use and Building Permits from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued 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 from Planning and Development.
54. Compliance with Departmental letters required as follows:
 - a. County Surveyor's Office, Department of Public Works dated June 7, 2002
 - b. Air Pollution Control District dated June 3, 2002
 - c. Flood Control dated March 29, 2005
 - d. Fire Department dated May 26, 2006 and November 29, 2004
 - e. Environmental Health Services dated July 24, 2006
 - f. Road Division (Public Works) dated August 26, 2002

g. Parks Department dated February 27, 2007.

55. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
56. **Indemnity and Separation Clauses:** 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 rezone, tentative tract map, development plan, and road naming. 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.
57. **Legal Challenge:** 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.
58. Two performance securities shall be provided by the applicant prior to land use clearances, one equal to the value of installation of landscaping in the common areas and the other equal to the value of maintenance and/or replacement of landscaping in the common areas for a period of 3 years. 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 the landscaping. If plants and irrigation have been established and maintained, P&D may release the maintenance security 3 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 the landscaping according to the approved plan, P&D may collect the security and complete the work on the property.

Monitoring: Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

59. Utilities provided to future development shall be installed underground. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to land use clearance for development on each parcel.

Monitoring: P&D shall check plans prior to recordation and Permit Compliance shall inspect during construction.

60. All construction staging and storage shall be conducted in a designated area on the subject parcel. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

61. The new fence constructed between the new development and residences along May Court shall be constructed at the same height as the existing fence and measured from existing grade. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and the Board of Architectural Review prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

ATTACHMENT C: CONDITIONS OF APPROVAL

DEVELOPMENT PLAN

PROJECT DESCRIPTION

1. This rezone, tentative tract map, development plan, and road naming are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1, dated February 5, 2007, 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 property presently has a land use designation of Residential, 3.3 units per acre. The current zoning of the property is AG-I-5, with a 5-acre minimum parcel size. The applicant is requesting a rezone to Design Residential, (DR-3.3, 3.3 units per acre), consistent with the existing land use designation. (The actual unit density proposed under the development plan would be 1.36 units per acre.)

The proposed vesting tentative tract map (TRM) would subdivide the 5.88 acre-parcel into eight residential lots (Lots 1 - 8) ranging in size from 0.22 acres to 0.84 acres and one common open space lot (Lot 9) of 2.61 acres.

Six single-family residences are proposed to be constructed under the proposed development plan. Construction of the new residences would occur at the same time. Two existing single-family residences on the property would be retained as part of the plan. An unpermitted modular home on proposed Lots 6 and a storage shed on Lot 5 would be demolished under the development plan. All existing and proposed development would be located outside of the 50-foot riparian setback from Fremont Creek, which runs along the western property boundary.

The applicant has elected to meet the County Housing Element Inclusionary Housing requirements, applicable to all projects with five or more net new lots or units, through the payment of in-lieu fees, consistent with Housing Element Policy 1.3. Rather than building affordable units on site, the in-lieu fees paid by the applicant would be deposited in the County's Housing Trust Fund and used for development or rehabilitation of affordable or special needs housing off-site. The estimate for the required in-lieu fees would total \$16,675.43².

The Tract Map would provide for tract grading and drainage and for the development of community infrastructure, including roads and utilities. Vehicular access into and around the project site would be provided by a private roadway accessed from Patterson Avenue at the southern boundary of the project site. The new private road would follow the alignment of the existing private driveway on the project site and would be widened to 20 feet for most of its length, narrowing to 16 feet along the northern parcel boundary leading to Lots 7 and 8. The proposed name for the new private road is Oakside Way.

² The estimated in-lieu fee is base upon the fee per affordable unit in place at the time that the project was deemed complete: 6 units x 12.5% IHP requirement x \$74,113 per affordable unit x 30% pro-rating for projects less than 13 units = \$16,675.43.

Water to serve the proposed development would be provided by the Goleta Water District. Sanitary services would be provided by the Goleta Sanitary District. Fire protection would be provided by the Santa Barbara County Fire Department.

The proposed final development plan includes six new and two existing dwelling units. Details for the lots are as follows:

Lot	1st floor area (in s.f.)	Basement (s.f.)	Garage (s.f.)	Total res. unit (s.f.) ¹	Total floor area (s.f.) ²	Bldg. coverage (s.f.) ³	Driveway Area (s.f.)	Lot Area (in s.f.)	Unpaved Open Space
New Single Family Residences (Units 1 through 6)									
1	2,966	1,248	552	4,214	4,766	3,518	1,329	10,263	
2	2,992	1,634	587	4,626	5,213	3,579	1,445	9,498	
3	2,835	2,128	629	4,963	5,592	3,464	(in lot 5)	19,228	
4	2,857	2,128	628	4,985	5,613	3,485	(in lot 5)	17,169	
5	2,840	2,128	629	4,968	5,597	3,469	6,573	18,415	
6	2,445	2,314	680	4,759	5,439	3,125	1,908	12,429	
Existing Residences (Lots 7 & 8)									
7	3,132	0	611	3,132	3,743	3,743	5,612	18,995	
8	4,600	0	678	4,600	5,278	5,278	4,035	36,405	
Subtotal						20,640		142,402	
Open Space Lot (9)	0	0	0	0	0	0	10,018	113,682	103,664
Total						20,640		256,094	

Notes:

- 4 First floor + basement
- 5 First floor, basement, + garage
- 6 First floor + garage

Building footprints would constitute ±10.5% of the project site. An additional ±12.1 % of the project site would be paved (roadway, parking, driveways and walkways). The project's proposed common open space would consist of the unpaved areas of proposed Lot 9, which totals 2.38 acres of the 2.61 gross acres total of Lot 9 and constitutes ±40.4 % of the project site. Lot 9 is located in the center of the subdivision between Lots 1, 2, 7, and 8 and the private access roadway. All owners would have equal access to the common area.

