

SANTA BARBARA COUNTY PLANNING COMMISSION
Coastal Zone Staff Report for the
Beach Club Lot Split, Gabion Wall and Grading, and
New Single Family Residence Project

Hearing Date: December 4, 2013
Staff Report Date: November 15, 2013
Case Nos.: 12TPM-00000-00006,
11CDH-00000-00006 &
11CDH-00000-00054
Environmental Document: 13-ND-12

Deputy Director: Alice McCurdy
Division: Development Review
Supervising Planner: Anne Almy
Supervising Planner Phone: 568-2053
Staff Contact: Joyce Gerber
Planner's Phone: 934-6265

OWNER/APPLICANT

Beach Club Family Trust
c/o Tim Hocter
3705 Telegraph Road
Ventura, CA 93003
(805) 701-6566

AGENT

Ginger Andersen
Penfield and Smith
111 East Victoria Street
Santa Barbara, CA 93101
(805) 963-9532

ARCHITECT

Mark Wryan
PO Box 50705
Montecito, CA 93150
(917) 647-4635



Applications Complete: November 18, 2012 (12TPM-00000-00006)

and June

Processing Deadline: 60 days from adoption of ND

1.0 REQUEST

Hearing on the request of Ginger Andersen, agent for the Beach Club Family Trust, owner, to consider the following:

- a. Case No. 12TPM-00000-00006, [application filed on July 19, 2012] for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to divide 10.25 acres into two lots of 3.02 and 7.23 acres, on property zoned 3-E-1;
- b. Case No. 11CDH-00000-00006 [application filed on February 9, 2011] for a Coastal Development Permit with hearing in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance, on property zoned 3-E-1, to allow (1) as-built grading, (2) modifications to the biological resources restoration plan titled “Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California” dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014, (3) removal of the single family dwelling, (4) removal of the accessory structure, (5) removal of a retaining wall, (6) removal of the play structure, (7) abandonment of an existing well, (8) grading for sensitive resource capping, and (9) installation of a split-rail safety fence; and
- c. Case No. 11CDH-00000-00054 [application filed on November 30, 2011] for a Coastal Development Permit with hearing in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance, on property zoned 3-E-1, to allow construction of a new single family residence and associated fencing and landscaping;

and to adopt the Mitigated Negative Declaration (13 -ND- 12) 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:

Aesthetic/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Resources, Noise and Water Resources.

The ND and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara (or 624 W. Foster Rd., Santa Maria). 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 application involves AP No. 005-260-018, located at 2825 Padaro Lane in the Summerland area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 12TPM-00000-00006, 11CDH-00000-00006, and 11CDH-00000-00054 marked "Officially Accepted, County of Santa Barbara (December 4, 2013) County Planning Commission Attachment 1", based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan and the Summerland Community Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings;
2. Adopt the Mitigated Negative Declaration 13NGD-00000-00012, included as Attachment C of this staff report, and adopt the mitigation monitoring program contained in the Conditions of Approval;
3. Approve case no. 12TPM-00000-00006 subject to the conditions included as Attachment B.1;
4. Approve case no. 11CDH-00000-00006 subject to the conditions included as Attachment B.2; and
5. Approve case no. 11CDH-00000-00054 subject to the conditions included as Attachment B.3.

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

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on the following.

Section 21-6(a) of Chapter 21 of the Santa Barbara County Code (Subdivision Regulations) states that the Planning Commission shall be the decision-maker for Tentative Parcel Maps that are not exempt from environmental review.

Section 35-169.4 (2) of Article II identifies the Zoning Administrator as the decision-maker for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and that is not processed in conjunction with a Conditional Use Permit or Development Plan.

Sec. 35-144B of Article II and Section 21-6.c of the Subdivision Regulations state that all applications relating to the same development project shall be under the jurisdiction of the decision-maker with the highest jurisdiction.

4.0 ISSUE SUMMARY

The subject parcel, located at the mouth of Toro Canyon Creek, contains sensitive cultural and biological resources. Specifically, prehistoric archaeological site CA-SBA-1566 covers much of the parcel. Also, the banks and associated riparian area adjacent to Toro Canyon Creek are identified as Environmentally Sensitive Habitat (ESH). A habitat restoration plan was previously approved for this area and is partially completed. Following the filing of a complaint regarding unpermitted grading within the creek setback and archaeological site, a zoning violation case was opened in 2011.

The proposed project consists of (1) a two-way lot split (12TPM-00000-00006); (2) legalization of work conducted without the benefit of a permit, as-built and proposed modifications to the previously approved habitat restoration plan, and removal of existing structures (11CDH-00000-00006); and (3) construction of a new residence (11CDH-00000-00054).

The unpermitted work consisted of grading, construction of a gabion wall, and other deviations from the approved restoration plan. A study was conducted to assess the impacts to the archaeological site from this work. Although installation of the gabion wall did not impact intact, significant portions of the resource, other unpermitted grading did impact significant site deposits. Rather than require additional excavation to mitigate significant impacts to cultural resources, a mitigation measure has been applied to the requested permits that would require completion of analysis and artifact curation tasks for an archaeological excavation conducted on the property in 2007, as well for as recently excavated materials.

An additional mitigation measure would require the applicant to finalize an addendum to the approved habitat restoration and revegetation plan to reflect as-built conditions and guide future work. As part of the revised restoration plan, the applicant is requesting legalization of as-built slope stabilization features located along the east-facing slope above Toro Canyon Creek. These features would effectively prevent loose, unconsolidated soils from eroding into the creek and also would prevent erosion of the archaeological site during episodic winter storm events.

Approval of permit no. 11CDH-00000-00006 would require mitigation of the impacts to cultural resources, allow implementation of the revised restoration plan, permit removal of buildings located in the 100 ft riparian setback, and require capping and revegetation of the significant cultural resource. Approval and issuance of this permit would resolve the outstanding zoning violation and is a requirement for issuance of any other permit on the subject parcel, including recordation of the Tentative Parcel Map.

The two new lots resulting from the subdivision would each have a building envelope consistent with all applicable setbacks (i.e. 71 ft total slope stability and sea bluff retreat setbacks, 100 ft buffer from riparian edge of canopy, and standard yard setbacks for the zone district). A separate development exclusion area would protect the significant, capped portion of the archaeological site.

The residence proposed for the westernmost of the two new lots was originally located 31 ft inland from the edge of the sea cliff. In addition, a portion of the residence was cantilevered such that it extended more than 10 ft seaward of the 31 ft. Subsequent review determined that the appropriate setback from the top of bluff includes a 40 ft slope stability setback and an additional 31 ft 75-year sea bluff retreat setback, calculated according to established Coastal Commission guidelines. The currently proposed house is set back 73 ft from the sea cliff and the cantilevered feature has been removed. The project plans have been revised to reflect this change. The structure is located as far as possible from Padaro Lane, a public street, and is limited to an average height of 16 ft in compliance with Summerland Community Plan policies for rural properties. It is sited to allow continued filtered public blue water views from Padaro Lane through the existing myoporum hedge. The sea cliff is approximately 80 ft high at this point and the house would not be visible from the beach below.

The Summerland Community Plan shows a “possible future trail” on the subject property from Padaro Lane to the ocean, within the ESH and Toro Canyon Creek corridor. However, public beach access currently exists approximately ¼ mile to the west at the Loon Point beach access path; an additional vertical public easement to the beach from Padaro Lane is located approximately 1 mile to the east of Toro Canyon Creek. The “possible future trail” is located within a riparian corridor that is being thoroughly restored¹ and is immediately adjacent to (and possibly within) a significant cultural resource. The trail has not received significant use in approximately 15-20 years based on statements from one Native American representative and one local trails advocate. The addition of one new lot and one single-family dwelling would not impact any existing trails or recreational facilities or create the demand for an additional public trail. As a result, the Santa Barbara County Community Service Department, Parks Division is not requesting that the applicant dedicate a public access easement as a condition of the project.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Coastal, Summerland Community Plan Area, Rural Area, Padaro Lane Existing Developed Rural Neighborhood (EDRN), Residential-0.33 (0.33 units per acre or 1 unit per three acres), Summerland Community Plan , SUM Overlay
Zone	Article II Coastal Zoning Ordinance, Residential 3-E-1, 3-acre minimum lot size, Environmentally Sensitive Habitat Overlay, Design Control Overlay, Flood Hazard Overlay (along eastern

¹ The partially completed restoration is the result of a resolution of an appeal by the Coastal Commission of a previous project on the subject parcel.

Site Information	
	property line and south of beach bluff), Coastal Commission Appeals Jurisdiction
Site Size	10.25 acres
Present Use & Development	Residence w/ accessory structure, two private wells with well house enclosure and water storage tank, trailer, play structure and unpermitted gabion wall.
Surrounding Uses/Zoning	North: Padaro Lane; Agriculture, Toro Canyon, TCP Overlay, AG-1-20 South: Pacific Ocean East: Toro Canyon Creek, Residential, 3-E-1 West: Residential, Padaro Lane EDRN, 3-E-1
Access	Existing private driveway from Padaro Lane
Public Services	Water Supply: Montecito Water District Sewage: Existing, EHS-approved drywells Fire: Carpinteria-Summerland Fire Protection District Police: Santa Barbara County Sheriff Other: Carpinteria Unified School District

5.2 Setting

The subject property is located between Padaro Lane and Highway 101 to the north and the Pacific Ocean to the south. It is at the eastern boundary of the Summerland Community Plan area. The site's eastern boundary is formed by the Toro Canyon Creek corridor. Much of the site is a broad coastal terrace that varies in elevation from about 50 to 70 feet above sea level and slopes down eastward to the creek.

The approximately 10-acre site is vegetated primarily with introduced grasses that are located in most areas of the site outside of the Toro Canyon Creek corridor. However, the property's eastern boundary is formed by the riparian corridor of Toro Canyon Creek. The entirety of this area is located within either mapped Environmentally Sensitive Habitat (ESH), or the 100 ft ESH buffer proscribed in the Local Coastal Plan. Calvert (1991) identified a Monarch butterfly site in the area of "Loon Point at the mouth of Toro Canyon" (see Monarch discussion in Section 4.4 of the Mitigated ND) but subsequent field studies have shown that the trees within the site do not function as overwintering habitat. A biological resources restoration plan titled "*Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California*" dated April 9, 2009 (Plan), was previously approved for the subject parcel, and addresses the creek corridor. The Plan is partially completed.

Residential estates are located to the east and west of the project along Padaro Lane. Parcels in the surrounding neighborhood vary in size from approximately one acre to more than 10 acres. Homes in the neighborhood vary in size from 1,200 square feet to approximately 10,000 square feet. The Loon Point public beach access trail is located approximately 1,600 feet west of the site. Another beach access easement is located approximately one mile east of the subject lot. A possible future

public beach access trail, adopted in the Summerland Community Plan, is located at the eastern boundary of the site.

The site is currently developed with a 1,350 square foot single family dwelling with a deck, and a 1,118 square foot accessory structure, both within the 100 ft setback from the 2006 edge of canopy/riparian creek buffer area. An approximately 300 sq ft trailer is located in the center portion of the property. The trailer straddles the 100-ft setback line from the edge of canopy/riparian creek buffer such that a portion of the structure is within the setback.

5.3 Description

12TPM-00000-00006 (Tentative Parcel Map 14,791)

Tentative Parcel Map 14,791 would subdivide the existing 10.25-acre parcel into two resultant parcels of 3.04 acres (Proposed Parcel A) and 7.21 acres (Proposed Parcel B) in size.

A development exclusion area located primarily on proposed Parcel B, but also extending onto Parcel A, would be placed to avoid impacts to cultural resources. Building envelopes on proposed Parcels A and B would contain all future structural development.

Within the development exclusion area, no structural development or ground disturbance of any kind would occur with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources in accordance with the conditions included with the Parcel Map.
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.
- A protective fence would be installed along the bluff top, with fenceposts placed entirely within the fill soil above the geogrid fabric layer.
- The applicant could retain access to the beach via a small segment of unpaved roadway located in a narrow area between the lower and middle terraces, as shown on the Parcel Map. All other roadways must be located outside of the exclusion area.

Building envelopes on proposed Parcels A and B would contain all future structural development such as residential and accessory structures. These envelopes are outside of the riparian corridor and associated buffer (which is 100 ft from the 2006 canopy of the riparian corridor), ordinance-defined property line setbacks, and the slope stability and bluff retreat setbacks calculated for the proposed project.

Development that could occur outside of the building envelopes would include non-structural development such as patios, hardscape, driveways and septic systems, provided that such items are located outside of the development exclusion area.

Development within the riparian corridor and buffer would be limited to habitat restoration planting as approved in the Habitat Restoration Plan, and maintenance of project elements approved with 11CDH-00000-00006 such as the gabion wall and drainage features.

The property would continue to be served by the Montecito Water District for domestic water and a private well near the Padaro Lane entrance for irrigation of landscaping and restoration plantings. Waste disposal would be provided by either a private EHS-approved drywell type of septic system or, if available, connection to public sewer lines at Padaro Lane. Fire protection would be provided by the Carpinteria-Summerland Fire Protection District. Access to proposed Parcel B would be taken from an existing driveway at the northeast corner of proposed Parcel B. Parcel A would also have frontage on Padaro Lane to allow access and utility connections to be taken directly from Padaro Lane. A drainage acceptance agreement is also proposed on Parcel B for the benefit of Parcel A.

11CDH-00000-00006 (to occur on proposed Parcel B with the exception of items 8 and 9)

This Coastal Development Permit with hearing is a request to allow (1) as-built grading, (2) modifications to the biological resources restoration plan titled "*Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California*" dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014, (3-6) demolition of existing structures, (7) abandonment of an existing well, (8) grading for sensitive resource capping, and (9) installation of a split-rail safety fence, as follows:

- (1) ***Permit grading that was performed without benefit of permit.*** The requested permit would allow total grading of approximately 341 cubic yards of cut and 3,390 cubic yards of fill, consisting of 66 cubic yards of cut to widen the existing driveway, 275 cubic yards of cut to improve onsite access, and 3,390 cubic yards of fill placed in the area of the previously permitted watchman's trailer. In addition, construction of the gabion wall required approximately 8 cy of cut and fill. This grading was conducted without permits and was not a part of the approved or proposed habitat restoration activities.
- (2) ***Requested changes to the originally approved restoration plan.*** The request includes changes to the *Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California*" dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014. The intent of the originally approved Plan was to restore Toro Canyon Creek and the creek buffer area within the subject parcel by restoring canopy coverage and native understory consistent with direction given by the California Coastal Commission. Changes to the approved Plan are requested in order to more effectively accommodate on-the-ground conditions that were encountered during Plan implementation. Specific components of the revised Plan are detailed in the proposed Plan Addendum by Hunt & Associates (on file with P&D and available for review) and would consist of the following:

- a. ***Gabion wall.*** The originally approved Plan required removal of non-native vegetation and planting of native vegetation within the riparian corridor. The proposed changes would modify the plan to legalize construction of a gabion retaining wall along a slope that separates the stream terrace from the site's "upper landform". This slope was originally sparsely vegetated with non-native, invasive species and would not otherwise be stable enough to accept plantings because it was formed of loose non-compacted material, construction debris, and trash introduced to the site prior to current ownership. The nearly vertical slope would be stabilized with an approximately 80 ft long, 13 foot high series of stepped, rock-filled cage gabions that would form a retaining wall between the stream terrace level and the upper landform. Soil would be added to the rock-filled cage gabions to further anchor and stabilize the wall and support plantings. The purpose of the wall is to allow implementation of the restoration plan, prevent the steep, unstable slope from eroding into the terrace and lagoon area, and to protect sensitive resources located at the top of, and immediately behind, the slope. The gabion design would allow the restoration plantings to root into the retaining wall and result in a more natural solution as compared to a standard concrete retaining wall. A new split-rail safety fence would be installed along the top row of the gabion wall (fence posts would be installed completely in fill soil). Completion of the gabion wall to meet existing grade would require an additional approximately 8 cubic yards of balanced cut and fill. After completion of the wall, it would be wrapped with and covered in an approximately 8 inch thick cap of soil, and native vegetation would be planted as part of the habitat restoration.

- b. ***Retention of drainage/bioswale and access path to stream terrace.*** The approved Plan called for abandonment, stabilization and re-vegetation (with native plants) of the lower (southern) road to the stream terrace, to achieve a bioswale function. The proposed project would revise the Plan to narrow the road to a walking path to retain private pedestrian access for the purpose of ongoing habitat maintenance of the lower stream terrace while disallowing vehicular access. Drainage would be directed to an existing rock-lined drainage swale along the south side of the access path that would be filled with fill soil and planted with appropriate riparian plants. Boulders would continue from the western terminus of the drainage swale for approximately 25 ft. Removal of existing non-native plants and re-vegetation with native plants would continue to occur per the Plan in order to narrow the access path and control erosion.

- c. ***Boulders for slope stabilization.*** The approved Plan permitted the use of mechanical erosion control measures (e.g., boulder rip-rap) which are to be implemented in consultation with a consulting engineer during non-native plant control and revegetation (p. 28, Section 6.4.3). In accordance with this approval, the proposed project would include placement of 6-inch to 24-inch diameter rocks for slope stabilization, with grading for placement of boulders and tree wells along the western slope of the stream terrace as shown on sheet 3 of the engineering plan set

for 11CDH-00000-00006. This work would occur along the streambank and within the 100 ft riparian setback area.

- d. ***Stream terrace plantings.*** The approved Plan called for planting up to four species of native grasses on the northern and southern stream terraces. Currently, three species already occur there. The proposed project would revise the Plan to remove some of the existing additional plantings of *Carex prigracilis* and intersperse the existing plantings with the three other species that occur in the area to give the restoration more species diversity. All grasses would be allowed to grow and remain in their natural forms (i.e. unmowed).
- e. ***Seeding methods.*** Tables 5 and 6 of the approved Plan call for hydroseeding of the terraces and coastal bluff with appropriate seed mixes. The proposed project would allow seed mixes to be hand-applied and raked into the soil, which would result in less damage to in-place container plants and avoid the necessity of spraying water on areas prone to erosion. Section 6.4.2 of the approved Plan (see Table 7) also calls for hydroseeding of specific species at the mouth of Toro Canyon Creek. Because two of these species are already present at this location, the proposed project would instead remove non-native vegetation in this dune habitat area, allowing the existing natives to proliferate; and additional appropriate native species would be installed as container plants. These changes would be implemented as illustrated in the proposed Plan Addendum.
- f. ***Planting area, planting density and species richness.*** The proposed project would permit deviations from the approved Plan which are intended to result in a more diverse assemblage and larger area of food plant species to be planted with the intent of supporting larval and adult monarch butterflies in onsite coastal bluff scrub and riparian scrub. Proposed changes are as follows:
- 8% decrease in coast live oak-sycamore riparian woodland area,
 - 129% increase in southern coastal bluff scrub area,
 - 567 % increase in freshwater marsh area,
 - 33% increase in southern foredune (coastal strand) area,
 - 61 additional native species and 4,555 additional plants planted in habitat restoration area, and
 - Increase in size of restoration area from 3.18 acres to 3.42 acres.
- g. ***Convert existing lawn*** to the east of the existing power pole by covering it with geofabric and fill soil, and re-planting with native species. Plantings would be placed in fill soils. 12-inch tall tree wells would be constructed above the

geofabric around existing trees at the edge of the lawn area to protect from erosion.

All other aspects of the Plan would be implemented as originally approved. Equipment used for construction of the gabion wall would consist of a small excavator, shovels and cage gabions. Cages would be filled with rock currently stored on-site outside of the ESH. All mechanized work would be conducted from the existing access road at the top of the east-facing slope; workers at the bottom of the slope would rake fugitive soil back into the project area. Irrigation for the restoration areas and landscaping would be provided by the remaining onsite well located at the northeast corner of the property near the existing entry gate.

- (3) **Demolition** of an approximately 1,350 square foot single family dwelling and removal of the attached 1,079 square foot deck (deck supports to be cut off at grade and slab foundation to remain in place).
- (4) **Demolition and removal of** the existing 1,118 square foot detached residential second unit (DRSU) and accessory structure (slab foundation to remain in place).
- (5) **Remove existing 2-4' retaining wall** located within the 100 ft riparian corridor setback, and re-plant northern path to stream terrace maintaining only a pedestrian path for purposes of habitat restoration and maintenance.
- (6) **Removal of an existing play structure** from within the 100 ft setback from edge of canopy/riparian.
- (7) **Removal of an existing water well** and associated vault located in the creek terrace level and within the 100 ft riparian corridor setback in the eastern portion of the property.
- (8) **Resource Capping.** The slab foundations associated with the residence and DRSU would be left in place and all existing utility lines would be abandoned in place. The areas around the slabs, extending down to the proposed split rail fence would be capped with fill soils totaling approximately 2,400 cubic yards on Proposed Parcel B and approximately 415 cubic yards on Proposed Parcel A ranging from 12 to 18 inches deep. The fill soils would be non-reactive, "clean", certified fill soil and placed over a geofabric layer. All landscaping and other ground disturbance within the sensitive area would occur in fill soils only.
- (9) Construction of a new, approximately 250-linear foot split-rail safety fence along the edge of bluff and western top of bank of Toro Canyon Creek (Proposed Parcel B of 12TPM-00000-00006).

11CDH-00000-00054 (to occur entirely on proposed Parcel A with the exception of items 3 and 4)

This Coastal Development Permit with hearing is a request to allow a single family dwelling and grading, as follows:

- (1) Construction of a new single family residence of 5,576 square feet with a 500 square foot basement and a 750 square foot attached garage. The average height of the residence would be less than 16 feet (to occur on proposed Parcel A of 12TPM-00000-00006);
- (2) Construction of approximately 500 linear feet of courtyard retaining walls, between 1 and 4 feet in height, associated with the residence (to occur on proposed Parcel A of 12TPM-00000-00006);
- (3) Landscaping associated with the SFD: proposed landscaping would be selected to discourage foot traffic along the bluff edge. Plants are proposed to be low water, low root-spread varieties. Planting within the resource boundary would be installed only above the proposed geofabric layer to avoid disturbance to resources. A new split-rail fence would also be added along the bluff; within the resource boundary, footings would be located entirely in fill soil (proposed Parcels A and B of 12TPM-00000-00006).
- (4) As built installation of approximately 90 feet of existing, underground 24-inch storm drain to connect to an existing drain well located on the east side of the property (Proposed Parcels A and B of 12TPM-00000-00006).
- (5) Tree removal and relocation. Two existing eucalyptus trees at the western property line of proposed Parcel A would be removed and an existing fig tree would be boxed and relocated onsite to facilitate construction of the residence. Removal of these trees would be mitigated through completion of the restoration plan which calls for planting of 75 additional trees beyond the 131 planted thus far during restoration.