Each of the new single-family residences on Lots 1-6 would provide two covered garage parking spaces. Lots 1 and 2 would also include one uncovered guest space; Lots 4, 5, and 6 include two uncovered guest spaces. The existing single-family residence on Lot 7 has two covered garage spaces and the existing residence on Lot 8 has three covered garage spaces.

A modification to one parking development standard would be required for the Development Plan. Specifically, Section 35.82.080(F)(1) of the Santa Barbara County Land Use & Development Code requires that uncovered parking spaces be at least five feet from property lines. For Lots 1, 2, 5 and 6, the guest parking spaces are located on the property line.

The proposed project includes an engineered combination of surface and underground storm drain systems to allow for onsite infiltration and to convey the majority of site runoff to Patterson Avenue storm drains. Infiltration pits, drop inlets and a bioswale constructed along the eastern property boundary connecting to the Patterson Avenue storm drain would serve proposed Lots 3-6. Bioswales would capture and allow for infiltration of runoff on proposed Lots 1 and 2. No new drainage infrastructure is proposed for the already-developed Lots 7 and 8 or for open space Lot 9.

Grading for the project would include approximately 8,479 cubic yards (c.y.) of cut and approximately 2,246 c.y. of fill; approximately 4,068 cy of soil would be exported offsite.

Proposed improvements to the public right-of-way along Patterson Avenue would include new curb, gutter and sidewalk extending the length of the southern property line from Fremont Creek to the southeastern corner of the property.

An arborist report has been prepared for the proposed project by Bill Spiewak (February 2007). All recommendations contained in the arborist report would be implemented for the proposed project to mitigate potential impacts to coast live oak trees.

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 FROM NEGATIVE DECLARATION 06NGD-00000-00010

2. **Aesthetics/Visual Resources-1.** The design, scale and character of the project architecture, landscape and exterior lighting shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit a site plan, including water tanks if any, architectural drawings, landscape plans and lighting plans for the project for review and approval by the Board of Architectural Review (BAR) prior to approval of zoning clearances. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.
3. **Aesthetics/Visual Resources-2.** Dark natural building materials and colors compatible with surrounding terrain (dark earthtones and non-reflective paints), subject to BAR review, shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance. **Monitoring:** P&D shall inspect prior to occupancy clearance.
4. **Aesthetics/Visual Resources-3.** Landscaping shall be maintained for the life of the project.

Monitoring: Staff shall ensure that project CC&Rs specify Home Owner Association (HOA) responsibility for perpetual landscape maintenance.

5. **Aesthetics/Visual Resources-4.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Minimal lighting shall be used on Oakside Way and shall be no higher than 3 feet off the ground. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. as necessary to prevent off site light spillage. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of zoning clearances for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

6. **Aesthetics/Visual Resources-5.** To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Construction waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to approval of zoning clearances, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

7. **Aesthetics/Visual Resources-6.** The applicant or his designee shall clear the project site of all excess construction debris on a regular weekly basis or more frequently as directed by Permit Compliance staff throughout construction. **Plan Requirement:** Prior to approval of zoning clearances, applicant shall designate and provide to P&D the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on final building plans. **Timing:** Final debris clearance shall occur prior to occupancy clearance.

Monitoring: P&D shall site inspect throughout construction and immediately prior to occupancy clearance.

8. **Agricultural Resources-1.** There shall be a minimum of a 50 foot buffer between the northern property boundary and any new habitable structures/spaces/additions, or active recreational areas in order to ensure a margin of safety is maintained and potential nuisance issues or land use conflicts with the adjacent active agricultural operations are minimized. Access roads, landscape screening, uncovered parking, walls, and fencing may be located within the buffer area. Non-habitable accessory structures (i.e. garages, workshops, studios, etc.) shall be allowed within the buffer on Lot 8 only, as long as the additional development does not further encroach northward due to the pre-existing development on this parcel. The 50 foot agricultural buffer shall remain in effect so long as the adjacent property to the north is zoned for agriculture and/or remains in active agricultural production. No invasive plant species shall

be planted on the property. **Plan Requirements and Timing:** This condition shall be printed on and recorded with the tentative tract map. The Agricultural Commissioner's Office shall review and approve the landscaping plans to ensure that invasive plant species are not proposed.

MONITORING: P&D will ensure that this condition is printed on and recorded with the tentative tract map prior to map clearance. Permit Compliance shall confirm installation of approved landscaping prior to occupancy clearance.

9. **Agricultural Resources-2 (Recommendation).** A Notice To Property Owner (NTPO) including the County's Right to Farm ordinance should be recorded with the County Clerk-Recorder to notify all future property owners of adjacent agricultural uses and of the County's support of the ongoing agricultural operations.
10. **Air Quality-1.** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods 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 Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Zoning Clearances.

Monitoring: Grading Inspector shall perform periodic site inspections.

11. **Air Quality-2.** Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site, 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. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods.

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors

shall spot check; Grading and Building shall ensure compliance on site. APCD inspectors shall respond to nuisance complaints.

12. **Air Quality-3.** The following should be adhered to during project grading and construction to reduce NOx emissions from construction equipment to the maximum extent feasible:
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be utilized wherever feasible.
 - b. The engine size of construction equipment shall be the minimum practical size.
 - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - d. Construction equipment shall be maintained in tune per the manufacturer’s specifications.
 - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - g. Diesel catalytic converts shall be installed, if available.
 - h. Diesel particulate emissions shall be reduced using EPA or California certified and or verified control technologies like particulate traps.
 - i. Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - j. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: These recommendations should be noted on all grading plans. **Timing:** The final grading plan shall be submitted for review prior to land use permit approval.