The total amount of grading for the single family dwelling site would be approximately 1,030 cubic yards of cut and 3,055 cubic yards of fill with 2,025 cubic yards of import. The property would continue to be served by the Montecito Water District (for domestic water), private septic systems (or, if available, connection to a public sewer line at Padaro Road) and the Carpinteria-Summerland Fire Protection District. Water for landscaping would be provided by an existing onsite well on proposed Parcel B and a shared water system agreement to benefit proposed Parcel A. Access would be taken via a proposed private drive from Padaro Lane.

5.4 Background Information

The subject property was created by Lot Line Adjustment 07LLA-11, which was approved by the Zoning Administrator on February 27, 2008. At the time, the property contained a legal nonconforming residence and an unpermitted accessory structure functioning as a DRSU, both constructed in the 1940s, as well as multiple smaller unpermitted accessory structures.

Conditions on the LLA required abatement of all building and zoning violations prior to recordation.

Prior to the Lot Line Adjustment, the property owner had applied for a permit to remodel and add to the existing legal non-conforming single-family residence, convert an accessory structure to a Detached Residential Second Unit (DRSU), demolish numerous unpermitted structures, relocate existing storage structures, and validate an existing legal non-conforming residence and second unit (07CDH-00000-00007). An application was also submitted to allow a watchman's trailer on the property (07CUP-00000-00019). Both projects were approved by the Zoning Administrator on June 18, 2007.

On July 19 and July 20, 2007 the Coastal Commission appealed the ZA's decision to approve these projects on the basis that the projects were inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) policies regarding environmentally sensitive habitat areas, specifically monarch butterfly habitat and riparian habitat mapped in the Summerland Community Plan (SCP).

The appeal was resolved by the applicant's agreement to implement a draft habitat restoration plan titled "Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California" dated April 9, 2009, which was intended to comprehensively restore Toro Canyon Creek and its associated riparian habitat.

The original application that was appealed by the Coastal Commission was withdrawn. The project was revised to include the restoration plan and was subsequently approved by the Zoning Administrator on June 29, 2009 (08CDH-00000-00014, 08CUP-00000-00027, 08CDP-00000-00057). The DRSU was legalized with 08CDP-00000-00055, which was issued on August 25, 2009; however this permit has since expired and is no longer valid². The temporary watchman's trailer was ultimately processed under Case Nos. 10CDP-00000-00081, 10CUP-00000-00031, 10CDH-00000-00020 and 10LUP-00000-00501. The Land Use Permit 10LUP-00000-00501 was approved but never issued. It was later discovered that the existing watchman's trailer is actually a recreational vehicle, which cannot be permitted as a temporary structure and may not function as a dwelling but may remain onsite, as any other vehicle, as long as it is appropriately parked.

In accordance with the conditions of 08CDH-00000-00014, the existing building and zoning violations were abated. The restoration plan was implemented, but is not yet complete. The delay in finalizing the restoration plan resulted from a zoning violation filed on January 19, 2011 for unpermitted grading and construction of the gabion wall, which went beyond the work permitted as part of the approved streambed restoration. During investigation of the violation, it was also noted that some of the restoration work was inconsistent with that described in the approved plan, that additional unpermitted grading had occurred during placement of the

² The CDP expired because follow-on construction permits were not acquired, nor was construction lawfully commenced, within two years of permit issuance, as specified in the "Time Limit" section of the CDP.

watchman's trailer, and that grading for the gabion wall and watchman's trailer had occurred within a prehistoric archaeological site.

One of the subject applications, 11CDH-00000-00006, was submitted to resolve this violation (11ZEV-00000-00011). If approved, 11CDH-00000-00006 would allow revisions to the previously approved and partially implemented restoration plan to reflect its current, as-built condition, and include installation of the gabion wall. This permit would also address the unpermitted grading associated with installation of the watchman's trailer.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

A Draft Mitigated Negative Declaration (13NGD-00000-00012) was prepared for the project and circulated for public review from August 9, 2013 through September 9, 2013. Potentially significant but mitigable project-generated impacts were identified in the following issue areas: Aesthetic/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Resources, Noise and Water Resources. Mitigation measures of the Proposed Final Mitigated Negative Declaration, as incorporated into the conditions of approval for the proposed project, would reduce any potential impacts to less than significant levels (see Attachment C).

Public comments on the Draft Mitigated Negative Declaration consisted of one telephone call and seven comment letters. The major concerns expressed in the letters are as follows:

- Concerns regarding the adequacy of the blufftop setback and cantilever design of the proposed structure
- Clarification of project description elements including development envelopes, drainage devices, retaining walls and grading quantities
- Concerns about impact of hardscape including gabion wall and slope stabilization boulders on riparian vegetation within the creek setback
- Concern about impacts of gabion wall on the archaeological site
- Concern about decorative nature of restoration plantings
- Public views from beach and Padaro Lane

In response to these comments, changes were made to the document as indicated by strikeout and underline in the proposed Final Negative Declaration. These revisions are summarized below.

As originally designed, the seaward foundation of the proposed residence was located at the 31 ft (75 year) bluff setback consisting of the 31 ft bluff setback and the calculated 40 ft slope stability setback. A portion of the house was cantilevered into the setback. The house and both building envelopes were redesigned so that they are entirely outside of the composite, required 71

ft setback from the bluff top. The house was also redesigned to remove the cantilevered element. The site plans for proposed house the proposed map were revised to reflect these changes.

The project description was also modified to more clearly state what type of development would be allowed outside of the building envelopes and within the riparian setback. The non-decorative purpose and nature of the plantings was clarified. Also, language was added regarding the utility of placing the slope stabilization boulders and gabion wall within the creek setback to facilitate re-vegetation and prevent further erosion of the archaeological site into the creek. Finally, the descriptions of the vegetation along Padaro Lane and the views of the ocean available to the public from Padaro Lane were revised.

One comment addressed concerns about how removal of the deck and placement of fill within the gabion wall could affect cultural resources. These issues are clarified in the Cultural Resources section of the document.

In addition to the bulleted items above, the California Coastal Commission requested information about possible alternatives to placement of the gabion wall and, north of the wall, boulders placed for slope stabilization. Alternatives analysis is not a requirement for Negative Declarations. However, consideration has been given to this issue, as discussed below.

The slopes at both the northern and southern stabilization areas are largely formed of loose, unconsolidated material including dirt, construction debris, and trash pushed over the banks and subject to erosion during episodic winter storm events. The no-project alternative would not have addressed the problems of erosion into the creek and potential damage to the archaeological site during winter storm events. Installation of a traditional retaining wall was considered; however a traditional wall could not be covered with dirt and revegetated and would have required a large footing, more grading, and potential disturbance to the archaeological site. Grading to lessen the slope angle at the southern location would require between a 2:1 and 1.5:1 slope and cause damage to the significant archaeological deposit, and would be inconsistent with County policies regarding minimization of grading and retention of natural landforms. Moreover, it is unlikely that a traditional retaining wall would have been allowed in this location by any of the other jurisdictional agencies.

The slope at the northern location is not as steep as that at the southern location and placement of individual large anchoring boulders successfully stabilized the slope and allowed revegetation. This was attempted at the southern location but was unsuccessful because of the steepness and unconsolidated nature of the slope. The gabion wall alternative at the southern location was implemented because it minimized the necessity for grading and the area of disturbance. The layers of gabion structure were set back along the existing slope and provided for soil to penetrate into the cracks between rocks. The project proposes to place fill soil over the top of the wall, visually obscuring it and providing an area where plants can become established. The gabion wall was constructed using best management practices and with input from a qualified biologist. It addresses the slope stability issue and is consistent with the intent and goals of the habitat restoration plan.

The public comments are attached to the Proposed Final Mitigated ND, Attachment C.

6.2 Comprehensive Plan Consistency

Land Use	
<p>Coastal Land Use Plan Policy 2-1: <i>In order to obtain approval for a division of land, the applicant shall demonstrate that adequate water is available to serve the newly created parcels except for parcels designated "Not a Building Site" on the recorded final or parcel map.</i></p> <p>Coastal Land Use Plan Policy 2-4: <i>Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.</i></p> <p>Coastal Land Use Plan Policy 2-6: <i>Prior to the issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.</i></p> <p>Policy WAT-S-2: <i>Prior to approval of any discretionary project which would result in a net increase in water use, a finding shall be made that the existing water supply available is sufficient to serve existing commitments.</i></p>	<p>Consistent: The proposed project would be served by the Montecito Water District (MWD). One existing water meter is located on the property. As indicated by the letter from Tom Mosby, General Manager, dated August 8, 2012, the Montecito Water District has the capacity to serve the both newly created lots. Condition 24 of the TPM requires the applicant to obtain a Can and Will Serve letter for both new lots prior to map recordation.</p> <p>Water for landscaping associated with the proposed new residence on proposed Parcel A would be provided by an agricultural well located on proposed Parcel B via a new shared water system. An easement for the waterline on proposed Parcel B in favor of proposed Parcel A would be recorded with the TPM. The shared water system would require a Conditional Use Permit to be approved and issued prior to occupancy clearance for the new residence (Condition 23 of 11CDH-00000-00054 for the new residence).</p> <p>Section 713.4 of the Primary Plumbing Code, 2010 Edition, as adopted by the Board of Supervisors (Ord. No. 4822, January 17, 2012), states: <i>"The public sewer shall be permitted to be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two-hundred (200) feet (61 m) from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer."</i></p> <p>Currently, public sewer is not located within 200 ft of either new lot. However, on November 4, 2013 the Zoning Administrator approved an application for a public sewer extension along Padaro Lane in the vicinity of the proposed project (Permit Nos.</p>

	<p>13CUP-00000-00015 and 13CDP-00000-00049) This extension will likely be available to serve the proposed residential development on Parcel A upon its construction, which is requesting entitlements to build now. Condition 25 of the TPM requires that new development on both lots connect to this public sewer line within six months of its availability. If, however, public sewer service is not available within 200 ft of any proposed structure when Building Permits are ready for issuance, then either parcel may be served by existing, EHS-approved private drywell-type septic systems. Drywells on proposed Parcels A and B have been preliminarily reviewed and approved by Environmental Health Services (e-mail from Paul Jenzen, dated August 19, 2013). Final approval of this wastewater system would be required prior to issuance of the Coastal Development Permit for residential development on either proposed Parcel.</p> <p>The potential to develop one new residence, which would generate approximately 10 average daily trips and one peak hour trip, would not cause any inconsistency with the traffic and circulation policies of the Summerland Community Plan. The proposed traffic increase as a result of the project is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels. Therefore, the project is consistent Coastal Plan Policy 2-6 with regard to roadway and intersection capacity. Access for the new lot would be taken via a proposed private driveway from Padaro Lane.</p> <p>The project is served by the Carpinteria-Summerland Fire Protection District (CSFPD) and is located within the five minute response zone. The CSFPD reviewed and approved the proposed access plan as consistent with CSFPD standards and policies (CSFPD letters dated November 1, 2013 and Conditions Letter dated August 15, 2012).</p> <p>The area surrounding the site receives adequate police protection services and such services would also be available to serve future development on proposed Parcels A and B.</p>
--	---