Monitoring: P&D should ensure measures are on plans.

13. **Biological Resources-1** In order to protect existing native California live oak trees (*Quercus agrifolia*) and minimize adverse effects of grading and construction onsite, the applicant shall prepare and implement an Oak Tree Protection and Replacement Plan. No ground disturbance including grading for buildings, accessways, easements or subsurface grading shall occur within the critical root zone of any native tree except as shown on the approved Preliminary Grading and Drainage Plan and Final Development Plan and as specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:
- a. An exhibit showing the location, diameter and critical root zone of all native trees located onsite.
 - b. Fencing of all trees to be protected at or outside the critical root zone. Fencing shall be at least three feet in height of chain link or other material acceptable to

P&D and shall be staked every 6 feet. The applicant shall place signs stating “tree protection area” at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to land use permit approval and shall remain in place throughout all grading and construction activities.

- c. The tree protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be restricted to outside the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- g. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
- h. No permanent irrigation shall occur within the critical root zone of any native tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- i. Only trees designated for removal on the approved tree protection plan shall be removed.
- j. Any oak trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone), shall be replaced as reviewed and approved by a Certified Arborist on site on a 10:1 basis with 1-gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy and irrigated and maintained until established, for a minimum of five years. The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked,

chain link fencing and gopher fencing during the maintenance period.

- k. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

Plan Requirements: Prior to approval of Zoning Clearances, the Oak Tree Protection and Replacement Plan shall be submitted to P&D for review and approval. The approved Oak Tree Protection and Replacement Plan shall be recorded with the final map. Prior to approval of Zoning Clearances, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented consistent with the approved Oak Tree Protection and Replacement Plan. Prior to approval of Zoning Clearances, the applicant shall successfully file evidence of posting of a performance security which is acceptable to P&D to guarantee tree replacement.

Timing: Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

Monitoring: P&D shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures, including required tree replacement. Release of performance security requires P&D staff signature.

14. **Biological Resources-2.** The applicant shall include in CC&R's a copy of the State Department of Agriculture pamphlet, *Living Among the Oaks*.
15. **Biological Resources-3.** All ground disturbances and vegetation removal shall be prohibited in a 50-foot setback from either side of the top-of-bank of Fremont Creek, a sensitive riparian habitat area. The area shall be fenced during construction with a fencing type and in a location acceptable to P&D. **Plan Requirements:** The riparian habitat area shall be shown on all grading plans. All grading, drainage and construction plans shall include the instruction: "No personnel, equipment, materials, or vehicles will be permitted within 50 feet of the top of the creek banks." **Timing:** Fencing shall be installed prior to any earth movement.

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

16. **Biological Resources-4.** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirements and Timing:** Prior to approval of Zoning Clearances, the applicant must receive all necessary permits from California Department of Fish and Game.

Monitoring: P&D shall monitor as required by Fish & Game.

17. **Biological Resources-5.** Silt fencing shall be installed along the base of the chain link fence along the edge of Fremont Creek and shall remain in place during construction to block native amphibians and reptiles from moving into the construction area. **Plan Requirements and Timing:** The silt fencing along Fremont Creek shall be installed prior commencement of

grading.

Monitoring: P&D shall perform site inspections throughout the construction phase to confirm that the silt fencing along Fremont Creek remains in place.

18. **Biological Resources-6.** The chain link fence at the northeastern corner of the project site separating the project site from the adjacent orchard property to the north shall be maintained and the gate shall be locked throughout construction. All personnel shall be instructed to keep off the orchard property. **Plan Requirements and Timing:** The chain link fence shall be shown on all grading, drainage and construction plans. **Monitoring:** P&D shall perform site inspections throughout the construction phase to confirm that the fence at the northeastern property corner remains in place and the gate remains locked.
19. **Biological Resources-7.** Construction shall avoid the bird breeding season (March 25 through July 1) to avoid potential impacts to special status bird species. Alternatively, a County-approved qualified biologist may survey the site within two weeks of the start of construction during bird breeding season to determine whether any special status bird species are nesting in the area. If no nesting special status bird species are found, construction may proceed. **Plan Requirements and Timing:** This condition shall be printed on all construction, grading, and building plans. **Monitoring:** P&D staff shall perform site inspections throughout the construction phase.
20. **Biological Resources-8.** To minimize pollutants impacting downstream waterbodies or habitat, the applicant shall install a combination of structural and non-structural Best Management Practices (BMPs) (e.g., bioswales, storm drain filters, permeable pavement, storm drain filters/inserts, inline clarifiers, or separators in the project area storm drain inlets and/or permeable paving, etc.) to effectively prevent the entry of pollutants from the project site into the storm drain system during and after development. **Plan Requirements:** The applicant/owner shall submit and implement a Storm Water Quality Management Plan (SWQMP). The SWQMP shall include the following elements: identification of potential pollutant sources that may affect the quality of the storm water discharges; the proposed design and placement of structural and non-structural BMPs to address identified pollutants; a proposed inspection and maintenance program; and a method for ensuring maintenance of all BMPs over the life of the project. The approved measures shall also be shown on all site, building and grading plans. Records of maintenance shall be maintained by the HOA. **Timing:** Prior to approval of Zoning Clearances, the SWQMP shall be submitted to P&D, Flood Control, and the Water Agency. All measures specified in the plan shall be constructed and operational prior to occupancy clearance. Maintenance records shall be submitted to P&D on an annual basis prior to the start of the rainy season and for five years thereafter. After the fifth year the records shall be maintained by the HOA and be made available to P&D or Public Works on request.