Hillside and Watershed Protection	
<p>Coastal Land Use Plan Policy 3-12: <i>Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control work, i.e., dams, stream channelizations, etc.</i></p> <p>Coastal Land Use Plan Policy 3-13: <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p>Coastal Land Use Plan Policy 3-14: <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.</i></p> <p>Coastal Land Use Plan Policy 3-15: <i>For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.</i></p> <p>Coastal Land Use Plan Policy 3-16: <i>Sediment basins shall be installed on the project site in conjunction with the initial grading operations and maintained throughout all development process to remove sediment from runoff waters. All sediment shall be maintained onsite unless removed to an appropriate dumping location.</i></p> <p>Coastal Land Use Plan Policy 3-17: <i>Temporary</i></p>	<p>Consistent: The Tentative Parcel map is conditioned to require the reservation of a drainage easement on proposed Parcel B for the benefit of proposed Parcel A. The proposed new home is located on the coastal bluff far above areas subject to coastal flooding. The County Flood Control Division has reviewed the project and has no comments or conditions (letter from Mark Leuhrs dated July 21, 2012).</p> <p>Site preparation for the single family dwelling proposed for proposed Parcel A would require approximately 1,030 cubic yards of cut and 3,055 cubic yards of fill with 2,025 cubic yards of import. As originally designed and reviewed in the Negative Declaration, the foundation of the structure was located 71 ft from the edge of bluff (combination of bluff retreat and slope stability setbacks) with an 18 foot cantilevered element. Subsequent review of setback requirements resulted in relocation of the house to 74 ft from the bluff edge with no cantilevered element. Relocation of the house resulted in a decrease in the amount of cut and fill. The building is designed to follow the site's natural contours and minimize grading as much as possible. No appreciable change in topography would result from project implementation.</p> <p>The proposed new single family dwelling located on proposed Parcel A would be cut into the berm on the western side of the property. The finished floor was designed and located to require the minimal fill amount necessary to preserve existing features to the extent feasible.</p> <p>The Tentative Parcel Map has setbacks, development exclusion areas and building envelopes that protect areas of known biological and cultural resource sensitivity that are not suited for development. Specifically, each new lot resulting from the subdivision would have a recorded building envelope consistent with all applicable setbacks, including a setback of 100 ft from the edge of the 2006 riparian canopy,</p>

<p><i>vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.</i></p>	<p>ensuring protection of the designated ESH. Also, a development exclusion envelope located on both new lots would prohibit development on significant portions of the cultural resource after it is capped with sterile fill and revegetated.</p> <p>Condition 20 of the TPM (SWPPP) and Condition 18 of 11CDH-00000-00054 require submittal of 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 prior to issuance of the first Grading Permit on either parcel.</p> <p>Condition 19 of 11CDH-00000-00006 and Condition 22 of 11CDH-00000-00054 require that, where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. The grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. Such plans typically restrict the area exposed at any one time, restrict exposure to the shortest practicable duration and require sediment basins if appropriate.</p> <p>Condition 19 of the TPM requires that for all current and future projects on both resultant parcels, graded areas shall be revegetated within one week of completion of grading, with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential³.</p>
<p>Coastal Land Use Plan Policy 3-18: <i>Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion.</i></p>	<p>Consistent: <u>12TPM-00000-00006</u>. Condition 8 of the TPM</p>

³ The fill area over the cultural resource is excluded from this requirement.

Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.

Coastal Land Use Plan Policy 3-19: *Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

Policy FLD-S-1: *In order to minimize existing community-wide flooding and drainage problems, all new development shall provide adequate drainage.*

Development Standard FLD-S-1.3: *Site specific drainage systems shall be designed in concert with geotechnical requirements to avoid infiltration of surface water which would exacerbate geologic hazards; impervious surfaces should be utilized where necessary to control adverse geologic or drainage conditions, but should be minimized to avoid the generation of substantial new run-off volumes.*

requires designation of construction equipment filling and storage areas that are no larger than 50 x 50 ft and are located at least 100 ft from any storm drain, water body or sensitive biological resource. Condition 9 of the TPM would require the designation on site plans of a materials wash-out area for the all future projects, where such materials could be contained and removed from the site. Containment of these construction-related materials would ensure that they are not discharged into Toro Canyon Creek or carried to the ocean.

11CDH-00000-00006. Drainage across the site has historically moved from west (proposed Parcel A) to east (proposed Parcel B) both by sheet flow over vegetated areas that would allow the percolation of stormwater, and through an existing 24-inch, approximately 350 ft long storm drain. Water entering the drain exits at the mouth of an existing bioswale that treats the stormwater that it channels to the creek.

Condition 7 of the TPM requires submittal of a final version of the revised version of the Habitat Restoration Plan, and specifies the information it must contain. Implementation of the revised Habitat Restoration Plan would improve the bioswale's function by adding soil and plantings to further slow the passage of water and reduce the amount of silt carried to the creek.

Implementation of the revised Habitat Restoration Plan would also stabilize the existing slopes above the creek corridor. These slopes are formed of unconsolidated dirt that also contains trash and construction debris pushed over the slope edges during prior ownership of the property. Stabilization of the slopes would be accomplished by placement of boulders and landscaping for erosion control, and installation of a gabion wall, which would also be planted. These features would prevent further erosion of dirt and other debris into the creek and ocean.

The proposed project would remove impervious surfaces on proposed Parcel B through demolition of the house and accessory structure that are

	<p>located within the 100 ft ESH buffer. This area would be capped with approximately 415 cubic yards of clean fill soil and planted with native vegetation. Clean fill soil could be acquired and stockpiled prior to final placement. Condition 26 of the TPM would require stockpile areas to be approved by P&D and designated on zoning and grading plans.</p> <p><u>11CDH-00000-00054.</u> The area disturbed by proposed development on the 3.04-acre Parcel A would be less than 1/2 acre. Construction of the proposed house and related features would not appreciably change the natural drainage patterns of the site. The site's natural grade directs storm water to the east, away from the bluff face; thus storm water runoff would not contribute to bluff retreat. The project is designed with roof downspouts and catch basins in the patio areas that to collect and direct water to the storm drain that terminates at the bioswale on proposed Parcel B (see above discussion). Sheet flow would be slowed and filtered on its path from Parcel A to parcel B by landscaping, and would percolate on-site consistent with historic and existing conditions.</p> <p>Construction of the proposed residence would require approximately 1,030 cubic yards of cut and 3,055 cubic yards of fill with 2,025 cubic yards of import. Clean fill soil could be acquired and stockpiled prior to final placement. Condition 26 of the TPM requires stockpile areas for all projects on either new lot to be approved by P&D and designated on zoning and grading plans.</p> <p>Condition 20 of the TPM (SWPPP) and Condition 18 of 11CDH-00000-00054 require submittal of 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 prior to issuance of the first Grading Permit on either parcel.</p>
--	--

Visual/Aesthetic Resources	
<p>Coastal Land Use Plan Policy 4-3: <i>In areas designated as rural on the land use plan maps, the height, scale and design of structures shall be compatible with the character of the surrounding natural environment. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p> <p>Coastal Act Policy 30251: <i>The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p> <p>Policy VIS-S-1: <i>Prior to the issuance of a Coastal Development Permit or Land Use permit, all plans for new or altered buildings or structures shall be reviewed by the County BAR.</i></p> <p>Policy VIS-S-7: <i>In the rural areas, all new development shall be designed to minimize visual and aesthetic impacts.</i></p>	<p>Consistent: The proposed project is located in an Existing Developed Rural Neighborhood (EDRN) in a rural portion of the Summerland Community Plan area. It consists of a lot split, demolition of existing residential structures, revisions to a previously approved habitat restoration plan, and the construction of a new single-family residence on proposed Parcel A. Public views into the site from the south are limited to a short stretch of beach below the eastern portion of the property at the mouth of Toro Canyon Creek. Public views into the site and of the ocean from Padaro Lane are substantially filtered by an existing myoporum hedge that lines the southern shoulder of the roadway and partially screens the site from public views.</p> <p>The proposed new structure has been designed to minimize visual and aesthetic impacts, as well as minimize alteration of the existing landform. The structure is a partial two story residence with an average height of less than 16 ft, in compliance with the requirements of the Summerland Overlay District for structures in the Rural area. The structure is setback a minimum of 74 ft from the bluff edge. It conforms and is subordinate in appearance to the berm landform on the western side of the property. It would not be visible from the beach and would not be readily visible to public view from Padaro Lane.</p> <p>The proposed new dwelling has been placed as far as possible from the public street given the setback requirements. Given its siting on the lot, it will allow for partially interrupted, filtered blue water views of the ocean through the myoporum hedge. The project was conceptually reviewed by the County's South Board of Architectural Review (SBAR) on May 18, November 2, and December 7, 2012 and may return to the SBAR for preliminary and final approval. See Attachment F for SBAR minutes.</p> <p>Condition 4 of the TPM, and Condition 4 of 11CDH-54 for the proposed residence, require that</p>

	<p>materials and colors for all future development be compatible with surrounding terrain. Condition 5 of the TPM and CDH would require any exterior night lighting to be of low intensity, low-glare design and be fully hooded to direct light downward. Finally, Condition 3 of both the TPM and CDH requires Preliminary and Final SBAR approval of the structures, exterior finishes and lighting prior to permit issuance.</p>
<p>Biological Resources</p>	
<p>Coastal Land Use Plan Policy 2-11: <i>All development, including agriculture, adjacent to areas designated on the land use plan or resources maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.</i></p> <p>Development Standard BIO-S-1.1: <i>The County shall require appropriate protection measures (e.g. fencing) where necessary to protect sensitive biological resources during all construction.</i></p> <p>Coastal Plan Policy 9-36: <i>When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.</i></p> <p>Coastal Land Use Plan Policy 9-37: <i>The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet....Riparian vegetation shall be protected and shall be included in the buffer.</i></p> <p>Coastal Land Use Plan Policy 9-38: <i>No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures</i></p>	<p>Consistent: As described in Section 4.4 of the ND, sensitive riparian habitat is located along the entire eastern portion of the subject property. A biological assessment and habitat restoration and revegetation plan were required as a condition of approval of the Lot Line Adjustment that created the subject parcel. Condition 7 of the TPM requires that the applicant finalize and implement the proposed revised Plan. Condition 7 of the TPM also contains requirements for the revised Plan’s contents including removal of non-native species from the creek and protection of the creek area by placement of protective fencing where work would occur within 100 ft of the top of bank.</p> <p>Toro Canyon Creek is a major stream in a rural area. Building envelopes on both proposed parcels would be located beyond the 100 foot setback from the 2006 edge of riparian canopy. No development would be allowed within the riparian buffer/setback except for work that is part of the revised Plan and specifically described and permitted as part of 11CDH-00000-00006. This work includes slope stabilization with boulders and construction of a gabion wall to prevent unconsolidated sediments from eroding into the creek during winter storm events. Additional features allowed within the buffer include a bioswale to receive runoff from proposed Parcel A. The planted bioswale would slow the water’s flow and allow desiltation before it reaches the drainage corridor, further protecting the health of the creek.</p>

in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.

Coastal Act Policy 30231: *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Policy 30240:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Policy BIO-S-1: *Environmentally Sensitive Habitat areas within the Community Plan Study Area shall be protected, and where appropriate, enhanced.*

Development Standard BIO-S-1.2: *All new development within 100' of an Environmentally Sensitive Habitat, including but not limited to, riparian, oak or willow woodlands, and coastal*

During implementation of the unpermitted changes to the approved restoration plan, rocks were placed at the bottom of the bioswale along the western bank of the stream corridor to dissipate water energy. This dissipater is unnecessary to the stream's natural function. Condition 23 of 11CDH-00000-00006 requires elimination of this structure prior to issuance of the CDH.

Other project conditions are also designed to protect sensitive habitat. Condition 8 of the TPM requires designation of construction equipment staging and storage areas within the building envelopes for both parcels and specifies their maximum size. Condition 9 of the TPM requires designation of equipment washout areas for all current and future projects on both parcels. Condition 19 of the TPM requires that for all current and future projects on both resultant parcels, graded areas shall be revegetated within one week of completion of grading, with deep rooted, native, drought-tolerant species.

Conditions 22 and 23 of the TPM require that prior to issuance of a Coastal Development Permit, the applicant shall show on all land use, grading and building plans the location of the development exclusion envelope, building envelopes, and 100 ft from top of 2006 canopy setback. Conditions 8 and 9 of the TPM require designation of storage areas for equipment supplies, vehicles, or placement of fill or refuse, which shall be within the designated building envelope and shall not be permitted within the fenced buffer region.

Condition 6 of the TPM requires the applicant to retain a biologist to inspect the project site for bird and raptor nesting activity prior to construction on either parcel; prohibits construction activity within specified distances from raptor or other bird nests; and prohibits construction within 500 ft of a raptor nest or within 300 ft (or the property line, whichever is closer) of a bird nest.

sage scrub shall be required to provide for setbacks or undeveloped buffer zones (possibly through open space easements) from these habitats. Staff shall refer to the Summerland Biological Resources Map for information on the location of native habitats, as well as referring to other available data (i.e., other maps, studies or observations). Installation of landscaping with compatible native species may be required within the buffer zone to offset impacts to sensitive habitats from development and increased human activities onsite. If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.

Development Standard BIO-S-1.6: *Where sensitive or valuable biological resources occur within or bordering a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within/bordering the resource area as determined necessary by RMD.*

Policy BIO-S-7: *Riparian habitat areas shall be protected from all new development and degraded riparian habitats shall be restored where appropriate.*

Development Standard BIO-S-7.1: *Riparian protection measures shall be based on a project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. Damage could include, but is not limited to, vegetation removal/disturbance, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to issuance of a Coastal Development Permit, the applicant shall include a note on the grading and building plans stating the following riparian habitat protection measures:*

a. A setback as designated in Coastal Plan Policy 9-37 (generally 100' in rural areas, 50' in urban areas) from either side of top-of-bank of

Greenwell Creek, precluding all ground disturbance and vegetation removal, shall be indicated on all grading plans; and

b. Prior to initiation of any grading or development activities associated with a Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense. Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.

Measure 'b' may be modified/deleted in the event that the County finds that this measure is not necessary to protect biological resources (i.e., due to topographical changes or other adequate barriers).

Development Standard BIO-S-7.2: *On-site restoration of any project-disturbed buffer or riparian vegetation within all portions of Greenwell and Toro Canyon Creek shall be mandatory. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules.*

Coastal Plan Policy 9-1: *Prior to issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies or the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the*

<p><i>County and the applicant.</i></p>	
<p>Policy BIO-S-6: <i>To the maximum extent feasible, specimen trees shall be preserved and the planting of new trees shall be required. For the purposes of this policy, specimen trees are defined as those having unusual scenic or aesthetic quality, serving as known raptor nesting or key roosting sites, having important historical value, are unique due to species type or location or have been defined as a significant biological resource in a certified environmental document. Typically, non-native trees of less than 25 inches in diameter at breast height may not qualify as specimens.</i></p> <p>Development Standard BIO-S-6.3: <i>All existing native trees shall be preserved to the maximum extent feasible in new development. If preservation is not possible, a replacement planting program shall be required.</i></p> <p>Development Standard BIO-S-6.4: <i>Tree protection plans shall be required for all new development where native and specimen trees may be impacted by new development.</i></p>	<p>Consistent: The Toro Canyon Creek corridor contains riparian habitat, oak woodland and individual native and specimen trees. Construction related impacts to specimen trees would be avoided by placement of building envelopes outside of the 100 ft setback from edge of canopy, and limiting the non-structural development that could occur within the setback to resource capping and landscaping, placement of protective bluff top fencing, and Plan-related features approved as part of 06CDH-00000-00006 such as slope stabilization boulders, gabion wall, and bioswale.</p> <p>Impacts to existing trees within the ESH could occur as a result of continued soil erosion and sedimentation from unstable slopes, and possible changes in drainage patterns and hydrology resulting from site development. Implementation of the revised Plan (Condition 7 of the TPM) would reduce erosion around specimen trees in the ESH by the construction of slope stabilization features. The new residence that would be permitted with 11CDH-00000-00054 is designed to channel development-related runoff through an existing pipe to a bioswale, also preventing continued erosion around trees in the ESH along the creek. A separate tree protection is not required because project elements of the TPM and 11CDH-00000-00054 would protect existing native and specimen trees and prevent impacts from future development.</p> <p>Two existing eucalyptus trees at the western property line of proposed Parcel A would be removed and an existing fig tree would be boxed and relocated onsite to facilitate construction of the residence. Removal of these trees would be mitigated through completion of the restoration plan, which calls for planting of 75 additional native trees beyond the 131 planted thus far during restoration.</p>

<p>Policy BIO-S-3: <i>Monarch Butterfly roosting habitats shall be preserved and protected.</i></p> <p>Development Standard BIO-S-3.1: <i>Any construction, grading or development within 200 feet of known or historic butterfly roosts shall be prohibited between November 1 and April 1. This requirement may be modified/deleted on a case-by-case basis where either DER or additional information/study with the approval of DER concludes that one or more of these activities would not impact monarchs using the trees.</i></p>	<p>Consistent: The portion of Toro Canyon Creek located within the subject parcel is mapped as Environmentally Sensitive Habitat (ESH) in the Coastal Land Use Plan and on the Summerland Community Plan maps. The ESH was originally mapped as an aggregation site for Monarch butterflies. However, the small grove of eucalyptus trees near the parcel’s southwest corner is not considered in the Summerland Community Plan to be a monarch butterfly roosting site. Additional research conducted between 1982 and 2008 confirms that the site does not support, and has not historically served as, butterfly habitat (Conceptual Habitat Restoration and Revegetation Plan for 2825 Padaro Lane by Hunt & Associates dated 20 July 2009 – on file with P&D and available for review upon request).</p>
<p>Geology</p>	
<p>Policy GEO-S-2: <i>Development restrictions shall be required to decrease the potential for soils or slope hazards.</i></p> <p>Development Standard GEO-S-2.2: <i>The preparation of a geology/soils report shall be required for all new structures in the Community Plan area. The report shall be reviewed by the Special Problems Committee and the County Resource Management Department prior to the issuance of Building Permits.</i></p> <p>Policy GEO-S-3: <i>All new development on ocean bluff-top property shall be carefully designed to minimize erosion and sea cliff retreat and to avoid the need for shoreline protection devices in the future.</i></p> <p>Action GEO-S-3.1: <i>The County shall require all development proposed to be located on ocean bluff top property to perform a site specific analysis, prior to project review and approval, by a registered or certified geologist to determine the extent of the hazards (including bluff retreat) on the project site. Recommendations indicated in the analysis required by RMD shall be implemented.</i></p>	<p>Consistent: USGS maps show the Loon Point Fault trending toward the project site approximately 150 feet north of the proposed single-family residence on Proposed Parcel A. A preliminary Geologic Investigation by Adam Simmons, consulting geologist (dated October, 2006) was prepared to analyze the sea cliff retreat rate and slope stability of the on-site coastal bluff. Several Geotechnical Engineering Reports were developed by Earth Systems to analyze potential onsite geologic hazards including seismic impacts, the potential for liquefaction and the location of the Loon Point Fault. Those reports included the following: Geotechnical Engineering Report, Proposed Single Family Dwelling and Barn, April 30, 2012 (Revised September 17, 2012); Addendum to Second Response to County of Santa Barbara Peer Review dated June 19, 2013; Second Response to County of Santa Barbara Peer Review dated May 14, 2013, Fault Rupture Hazard Report dated August 29, 2012; a Fault Rupture Hazard Report, Proposed Single Family Dwelling and Barn, dated August 29, 2012 (Revised September 17, 2012); and a Seismic Refraction Investigation Geophysical Survey, GEOVision Geophysical Services, Inc. dated August 14, 2012. The updated Earth Systems Geotechnical Engineering report also supports the</p>

<p>Action GEO-S-3.2: <i>All new development proposed for the bluff-top shall minimize or avoid acceleration of seacliff retreat. Actions to minimize retreat shall include, but not be limited to, restricting septic tank use, minimizing irrigation, and utilizing culverts and drainage pipes to convey run-off.</i></p> <p>Action GEO-S-3.3: <i>Where possible, all drainage from bluff-top parcels shall be conveyed to the nearest street. Where such drainage must be conveyed over the face of the bluffs, such drainage lines shall be combined with those of neighboring parcels where possible, and sited and designed to minimize visual disruption of the bluff area.</i></p> <p>Policy GEO-S-4: <i>Excessive grading for the sole purpose of creating or enhancing views shall not be permitted</i></p>	<p>Simmons bluff retreat study with additional information and conclusions. The bluff retreat reports were peer reviewed by the County's contract geologist, GeoDynamics and accepted as adequate (June 19, 2013).</p> <p>The building envelopes placed on proposed Parcels A and B are located a minimum of 71 ft from the sea cliff. This distance incorporates the calculated 75 year bluff retreat rate of 31 ft added to a 40 ft slope stability buffer calculated in the Earth Systems report in accordance with Coastal Commission guidelines and accepted in the GeoDynamics peer review.</p> <p>P&D's Building and Safety Division standard practice as well as project conditions require submittal of soils engineering studies for all new development (Condition 18 of the TPM and Condition 16 of 11CDH-00000-00054 for the new residence). The project site is not within a Special Problems area.</p> <p>The site slopes upward to the north toward Padaro Lane. The parcel historically drains via sheet flow eastward into Toro Canyon Creek. The proposed residence has been designed to channel runoff away from the sea cliff, into an existing buried storm drain and from there into a bioswale near the creek. New native landscaping on the blufftop would be irrigated for a maximum of three years by a drip irrigation system. The development would be served either by existing drywells, or by public sewer service at Padaro Lane if it is available at the time of building permit issuance (Condition 25 of the TPM).</p> <p>The proposed residence on Parcel A has been designed to follow the existing contours and minimize grading as much as possible. The proposed project splits the elevational difference between the bermed landform on the western edge of the property and the top of the bluff that extends eastward from the berm towards Toro creek. This design is intended to minimize the amount of bunkered area on the western portion of the first floor of the proposed SFD.</p>
--	--