Monitoring: P&D, Flood Control and/or the Water Agency shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance. Maintenance of the BMPs over the life of the project shall be the responsibility of the HOA.

21. **Biological Resources-9.** Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet

protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by P&D and Flood Control prior to approval of Zoning Clearances. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

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

22. **Biological Resources-10.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearances. The washout area(s) shall be in place and maintained throughout construction.

Monitoring: P&D staff shall check plans prior to approval of Zoning Clearances and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

23. **Cultural Resources-1.** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant 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 applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans.

Monitoring: P&D shall check plans prior to approval of Zoning Clearances and shall spot check in the field.

24. **Energy-1 (Recommended).** The following energy-conserving techniques should be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:

- installation of low NO_x residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
- installation of heat transfer modules in furnaces;
- use of water-based paint;
- 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;
- o use of passive solar cooling/heating;
 - o use of natural lighting;
 - o use of concrete or other non-pollutant materials for parking lots instead of asphalt;
 - o installation of energy efficient appliances;
 - o installation of energy efficient lighting;
 - o use of landscaping to shade buildings and parking lots;
 - o installation of sidewalks.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans or shall submit proof of unfeasibility prior to approval of Zoning Clearances.

Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

25. **Fire Protection-1.** In order to prevent arcing, utilities provided to future development shall be installed underground. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to approval of Zoning Clearances for future development on each parcel.

Monitoring: P&D shall check plans and inspect prior to and during construction.

26. **Geologic Processes-1.** The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1), unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. All other recommendations in the Preliminary Foundation Investigation prepared by Pacific Materials Laboratory, dated October 16, 2002, shall be followed. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within four weeks of grading completion.

Monitoring: P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

27. **Geologic Processes-2.** All project grading shall conform to the Santa Barbara County Grading Ordinance and to the recommendations specified in the Pacific Materials Laboratory Preliminary Foundation Investigation dated October 16, 2002.

Monitoring: P&D shall site inspect during grading.

28. **Noise-1.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). 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:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

29. **Noise-2.** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location throughout construction activities.

Monitoring: Permit Compliance shall perform site inspections to ensure compliance.

30. **Noise-3.** The walls, doors and windows of residences that face Patterson Avenue shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 45 dBA. This would require at a minimum the use of double-paned windows on all floors for those windows that face the street at the second floor level. Such windows should have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated. Doors with a minimum STC of 35 shall be used for those doorways facing the street on the second floor and they shall be insulated in conformance with California Title 24 requirements. The exterior wall facing material shall be stucco and/or shall be designed for a minimum STC of 45. Normal construction practices, per the latest edition of the Uniform Building Code will be needed to meet these measures.

Plan requirements: Measures shall be indicated on building plans. **Timing:** All measures shall be installed and inspected prior to final occupancy approval.

Monitoring: Building plan checker shall confirm plans are correctly drawn. Building inspectors shall confirm installation in the field.

31. **Transportation/Circulation-1.** A construction staging area shall be established on the project site and all construction equipment and construction employee vehicles shall be stored and parked in this area. **Plan Requirements and Timing:** Prior to approval of Zoning Clearances, the project plans shall graphically indicate the location of the construction staging area.

Monitoring: P&D Compliance staff shall spot check in the field and shall respond to complaints.

32. **Transportation/Circulation-2.** The mailboxes at the existing entrance shall be relocated, and the existing west entrance wall shall be reduced to a height of 2 feet or lower, in order to comply with Public Works/ Road Division requirements for adequate sight distance at the existing entrance to the project site. Within the sight distance range of the proposed new entrance to Lot 1, hedges shall be cut back or relocated as needed in order to comply with Public Works/ Roads Division

requirements for adequate sight distance. **Requirements and Timing:** The project plans shall graphically indicate adequate sight distance clearances for both entrances to the project site. **Monitoring:** P&D shall site inspect during construction.

33. **Water Resources-1.** To allow for infiltration and treatment, runoff from the site shall be directed to a permanent grass or vegetated drainage swale as indicated on plans. A registered civil engineer or other qualified professional shall design the vegetated drainage swale. Only non-invasive, drought-tolerant plants shall be used in the drainage swale. **Plan Requirements and Timing:** Swale designs, including the plant palette and the source of plant material, shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. A maintenance program shall be specified in an inspection and maintenance plan. The plan shall specify, at a minimum, annual inspection for signs of erosion, vegetation loss, and channelization, and regular mowing when grasses reach a height of 6 inches with clippings removed from the swale. Long term maintenance shall be the responsibility of the HOA. A maintenance program shall be specified in the CC&Rs. The plans and a copy of the long-term maintenance program shall be submitted to P&D, Flood Control, and the Water Agency for review prior to approval of Zoning Clearances.

Monitoring: Planning and Development shall site inspect for installation of the swale and periodically to ensure long-term maintenance.

34. **Water Resources-2.** The applicant shall install a roof runoff collection and disposal system. Runoff shall be directed to a subsurface infiltration trench, French drains, landscaped areas, or connected to the site's irrigation system. **Plan Requirements and Timing:** The roof runoff collection system shall be shown on grading, building and landscape plans. The plans shall be submitted to P&D for review prior to approval of Zoning Clearances. The system shall be installed prior to occupancy clearance.

Monitoring: P&D shall site inspect for installation of the system.

35. **Water Resources-3.** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of Zoning Clearances, the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

Monitoring: P&D shall review the documentation prior to approval of Zoning Clearances. P&D shall site inspect during construction for compliance with the SWPPP.

36. **Water Resources-4.** To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design. **Plan Requirements and Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans and shall include at minimum all uncovered parking spaces and patio areas. The plans shall be submitted to P&D for review prior to approval of Zoning Clearances.