Cultural Resources	
<p>Coastal Land Use Plan Policy 10-1: <i>All available measures...shall be explored to avoid development on significant historic, prehistoric, archaeological, or other classes of cultural sites.</i></p> <p>Coastal Land Use Plan Policy 10-2: <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p>Coastal Act Policy 30244: <i>Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</i></p> <p>Policy HA-S-1: <i>Significant cultural, archaeological and historical resources in the Summerland area shall be protected and preserved.</i></p> <p>Development Standard HA-S-1.2: <i>Appropriate preservation and restoration/renovation measures shall be implemented to ensure that adverse impacts to significant historical resources are avoided except where they would preclude reasonable development on a parcel.</i></p>	<p>Prehistoric site CA-SBA-1566 is located on much of the subject parcel. This site has been evaluated as significant and eligible for the California Register of Historical Resources (CRHR) because portions of the resource retain sufficient integrity and data qualities to provide information important to understanding prehistory. The site is considered an important and unique resource under CEQA and is of cultural significance to the Native American community.</p> <p>Multiple cultural resource studies have been conducted within the project area. The most recent is a study requested by the County to evaluate the impacts of unpermitted grading and to provide a constraints analysis for future development of the lot (<i>Archaeological Condition Assessment and Effects Testing at CA-SBA-1566, 2825 Padaro Lane, Carpinteria, Santa Barbara County, California</i> by Clayton G. Lebow, dated June 2012). The constraints analysis and impact assessment are based on the results of excavations aimed at determining the location of significant site deposits, as some areas of the site were graded away prior to the current ownership, and some areas lack sufficient integrity and data qualities to provide information important to understanding prehistory.</p> <p>Based on information provided in the 2012 study, a development exclusion envelope was placed over the portion of the site evaluated as significant under CEQA and in accordance with the County's Environmental Thresholds and Guidelines. The development exclusion area is located primarily on proposed Parcel B but extends for a short distance onto proposed Parcel A. The development exclusion envelope would be recorded on the map and is required to be shown on all future building and grading plans (Conditions 7, 8 and 22 of the TPM). The existing dwelling, deck and accessory structure on proposed Parcel B would be removed⁴</p>

⁴ These structures were moved to the site sometime in the 1940s. An historic resources evaluation letter report was prepared by San Buenaventura Research Associates (dated March 13, 2007) and concluded that the structures do not meet the County's criteria for historical significance.

	<p>and the entire exclusion envelope would be covered with geo fabric, capped with sterile fill and planted with shallow rooted vegetation (Conditions 11 and 12 of the TPM).</p> <p>In addition to the development exclusion area on each parcel, each new parcel also has a building envelope located outside of all the required setbacks and outside of the significant portions of the archaeological site. Some areas of the building envelopes contain very low density artifacts in disturbed sediments. These deposits do not contribute to the significance of SBA-1566 and development in the building envelopes would not impact significant site deposits. However, because of the presence of disturbed, sparse site materials, archaeological and Native American monitoring is required for all ground disturbing activities for the currently proposed and all future projects on both parcels (Condition 14 of the TPM). A pre-construction workshop is required to inform workers about archaeological issues and requirements (Condition 13 of the TPM), and Condition 15 of the TPM outlines procedures to be followed in the unlikely event intact features such as hearths are discovered during monitoring.</p> <p>The results of the impact assessment for unpermitted grading indicated that installation of the gabion wall did not impact significant portions of SBA-1566. However, significant impacts did occur from unpermitted grading in other locations. Cultural resource policies require that development avoid significant resources if possible, and if they cannot be avoided, that reasonable mitigation is required. In this case, the significant impacts have already occurred and thus cannot be avoided. Mitigation through archaeological excavations at the impact location is not possible because the grading already disturbed the site. Another approach to mitigate the impacts is archaeological (Phase 3) excavation to recover data at or near the impacted area. This approach is not recommended here because the resulting archaeological excavations would impact areas that otherwise would remain intact. Instead, impacts to the significant site deposits from unpermitted grading would be mitigated by a</p>
--	---

	<p>measure (Condition 10 of the TPM) requiring the Owner/Applicant to fund an archaeological study to complete the Phase 2 work begun by Compass Rose Archaeological, Inc. (Romani et al. 2008). Compass Rose recovered a substantial archaeological assemblage from CA-SBA-1566 but sorting was not completed and materials were not analyzed. Applied EarthWorks also recovered materials from significant site deposits and those were not analyzed. Using the cultural materials recovered by Compass Rose and Applied EarthWorks, specific studies would be conducted and a report would be prepared that provides a research design; presents a site chronology; details the results of the analyses; and interprets the data. The materials would be curated and the report would be filed with the Central Coast Information Center at the University of California, Santa Barbara.</p>
<p>Noise</p>	
<p>Noise Element Policy #1: <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</i></p> <p>Policy N-S-1: <i>Interior noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected to minimize significant noise impacts.</i></p>	<p>Consistent: The proposed project would have the potential to create short-term construction related noise impacts on neighboring residences. Condition 21 of the TPM, Condition 19 of 11CDH-00000-00054 for the new residence on proposed Parcel A, and Condition 18 of 11CDH-00006 for grading and related work on proposed Parcel B would limit the hours of all future noise-generating construction to between 7:00 a.m. and 4:00 p.m. on weekdays excluding weekends and State holidays. The project would not cause any significant long-term noise impacts to the surrounding area.</p>
<p>Coastal Access & Recreation</p>	
<p>Coastal Land Use Plan Policy 7-2: <i>For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:</i></p> <p><i>(a) Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the</i></p>	<p>Consistent: A lateral public beach access easement exists along the sandy beach on the subject parcel near the water’s edge. This easement would remain unaffected by project implementation. The Summerland Community Plan shows a “possible future trail” on the subject property from Padaro Lane to the ocean, within the ESH and Toro Canyon Creek corridor. This “possible future trail” is not a legal easement.</p>

<p><i>shoreline, or</i> <i>(b) Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the land use plan, or...</i></p> <p>Policy PRT-S-2: <i>In compliance with applicable legal requirements, all opportunities for public recreational trails within those general corridors adopted by the Board of Supervisors as part of the Parks, Recreation and Trails (PRT) maps of the County Comprehensive Plan (and this Community Plan) shall be protected, preserved and provided for during and upon the approval of any development, subdivision and/or permit requiring any discretionary review or approval.</i></p> <p>Policy PRT-S-5: <i>New development shall not adversely impact existing recreational facilities and uses.</i></p> <p>Action PRT-S-5.1: <i>In approving new development, the County shall make a finding that the development will not adversely impact existing recreational facilities and uses.</i></p>	<p>Public beach access currently exists approximately ¼ mile to the west at the Loon Point beach access path; an additional vertical public easement to the beach from Padaro Lane is located approximately 1 mile to the east of Toro Canyon Creek. Both of these are located a reasonable distance from the proposed project site and both are more suitable beach access locations than the “possible future trail”. The “possible future trail” is located within a riparian corridor that has been thoroughly restored as resolution of a Coastal Commission appeal of a previous project on the lot. It is also immediately adjacent to (and possibly within) a significant cultural resource. The trail has not received significant use in approximately 15-20 years based on statements from one Native American representative and one local trail advocate. The addition of one new lot and one single-family dwelling would not impact any existing trails or recreational facilities. Consequently, the Santa Barbara Community Services Department, County Parks Division is not requesting that the applicant dedicate a public access easement as part of the project (Errin Briggs personal communication with Claude Garciacelay, County Parks Planner, September 2010; Anne Almy personal communication with Claude Garciacelay, October 23 2013).</p>
<p>Transportation</p>	
<p>Policy CIRC-S-4: <i>A determination of project consistency with the standards and policies of this Community Plan Circulation Section shall constitute a determination of consistency with Local Coastal Plan Policy #2-6 and LUDP #4 with regard to roadway and intersection capacity.</i></p> <p>Policy CIRC-S-5: <i>The County shall strive to permit reasonable development of parcels within the community of Summerland based upon the policies and land use designations adopted in this Community Plan, while maintaining safe roadway and intersections that operate at acceptable levels.</i></p>	<p>Consistent: As discussed in the ND Section 4.15, the lot split portion of the proposed project would result in the construction of one net, new single-family residence and, as such, would add 10 average daily trips and 1 peak hour trip to area roadways, a negligible increase over existing traffic levels. The addition of one PHT to area intersections would not adversely affect operations of intersections. Additionally, the addition of 10 ADT to area roadways would not affect their operation of roadways. All roadways and intersections are operating at acceptable levels and would continue to do so.</p>

Air Quality	
<p>Coastal Act Policy 30253(c): <i>New development shall be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board as to each particular development.</i></p> <p>Policy AQ-S-1: <i>The County shall impose appropriate restrictions and control measures upon construction activities associated with each future development project, in order to avoid significant deterioration of air quality.</i></p>	<p>Consistent: Construction-related activities could generate fugitive dust while the development areas are denuded of vegetation. Implementation of conditions provided by the Santa Barbara County Air Pollution Control District (APCD) would minimize impacts to air quality to the maximum extent feasible (Condition 37 of the TPM, Condition 29 of 11CDH-00000-00006 and Condition 32 of 11CDH-00000-00054).</p>

6.3 Zoning: Article II

6.3.1 Compliance with Article II, Coastal Zoning Ordinance

The proposed project would be consistent with all of the requirements of Article II, including Section 35-130, which requires the decision-maker to make the finding that adequate water is available to serve the newly created lot. Adequate domestic water is available as indicated by the Montecito Water District letter August 8, 2012; a can and will serve letter for both lots would be required prior to map recordation.

The proposed residential use is principally permitted within the 3-E-1 zone district. The structures would comply with the Summerland Community Plan policy that restricts the height of structures in rural areas to 16 ft. The proposed development would be located outside of all required setbacks, and parking required to serve the residence would be accommodated in the attached garage.

As discussed under Comprehensive Plan Consistency above (Section 6.2 of this staff report), although mapped as an ESH for Monarch butterflies, the site does not support a butterfly population. Therefore, the proposed project is consistent with ESH Overlay development standards for butterfly ESHs. In addition, as discussed under Section 5.2 above, the riparian ESH buffer of 100 ft from the 2006 edge of canopy has been incorporated into the setbacks for the map. Revisions to the previously approved restoration project within the ESH buffer, subject to approval by P&D, would ensure consistency with the riparian ESH Overlay development standards.

6.3.2 Compliance with Chapter 21 Ordinance Requirements

The proposed project would conform to the rules and regulations of the County's subdivision regulations as described in the findings (Attachment A).

6.4 Subdivision/Development Review Committee

This project was reviewed by the Subdivision/Development Review Committee on March 3, 2011 and August 2, 2012. The SDRC members have continued to provide input and develop conditions during the subsequent submittal and processing of these applications. All the conditions required by other departments are included as Departmental Condition letters, which are located at the end of Attachments B, C and D of this Staff Report.

6.5 Design Review

The proposed single-family residence to be located on Proposed Parcel A was conceptually reviewed by the South County Board of Architectural Review (SBAR). On December 7, 2012 the SBAR provided positive comments stating; "Mass, bulk and scale are appropriate for the area and the site" (see Attachment F). The project is required to return to the SBAR for final approval after project approval by the decision-maker.

6.6 Mapping Tool Determination

The project site is located in an area containing cultural and biological resources that constrain the amount and location of development on the parcel. Also, the parcel's location adjacent to the ocean requires and slope stability and bluff retreat setbacks. The proposed development requires implementation of building envelope(s) on both Parcels A and B in order to protect biological and cultural resources and comply with the required setbacks. In addition, the cultural resource is further protected by a development exclusion envelope. Designation of the building and development exclusion envelopes will be subject to recordation with the final map as indicated in Condition no. 22 of the TPM and Attachment H.

6.7 Development Impact Mitigation Fees

A series of ordinances and resolutions adopted by the County Board of Supervisors require the payment various development impact mitigation fees. This project is subject to the fees as shown in the following table. The amounts shown are estimates only. The actual amounts will be calculated in accordance with the fee resolutions in effect when the fees are paid.

The developer of a project that is required to pay development impact mitigation fees may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For a discretionary project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project.

Estimated Countywide Quimby and Development Impact Mitigation Fees			
Fee Program	Base Fee (per unit or 1,000 sf)	Estimated Fee	Fee due at
Recreation (Parks, Quimby)	\$1,226 per new lot	\$1,226	Map Recordation
Transportation	\$2,047 per new single family dwelling	\$2,047	Final Inspection
Fire (\$0.10/sf.)	6826 sq ft	\$683	Final Inspection

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. For developments which are appealable to the Coastal Commission under Section 35-182.6, no appeal fee will be charged.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval for 12TPM-00000-00006
- C. Conditions of Approval for 11CDH-00000-00006
- D. Conditions of Approval for 11CDH-00000-00054
- E. ND with Transmittal Letter
- F. BAR Comments and Conceptual Review Checklist
- G. APN Sheet
- H. Tentative Parcel Map (12TPM-00000-00006, TPM 14,791)
- I. Grading plan (11CDH-00000-00006)
- J. Draft Restoration "As-Built" Report and Addendum to Conceptual Habitat Restoration and Revegetation Plan, 2825 Padaro Lane, Summerland. Hunt and Associates, May 25, 2012. (11CDH-00000-00006)
- K. Site Plan, Floor Plans, Elevations (11CDH-00000-00054)

ATTACHMENT A: FINDINGS

Beach Club Tentative Parcel Map (12TPM-00000-00006 / TPM 14,791), Gabion Wall and Grading (11CDH-00000-00006) and New Single Family Dwelling (11CDH-00000-00054)

1.0 CEQA FINDINGS

1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The County 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 judgment and analysis of the County Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the Negative Declaration and any comments received, the County Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.3 LOCATION OF DOCUMENTS

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 County Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 TENTATIVE PARCEL MAP FINDINGS (Chapter 21). The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

2.1.1 Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final

subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.

This Tentative Parcel Map does not include easements along or across county streets.

2.1.2 Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street;

Proposed Parcel A has frontage on Padaro Lane. Prior to future development of proposed Parcel A, a driveway of adequate width and design to meet Carpinteria-Summerland Fire District development standards will be constructed. An existing driveway from Padaro Lane provides access to proposed Parcel B.

2.1.3 Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view;

There is no grading associated with this Tentative Parcel Map. Approval of related permit no. 11CDH-00000-00006 (to occur on both Parcel A and Parcel B of this Tentative Parcel Map) and permit no. 11CDH-00000-00054 (to occur on Parcel A of this Tentative Parcel Map) will not permit slopes or heights that would be either unsafe or unattractive to view.

2.1.4 Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors;

There is no grading associated with this Tentative Parcel Map. However, grading is a part of related permits 11CDH-00000-00006 and 11CDH-00000-00054. Approval of related permit no. 11CDH-00000-00006 will legalize grading conducted on the parent parcel without the benefit of a permit, and will allow fill to be placed over a sensitive cultural resource located on both Parcel A and Parcel B. Permit no. 11CDH-00000-00006 must be issued and implemented prior to map recordation of 12TPM-00000-00006, and prior to issuance of 11CDH-00000-00054 for a single family dwelling, because it resolves the zoning violation on the parent parcel. Permit no. 11CDH-00000-00006 also requires removal of a primary dwelling and a second unit that are located within the ESH buffer on Parcel A. When these structures are removed, there will be no residences on the parent parcel. Therefore, after the zoning violation is abated and existing structures are removed, permit no. 11CDH-00000-00054 for a new single family dwelling would not be dependent on recordation of the Tentative Parcel Map because it would be the only dwelling on the parent parcel.

2.1.5 Potential creation of hazard to life or property from floods, fire, or other catastrophe;

As discussed in Section 6.2 of the staff report, and incorporated herein by reference, the design of the subdivision will not result in any future development being located in areas that would create hazard to life or property.

2.1.6 Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;

As discussed in Section 6.2 of the staff report, and incorporated herein by reference, the Tentative Parcel map conforms to the County's Comprehensive Plan, including the Coastal Land Use Plan and the Summerland Community Plan. The project site is not located near any existing or proposed state highway alignment.

2.1.7 Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1;

The lots created by the map would not have a ratio of depth to width in excess of 3 to 1.

2.1.8 Subdivision designs with lots backing up to watercourses.

The front yards of the parent and proposed parcels face Padaro Lane. The eastern property line of the underlying parcel is formed by Toro Canyon Creek, which is considered a watercourse. A watercourse is generally defined in Article II, Coastal Zoning Ordinance, as *major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass*; but does not include coastal wetlands. Toro Creek will form the eastern boundary of Parcel B. The southern property lines of both new parcels will abut the Pacific Ocean, which is not considered a watercourse. Therefore, the design of the subdivision does not have lots backing up to a watercourse.

2.1.9 A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.

As discussed in Sections 6.2 and 6.3 of the staff report, and incorporated herein by reference, the design of the subdivision is consistent with the County's General Plan, including the Coastal Land Use Plan and the Summerland Community Plan, and the applicable requirements of the Coastal Zoning Ordinance. As discussed in these Tentative Map Findings, and the Subdivision Map Act Findings below, the tentative parcel map is consistent with Chapter 21 and the findings of the State Subdivision Map Act.

2.2 CHAPTER 21 SUBDIVISION MAP ACT FINDINGS. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings.

2.2.1. 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.

The lots resulting from the land division will be of adequate size (3.04 and 7.21 acres in size) to take advantage of maximum solar exposure. The proposed tentative parcel map is designed with proposed building envelopes located in such a way that future passive or natural heating or cooling opportunities will be available for future development.

- 2.2.2. 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.**

As discussed in Section 6.2 of the staff report dated November 15, 2013, and incorporated herein by reference, the proposed subdivision is consistent with the land use density designated for the property in the Coastal Land Use Plan and Summerland Community Plan, and can be found consistent with all applicable policies of these plans.

- 2.2.3. State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:**

- 2.2.3.1 The proposed map is not consistent with applicable general and specific plans as specified in §65451.**

As discussed in Section 6.2 of the staff report dated November 15, 2013, and incorporated herein by reference, the proposed subdivision is consistent with the Comprehensive Plan and Summerland Community Plan.

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

No improvements are proposed with this tentative parcel map. However, as discussed in Section 6.2 of the staff report dated November 15, 2013, and incorporated herein by reference, conditions of approval would ensure that future development on the parcels would occur in compliance with applicable policies of the Comprehensive Plan and Summerland Community Plan. In addition, the design of the proposed subdivision would result in two lots that would be suitable for future residential development in compliance with the applicable Comprehensive Plan and Summerland Community Plan policies.

- 2.2.3.3 The site is not physically suitable for the type of development proposed.**

As discussed in Section 6.2 of the staff report dated November 15, 2013, and incorporated herein by reference, Parcel A will be 3.04 acres in size and contain a 47,579 sq ft building envelope that avoids all applicable setback requirements as well all sensitive cultural and biological resources. Parcel B will be 7.21 acres in size and contain a building envelope of 89,084 sq ft to avoid all applicable setback requirements and sensitive cultural and biological resources. A separate development exclusion area precludes any development in the significant portion of the archaeological site. Future development within the building envelope and an associated access driveway on proposed Parcel A were determined to be geologically feasible as stated in the reports titled Geotechnical Engineering Report, Proposed Single Family Dwelling and Barn, April 30, 2012 (Revised September 17, 2012), Addendum to Second Response to County of Santa Barbara Peer Review dated June 19, 2013, Second Response to County of Santa Barbara Peer Review dated May 14, 2013, Fault Rupture Hazard Report dated August 29, 2012, a Fault Rupture Hazard Report, Proposed Single Family Dwelling and Barn, dated August 29, 2012 (Revised September 17, 2012) and a Seismic Refraction Investigation Geophysical Survey, GEOVision Geophysical Services, Inc. dated August 14, 2012. These reports were peer-reviewed and accepted by the P&D Geologic consultant, GeoDynamics, Inc. (June 19, 2013). Future development proposed for Parcel B will also be required to provide soils engineering studies and comply with the recommendations therein.

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

The site is physically suited for the proposed density of development of the resulting lots. The proposed density (at one residence per 3.0-acre lot) is consistent with the designated density (Residential, 1.0 dwelling unit per 3 acres) of the Coastal Land Use Plan and Summerland Community Plan. As discussed in Section 6.2 of the staff report dated November 15, 2013, and incorporated herein by reference, Parcel A will be 3.04 acres in size and contain a 47,579 sq ft building envelope that would avoid all applicable setback requirements as well as sensitive cultural and biological resources. Parcel B will be 7.21 acres in size and contain a building envelope of 89,084 sq ft to avoid all applicable setback requirements and sensitive cultural and biological resources. A separate development exclusion envelope on both parcels A and B precludes any development in the significant portion of the archaeological site. As such, the site can physically accommodate the proposed density of development.

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

As summarized in Section 6.1 of the staff report dated November 15, 2013, and discussed in detail in the Proposed Final Mitigated Negative Declaration (13NGD-00000-00012), incorporated herein by reference, any potential impacts that could result from the proposed subdivision and subsequent future development are mitigated to less than significant levels by incorporation of the mitigation measures and monitoring into the

project's conditions of approval. The project would not cause substantial environmental damage or injure fish or wildlife of their habitat.

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

The design of the subdivision would not cause serious public health problems. As discussed in Section 6.2 of the staff report dated November 15, 2013, and in the Proposed Final Mitigated Negative Declaration (13NGD-00000-00012), incorporated herein by reference, adequate services are available to serve the subdivision and the project would not create any hazardous situations that could lead to public health problems.

2.2.3.7 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.

The Summerland Community Plan identifies a "possible future trail" on the subject property from Padaro Lane to the ocean, within the ESH and Toro Canyon Creek corridor. However, there is no easement in this particular area and no easements for the public at large cross the property. Therefore, the design of the subdivision would not conflict with existing easements.

2.2.4. State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or parcel map for which a tentative map was not required, if it finds 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, and if the legislative body finds that the land is subject to any of the following:

(a) A contract entered into pursuant to the California Land Conservation Act of 1965 [Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5], including an easement entered into pursuant to Section 51256.