Monitoring: Permit compliance and Building inspectors shall monitor implementation of this design element in the field.

37. **Water Resources-5.** To prevent illegal discharges to the storm drains, all on-site storm drain

inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site, building and grading plans prior to approval of grading and land use permits. Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of grading permits and Zoning Clearances.

Monitoring: Planning and Development shall site inspect prior to occupancy clearance.

38. **Water Resources-6.** The Homeowners’ Association shall be responsible for the long-term maintenance of the drainage facilities on site. **Plan Requirements and Timing:** The proposed maintenance responsibilities and schedule shall be included in the CC&Rs. The CC&Rs shall be submitted for review by P&D, Flood Control and the Water Agency prior to approval of Zoning Clearances. Annual records of the maintenance activities shall be maintained by the HOA and submitted to P&D upon request.

Monitoring: P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the Homeowners Association.

39. **Water Resources-7.** To prevent sediment from being tracked off of the construction site, stabilized entrances shall be installed. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** The stabilized entrances/exits shall be located and detailed on the grading and drainage plan. Dry cleaning methods shall be enumerated in the project specifications and included on grading and drainage plans. **Timing:** The plans shall be submitted to P&D for approval prior to approval of Zoning Clearances. The stabilized entrances/exits shall be installed prior to initiation of grading and maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

Monitoring: P&D shall site inspect during construction.

40. **Water Resources-8.** Storm drain inlets within the project site shall be covered/blocked when applying seal coat, tack coat, slurry seal, fog seal, etc. **Plan Requirements and Timing:** All grading and drainage and site plans shall include the language of this requirement.

Monitoring: P&D Compliance and Building Inspectors shall ensure that the construction contractor adheres to this requirement.

41. **Water Resources-9.** 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. 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 approval of Zoning Clearances. The washoff area shall be in place throughout construction.

Monitoring: P&D staff shall check plans prior to approval of Zoning Clearances and compliance staff shall site inspect throughout the construction period to ensure proper use.

42. **Water Resources-10.** The applicant shall secure Can and Will Serve letters from the Goleta Water District (GWD). **Plan Requirements and Timing:** Prior to map recordation, the applicant shall provide P&D with a Can and Will Serve letter indicating adequate service for each parcel.

Monitoring: P&D shall ensure Can and Will Serve letters have been secured.

PROJECT SPECIFIC CONDITIONS

43. **Purpose:** An exclusion envelope that corresponds with the property line for Lot 9, the dedicated open space parcel is necessary to specify the types of activities that are allowed within this parcel. No grading, including trenching, concrete, or asphalt shall be allowed within the exclusion envelope, except for abandonment of the existing septic systems. No residences or other accessory structures including cabanas, pools, tennis courts, sheds, garages, decks or patios shall be allowed within the exclusion envelope. No landscaping shall be installed within the exclusion envelope. Benches and narrow footpaths for passive recreational use of the area are allowed within the exclusion envelope. **Plan Requirements:** The legal description of the exclusion envelope shall be described by metes and bounds and shall be recorded as part of the notice document with the final map. The boundaries of the exclusion envelope shall be depicted on all plans submitted for zoning clearance and building permits. **Timing:** The exclusion envelope shall be staked in the field prior to construction.

MONITORING: During plan check, the planner shall confirm that the development restrictions within the exclusion envelope are met. P&D shall verify staking prior to construction during a pre-construction meeting. P&D shall conduct spot checks in the field during construction.

44. The Board of Architectural Review shall review and approval the final maximum heights and plate heights of the new residences and landscaping for the project. Pursuant to the Board of Architectural Review's direction, the majority of the plate heights on proposed new structures on Lots 3 through 5 shall be nine feet and the maximum height of the structures on these lots shall be dropped one foot from the plans reviewed at the November 2007 Board of Architectural Review meeting. The hedge and chain link fencing, or similar material, shall be retained along Patterson Avenue. Oaks, rather than deciduous trees, shall be planted between the new residences on Lots 3 and 4 and Patterson Avenue to provide additional screening. Proposed gazebos on Lots 3 and 4 shall be screened from the street. Tile shall be used for roof materials. **Plan Requirements/Timing:** The Board of Architectural Review shall review and approve the maximum height and plate heights of each new residence prior to zoning clearance. The Board of Architectural Review shall review and approve the design of the new houses, including the landscaping plans, prior to the approval of zoning clearances.

MONITORING: Building Inspectors shall follow their standard procedures to confirm heights of buildings prior to occupancy clearance. Permit Compliance shall confirm installation of landscaping prior to occupancy clearance and shall respond to complaints.

DEVELOPMENT PLAN CONDITIONS

45. Approval of the Final Development Plan shall expire five (5) years after approval by the Board of Supervisors, 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 decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

46. 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, patios, accessory structures, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit #1, dated June 22, 2006. Substantial conformity shall be determined by the Director of P&D.
47. On the date a subsequent Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
48. 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 approval of a Land Use Permit.
49. No permits for development, including Grading Permits and Land Use Permits, shall be issued prior to recordation of the proposed tentative tract map.
50. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to approval of Land Use Permits.

COUNTY RULES AND REGULATIONS

51. **Additional Approvals Required:** Approval of the tentative tract map, development plan, and road naming is subject to the Board of Supervisors approving the required rezone
52. **Additional Permits Required:** 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 Land Use and Building Permits from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued 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 from Planning and Development.
53. Compliance with Departmental letters required as follows:
 - a. County Surveyor's Office, Department of Public Works dated June 7, 2002
 - b. Air Pollution Control District dated June 3, 2002
 - c. Flood Control dated March 29, 2005
 - d. Fire Department dated May 26, 2006 and November 29, 2004
 - e. Environmental Health Services dated July 24, 2006
 - f. Road Division (Public Works) dated August 26, 2002
 - g. Parks Department dated February 27, 2007.
54. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
55. **Indemnity and Separation Clauses:** 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 rezone, tentative tract map, development plan, and road naming. 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.

56. **Legal Challenge:** 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.
57. Two performance securities shall be provided by the applicant prior to land use clearances, one equal to the value of installation of landscaping in the common areas and the other equal to the value of maintenance and/or replacement of landscaping in the common areas for a period of 3 years. 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 the landscaping. If plants and irrigation have been established and maintained, P&D may release the maintenance security 3 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 the landscaping according to the approved plan, P&D may collect the security and complete the work on the property.

Monitoring: Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

58. Utilities provided to future development shall be installed underground. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to land use clearance for development on each parcel.

Monitoring: P&D shall check plans prior to recordation and Permit Compliance shall inspect during construction.

59. All construction staging and storage shall be conducted in a designated area on the subject parcel. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

60. The new fence constructed between the new development and residences along May Court shall be constructed at the same height as the existing fence and measured from existing grade. **Plan Requirements/Timing:** Plans shall be reviewed and approved by P&D and the Board of Architectural Review prior to land use clearance for development of each parcel.

Monitoring: Permit Compliance shall conduct spot checks in the field and respond to complaints.

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT

123 East Anapamu Street
Santa Barbara, California 93101
805\568-3000 FAX 805\568-3019



PHILLIP M. DEMERY
Director

June 7, 2002

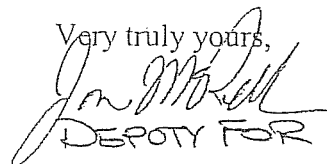
County Subdivision Committee
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Tentative Tract Map No. 02-TRM-00000-00005 (Hourigan)

Owner: Brian & Terri Hourigan
Address: 1118 North Patterson Avenue
Santa Barbara, CA 93117

Requirements of the County Surveyor's Office

Pursuant to Section 66441 of the State Subdivision Map Act the Tract Map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Furthermore, property lines shall be monumented in accordance with Section 21-16 of said County Code.

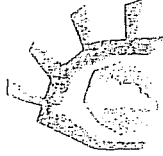
Very truly yours,

DEPUTY FOR

Michael B. Emmons
County Surveyor

cc: Planning & Development - Petra Leyva

02TM05subreview.doc

AA/EEO Employer



Santa Barbara County
Air Pollution Control District

TO: County Planning and Development
ATTN: Petra Leyva *PTL*
FROM: Vijaya Jammalamadaka *VJ*
DATE: June 3, 2002
CASE #: 02GPA-00000-00002 Hourigan AG to Res/9Lots/Rezone
(APN 069-060-040)

The Air Pollution Control District has reviewed the referenced case and offers the following:

- The APCD has no comment on this project at this time.
- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the attached "Asbestos Demolition/Renovation Notification" form. The completed form should be mailed to the Santa Barbara APCD and EPA Region IX no later than the date specified in number 2 of the instructions.
- Standard dust mitigation measures (dated September 1996) are recommended for all construction and/or grading activities. The name and telephone number of an on site contact person must be provided to the APCD prior to issuance of land use clearance.

cc:

Brian Hourigan, Agent
Project File
TEA Chron File

Douglas W. Allard
26 Castilian Drive B-23, Goleta, CA 93117 Fax: 805-961-8801 Phone: 805-961-8800

Air Pollution Control Officer

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
STANDARD DUST CONTROL REQUIREMENTS

1. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever possible.
 - a. During clearing, grading, earth moving or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust.
 - b. After clearing, grading, earth moving or excavation is completed the disturbed area must be treated by watering or revegetating; or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - c. During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Importation, Exportation and Stockpiling of Fill Material:

Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Trucks transporting fill material to and from the site shall be tarped from the point of origin.

If the construction site is greater than five acres, gravel pads must be installed at all access points to minimize tracking of mud on to public roads.

3. Activation of Increased Dust Control Measures:

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

4. Recordation of Mitigation Measures:

Prior to land use clearance the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

RECEIVED

MAR 31 2005

S.B. COUNTY
PLANNING & DEVELOPMENT



Santa Barbara County Public Works Department
Flood Control & Water Agency

March 29, 2005

Planning Commission
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: 02TRM-00000-00005/04DVP-00000-00005; Hourigan Lot Split
APN: 069-060-040/Goleta

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions:

1. Prior to recordation, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to recordation, the applicant shall submit a copy of the map, improvement plans, grading & drainage plans and a drainage study, to the District for review and approval. Said maps shall include private drainage easements across downstream parcels in favor of upstream parcels.
3. Prior to issuance of land use clearance, the applicant shall submit grading/drainage plans, improvement plans and landscape plans to the District for review and approval. Said plans shall convey drainage to an acceptable watercourse or drainage facility in a non-erosive manner.
4. All drainage improvements required as part of the above conditions shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer prior to occupancy clearance(s).
5. The applicant will be required to pay the current plan check fee deposit at the time the map and/or plans are submitted for District review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

cc: Peter Imhof, Planning & Development
Brian & Terri Hourigan, 1118 North Patterson Ave., Goleta, CA 93111
Laura Bridley, 118 Mohawk Road, Santa Barbara, CA 93109
DTR Engineering, 1695 Mesa Verde, Suite 100, Ventura, CA 93003

Memorandum



Date: May 26, 2006

To: Petra Leyva *Alice Perley*
Planning & Development
Santa Barbara

From: Jim Michalak, Inspector *JM*
Fire Department

Subject: APN: 069-060-040; Case #: 06RDN-00004; Site: 1118 N. Patterson Avenue
Project Description: Road Naming

The Santa Barbara County Fire Department has reviewed the list of proposed road names for the above project and has no objections to:

1. Oakeside Way, Oakeside Lane
2. Hundred Oak Way, Hundred Oak Lane

The road names Oakeside Drive, Hundred Oak Drive and County Park Drive, Way or Lane are not acceptable to the fire department.

As always, if you have any questions or require further information please call 681-5500.

JM:reb

c: Terri Hourgan, 1118 N. Patterson Ave., Santa Barbara, CA 93111
APN/Chron

RECEIVED

JUL 30 2006

S.B. COUNTY BUILDING DIVISION

Sign _____

Memorandum

Date: November 29, 2004

To: Peter Imhoff
Planning & Development
Santa Barbara

From: Adam Estabrook, Inspector
Fire Department

A.E.



Subject: APN: 069-060-040; Project: Subdivision of 5.8 Acres at 1118 N. Patterson Ave.

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

PRIOR TO BEGINNING ANY WORK, THE FOLLOWING CONDITIONS MUST BE MET:

1. Operations involving removal of asbestos or asbestos containing material (ACM) shall be in accordance with the California Fire Code, Section 8707. Obtain a permit from the fire department to conduct asbestos or ACM removal operations. Contact the Inspection Services Unit at (805) 686-8181 for additional information.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS, THE FOLLOWING CONDITIONS MUST BE MET:

2. The new private roadway accessing this project off of Patterson Avenue shall have a minimum width of 20 feet, shall be paved, and shall have concrete curbs and gutters (rolled and "V" type gutters are also acceptable).

A road name will be required.

Parking will not be allowed on either side of the roadway. Curbs on both sides of the new private roadway shall be painted red. "No Parking Any Time" signage shall be posted every 150 feet on both sides along the entire length of the road, including the turnaround at the end.

Driveway access to Lot #8 shall have a minimum width of 16 feet. Driveway access to Lot #9 shall have a minimum width of 12 feet and shall terminate with a fire department approved hammerhead style turnaround.

A sign shall be posted along the roadway near Lot #7 to indicate the location of the fire department turnaround on Lot #9.

3. Santa Barbara County Fire Department High Fire Hazard Area Requirements must be met.
4. Two (2) fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 750 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department.

PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET:

5. The fire department shall determine and assign all address numbers and shall issue such numbers to property owners and occupants.
6. Building address numbers shall be posted in conformance with fire department standards.
7. When access ways are gated, a fire department approved locking system shall be installed.
8. Any new structure of 5000 square feet, or larger, shall be required to be equipped with an automatic fire sprinkler system.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.20 per square foot

Goleta Fee at \$637.00 per single family residence

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

AE:reb

c: APN/Chron

PUBLIC Health

DEPARTMENT

Environmental Health Services

RECEIVED
 1285 Centerpointe Pkwy, #333 • Santa Maria, CA 93455-1340
 805/346-8460 • FAX 805/346-8485

JUL 24 2006

Elliot Schulman, MD, MPH, Director/Health Officer
 Earl Lynch, MD, Medical Director

S.P. 111111

PLANNING & DEVELOPMENT

TO: Michelle Gibbs, Planner
 Planning & Development Department
 Development Review Division

FROM: Paul E. Jenzen
 Environmental Health Services

DATE: July 24, 2006

SUBJECT: Case No. 02TRM-00000-00005/04DVP-00000-00005

Goleta Area

Applicant: Brian & Terri Hourigan
 1118 North Patterson Avenue
 Goleta, CA. 93111

Property Location: Assessor's Parcel No. 069-060-040, zoned AG-1-5, and located at 1118 N. Patterson Avenue.

02TRM-00000-00005/04DVP-00000-00005 represents a request to subdivide a 5.88-acre parcel into nine residential lots ranging in size from 0.12-acres to 0.81-acres and a common space open lot of 2.61-acres. Additionally, five single-family residences and one duplex are proposed to be constructed under the development plan. An unpermitted modular home and a storage shed will be demolished as part of the project.

Domestic water supply is proposed to be provided by the Goleta Water District. Because the project would require new connections to the Goleta Water District a 'can and will' serve letter would be required.

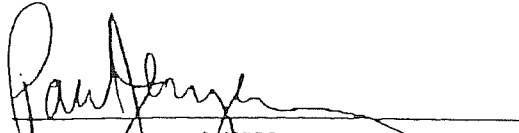
Sewage disposal is proposed to be provided by the Goleta Sanitary District. The project is located outside of the Goleta Sanitary District Boundary and would need to be annexed prior to recordation.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, Environmental Health Services shall receive and approve written notice from the Goleta Water District indicating that said district can and will provide domestic water service upon demand and without exception and that all financial arrangements guaranteeing extension of said service have been made to the satisfaction of the district and Environmental Health Services.
2. Prior to Recordation, annexation of the project site to the Goleta Sanitary District shall be completed.
3. Prior to Recordation, Environmental Health Services shall approve written notice in the form of a connection permit from Goleta Sanitary District indicating that will provide municipal sewage collection and disposal and that all financial arrangements guaranteeing extension of such service have been made to the satisfaction of the sanitary district and Environmental Health Services.

4. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.

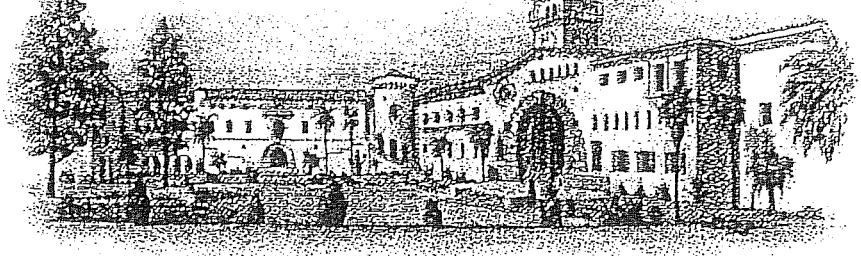
5. Concurrent to Connection to the Sewer, the existing septic systems shall be destroyed under permit and inspection of Environmental Health Services.



Paul E. Jenzen, REHS
Senior Environmental Health Specialist

cc: Applicant
Agent, Laura Bridley, 118 Mohawk Road, Santa Barbara, CA. 93111
Goleta Water District
Goleta Sanitary District
Office of the County Surveyor
Mike Zimmer, Planning & Development Building Div, Santa Barbara
Lloyd Simms, Environmental Health Services

LU-4601



August 26, 2002

TO: Jake Jacobus, Planner
Development Review

FROM: William Robertson, Transportation Planner
Transportation Division

SUBJECT: Condition Letter
Hourigan GPA/RZN/TRM
02GPA-00000-00002, 01RZN-00000-00003, 02TRM-00000-00005
APN: 069-060-040 / Santa Barbara

Santa Barbara County Public Works' recommended conditions for the approval of the above referenced project.

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new lot, for the purpose of funding transportation facilities within the Goleta Planning Areas of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$59,754 (6 new buildable lots x \$9,959/lot). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101. Please phone this office prior to payment if unsure as to the final fee required.

2. All applicable Standard Conditions shall apply as specified in Section 9-5.02 of the Santa Barbara County Engineering Design Standards unless approved otherwise by the Department of Public Works.
3. Site access shall be to the satisfaction of the County Traffic Engineer. This may include the trimming or removal of vegetation to ensure adequate site distance.
 - a) Minimum width shall be 16 feet. Roadways serving 5 or more lots or dwellings shall have a 20 foot minimum width.
 - b) A maintained all weather surface shall be provided.
 - c) Within the Urban Limits, a paved surface shall be provided as specified in Section 8-5 of the Santa Barbara County Engineering Design Standards.

- d) Private roads serving 5 or more residential lots or dwellings will require civil engineering design based on an appropriate Traffic Index Value not lower than 4.0 and R-Value Soil Analysis.
 - e) Minimum sight distance must be provided at all access points as described in Section 7 of the County Engineering Design Standards, which applies to both public and private access intersections.
4. Prior to recordation of the Final Map (or Zoning Clearance), the applicant must apply for an Excavation and/or Encroachment Permit from the Transportation Division of the Public Works Department for any work within the road right of way. No landscaping or structures will be permitted within the road right of way unless specifically included in the permit. Any proposed landscaping in the road right of way will require a long-term maintenance agreement as part of the permit.
5. Prior to recordation of the Final Map (or Zoning Clearance), the applicant shall engineer and post a surety acceptable to County Counsel for the construction of standard concrete curb, gutter, sidewalk and up to 18 feet of matching asphalt paving to the standards of a 56 foot Residential Street including any necessary off-site transitions.
6. Improvement plans shall include the following items, designed to the satisfaction of the County Traffic Engineer:
- a) Design and construct the driveway entrance on Patterson Ave. to include a minimum 25-foot throat width. This access shall be aligned with, or offset a minimum of 150 feet, from all accesses on opposite sides of the street. When applicable, shorter distances may be permitted to the maximum distance possible that is approved by the County Traffic Engineer.
 - b) Prior to occupancy, and prior to final acceptance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final acceptance.

If you have any questions, please contact me at 739-8785.

Sincerely,

William T. Robertson

cc: 02TRM-00000-00005

Bret Stewart, Transportation Manager, County of Santa Barbara, Public Works Department
F:\WINWORD\PLANNING\Santa Barbara\Hourigan GPA-RZ-TRM 02-Cond.doc



February 27, 2007

Jason Stilwell
Director of Parks
(805) 568-2461

Michael Gibson
Business Manager
(805) 568-2477

Coleen Lund
Project Manager
(805) 568-2470


Jim Isaac
South County Deputy Director
Tel: (805) 681-5651
Fax: (805) 681-5657

Jeff Stone
North County Deputy Director
Tel: (805) 934-6145
Fax: (805) 934-6213

610 Mission Canyon Road
Santa Barbara, CA 93105
Tel: (805) 568-2461
Fax: (805) 568-2459
administration@sbparks.org
www.sbparks.org
Reservations:
(805) 568-2460

Equal Opportunity Employer

TO: Michelle Gibbs, Planner
Planning & Development

FROM: Claude Garciacelay, Park Planner 

RE: 02TRM-005 / 01RZN-003 (TM 14,604) Hourigan
APN 069-060-040

County Parks recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to the provisions of Santa Barbara County Ordinance 4317 (Quimby Ordinance) and the appurtenant fee resolution for the recreational demand area, the applicant will be required to pay a fee for each generated lot or dwelling unit. The purpose of the fee is to provide park and recreational facilities within the recreational demand area.

Based on the current fee schedule, the total fee for the proposed project would be **\$55,788.00** (\$9298 x 6 new lot(s)/dwelling unit(s)). Fees are due prior to land use clearance. The actual fee shall be based on the fee schedule in effect when paid and fee schedules are subject to adjustment on an annual basis. Please phone this office prior to payment if unsure as to the final fee required. This office will not accept or process a payment prior to project approval by the decision maker.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105; or in the North County at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455.

c: Agent:
Laura Bridley, AICP
118 Mohawk Rd., Santa Barbara CA 93109