(b) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 [Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5].

(c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.

(d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

The parent parcel is residentially zoned and is not used for agriculture. The land is not subject to (a) a contract entered into pursuant to the California Land Conservation Act of 1965 [Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5], including an easement entered into pursuant to Section

51256 (b) an open-space easement entered into pursuant to the Open-Space Easement Act of 1974 [Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5]; (c) an agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code; or (d) a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code. Therefore, this finding does not apply.

2.2.5. 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 project would utilize private wastewater disposal (septic systems) only if public sewer service is not available from the Carpinteria Sanitary District. Discharge of waste into the District system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. Therefore, this finding does not apply.

2.3 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS FOR TENTATIVE PARCEL MAPS

2.3.1. In order to obtain approval for a division of land, the subdivider shall demonstrate that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the recorded subdivision or parcel map.

The proposed project would be served by the Montecito Water District (MWD). One existing water meter is located on the property. As indicated by the letter from Tom Mosby, General Manager, dated August 8, 2012, the Montecito Water District has the capacity to serve the both newly created lots. The project has been conditioned to require the applicant to obtain a Can and Will Serve letter for both new lots prior to map recordation.

2.3.2. As a requirement for approval of any proposed land division of agricultural land designated as AG-I or AG-II, the County shall make a finding that the long-term agricultural productivity of the land will not be diminished by the proposed division.

The proposed project is not located on land designated as AG-I or AG-II. Therefore, this finding does not apply.

2.3.3 In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Summerland Community Plan.

As discussed in Section 6.2 of the staff report dated November 15, 2013, and incorporated herein by reference, the proposed subdivision is conditioned so that any future development complies with the applicable development standards of

the Coastal Land Use Plan and Summerland Community Plan. Therefore, this finding can be made.

2.4 COASTAL DEVELOPMENT PERMIT FINDINGS FOR 11CDH-00000-00006

2.4.1 In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, adequate services and resources are available to serve the proposed development. The project is for as built grading, modification of the biological resources restoration plan for the Toro Canyon Creek corridor, removal of the single family dwelling and accessory structure, removal of a retaining wall and a play structure, abandonment of an existing well, grading for sensitive resource capping and installation of a split rail safety fence. No new structural or residential development is proposed under this permit. An existing well on the lot will provide water to irrigate restored and replanted areas as needed. The development will be accessed by an existing driveway from Padaro Lane. Other services such as roadways are adequate to serve the proposed development. Therefore, this finding can be made.

2.4.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.1. In compliance with Section 35-169.5.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.1 the review authority shall first make all of the following findings, as applicable:

1. The development conforms:

- (a) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- (b) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, 11CDH-00000-00006 conforms to the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, Summerland Community Plan, and the provisions of Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2. The development is located on a legally created lot.

The subject property was created by Lot Line Adjustment 07LLA-00000-00011, which was approved by the Zoning Administrator on February 27, 2008. Therefore, this finding can be made.

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The zoning violations recorded against the subject parcel would be resolved by approval and issuance of 11CDH-00000-00006. With approval, issuance and effectuation of that permit, all applicable zoning violation enforcement fees and processing fees will be paid and the subject property and proposed project will be compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, parking, height and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 1-E-1 zone district. Therefore, this finding can be made.

2.4.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings, as applicable:

1. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00006, as conditioned, will not obstruct public views from any public road or from a public recreation area to, and along the coast. Therefore, this finding can be made.

2. The development is compatible with the established physical scale of the area.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00006, as conditioned, will be compatible with the established physical scale of the area. Therefore, this finding can be made.

3. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00006, as conditioned, complies with the applicable public access and recreation policies of the of Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal land Use Plan and Summerland Community Plan. Therefore, this finding can be made.

2.5 COASTAL DEVELOPMENT PERMIT FINDINGS FOR 11CDH-00000-00054

2.5.1 In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in Section 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, adequate services exist to serve the proposed single family dwelling. The project would be served by the Montecito Water District, connection to the public sewer line at Padaro Lane or, if it is not available, an existing, previously approved private drywell-type septic system, and the Carpinteria-Summerland Fire Protection District. Police services are also available to serve the development. Therefore, this finding can be made.

2.5.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.1. In compliance with Section 35-169.5.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.1 the review authority shall first make all of the following findings, as applicable:

1. The development conforms:

- (a) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- (b) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, conforms to the applicable policies of the Comprehensive Plan, including the Coastal land Use Plan and Summerland Community Plan and the provisions of Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2. The development is located on a legally created lot.

The subject property was created by Lot Line Adjustment 07LLA-00000-00011, which was approved by the Zoning Administrator on February 27, 2008.

Therefore, this finding can be made.

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The zoning violations recorded against the subject parcel would be resolved by approval, issuance, and effectuation of 11CDH-00000-00006. With approval, issuance and effectuation of that permit, all applicable zoning violation enforcement fees and processing fees will be paid and the subject property and proposed project will be compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, parking, height and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 1-E-1 zone district. Therefore, this finding can be made.

Conditions of approval require approval and issuance of 11CDH-00000-00006 prior to approval of any other permits on Parcel A. With approval and issuance of that permit, the subject property and proposed project are in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, parking, height and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 1-E-1 zone district. Therefore, this finding can be made.

2.5.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings, as applicable:

1. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. Therefore, this finding can be made.

2. The development is compatible with the established physical scale of the area.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, will be compatible with the established physical scale of the area. Therefore, this finding can be made.

3. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, complies with the applicable public access and recreation policies of the of Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal land Use Plan and Summerland Community Plan. Therefore, this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

Case No. 12TPM-00000-00006, TPM 14,791

- 1. Proj Des-01 Project Description.** This Tentative Parcel Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit “H”, dated December 4, 2013, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

Tentative Parcel Map 14,791 would subdivide the existing 10.25-acre parcel into two resultant parcels of 3.04 acres (Proposed Parcel A) and 7.21 acres (Proposed Parcel B) in size.

A development exclusion area located primarily on proposed Parcel B would be placed to avoid impacts to cultural resources. Building envelopes on proposed Parcels A and B would contain all future structural development.

Within the development exclusion area, no structural development or ground disturbance of any kind would occur with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources in accordance with the conditions included with the Parcel Map.**
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.**
- A protective fence would be installed along the bluff top, with fenceposts placed entirely within the fill soil above the geogrid fabric layer.**
- The applicant could retain access to the beach via a small segment of unpaved roadway located in a narrow area between the lower and middle terraces, as shown on the Parcel Map. All other roadways must be located outside of the exclusion area.**

Building envelopes on proposed Parcels A and B would contain all future structural development such as residential and accessory structures. These envelopes are outside of the riparian corridor and associated buffer (which is 100 ft from the 2006 canopy of the riparian corridor), ordinance-defined property line setbacks, and the slope stability and bluff retreat setbacks calculated for the proposed project.

Development that could occur outside of the building envelopes would include non-structural development such as patios, hardscape, driveways and septic systems, provided that such items are located outside of the development exclusion area.

Development within the riparian corridor and buffer would be limited to habitat restoration planting as approved in the Habitat Restoration Plan, and maintenance of project elements approved with 11CDH-00000-00006 such as the gabion wall and drainage features.

The property would continue to be served by the Montecito Water District for domestic water and a private well near the Padaro Lane entrance for irrigation of landscaping and restoration plantings. Waste disposal would be provided by either a private EHS-approved drywell type of septic system or, if available, connection to public sewer lines at Padaro Lane. Fire protection would be provided by the Carpinteria-Summerland Fire Protection District. Access to proposed Parcel B would be taken from an existing driveway at the northeast corner of proposed Parcel B. Parcel A would also have frontage on Padaro Lane to allow access and utility connections to be taken directly from Padaro Lane. A drainage acceptance agreement is also proposed on Parcel B for the benefit of Parcel A.

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.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. 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 13NGD-00000-00012:

- 3. Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for all current and future projects on both resultant parcels. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous SBAR approvals under Case No. 12BAR-00000-00070. **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Coastal Development Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.
- 4. Aest-06 Building Materials.** For all current and future projects on both resultant parcels, natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences, except for residential development otherwise subject to review of the South Board of Architectural Review (SBAR). For residential structures, materials shall be in conformance with those approved by the SBAR. **PLAN REQUIREMENT:**

Materials shall be denoted on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.

- 5. Aest-10 Lighting.** For all current and future projects on both resultant parcels, the Owner/Applicant shall ensure any exterior night lighting proposed on either of the resulting parcels is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR and P&D approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit or Coastal Development Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.
- 6. Special Condition Bio-01: Nesting Birds.** The applicant shall retain and pay for a P&D approved biologist to inspect and monitor the project site for bird and raptor nesting activity prior to construction on either Parcel. If construction is to take place during the nesting season (March to September), a P&D approved biologist shall conduct a pre-construction bird and raptor nesting inspection not more than one week prior to the proposed beginning of construction activity. If birds or raptors are determined to be nesting on or within the vicinity of the project site, no construction activities, including, but not limited to grading or heavy equipment operation, shall take place within 500 feet of the raptor nest or within 300 feet (or the property line, whichever is closer) of a bird nest. Certain construction activities may be allowed on a case-by-case basis as reviewed and approved by P&D. **Plan Requirements and Timing:** At a minimum of two days prior to the proposed beginning of construction activity, the results of the survey shall be reviewed and approved by P&D. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** P&D staff shall perform site inspections throughout the construction phase and receive the report from the P&D approved biologist.
- 7. Bio-12 Habitat Restoration.** The Owner/Applicant has submitted a draft Habitat Restoration Plan titled "Restoration As-Built Report and Addendum to Conceptual Habitat Restoration and Revegetation Plan" prepared by Hunt & Associates and dated May 25, 2012. The Owner/Applicant shall submit for P&D approval a final version of the Hunt & Associates Habitat Restoration Plan. The report shall include the following components:

- a. Project landscaping in areas within Toro Canyon Creek shall be with, but not limited to, native riparian species such as coast live oak, western sycamore and numerous others as identified in the draft plan. Restoration plantings within and adjacent to the creek shall be planted as identified in the draft Plan.
- b. Species shall be from locally obtained plants and seed stock.
- c. The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
- d. When work occurs within 100 feet of the top of bank of Toro Canyon Creek, the creek area shall be fenced with orange construction fencing or similar to protect restoration plantings, staked a minimum of every six feet or as necessary to keep fencing from collapsing. Fencing shall be located as far away from the creek as possible but at least 25 feet from the top of bank unless such placement inhibits the work activity.
- e. All plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and/or gopher fencing as appropriate during the maintenance period. Fencing for plantings in resources areas shall be anchored in fill soils above a geofabric layer only.
- f. Non-native species identified in the Hunt & Associates Plan, shall be removed from the creek, however, removal of native species in the creek shall be prohibited.

PLAN REQUIREMENTS/ TIMING: The Final Plan shall be submitted to P&D for review and final approval prior to issuance of the first Coastal Development Permit (CDP) for any building or project element which requires a CDP. The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for three (3) years. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

- 8. Bio-20 Equipment Storage-Construction.** For all current and future projects on both resultant parcels, the Owner/Applicant shall designate one or more construction equipment filling and storage areas within the designated Building Envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The equipment storage area may be located outside the designated Building Envelope with approval from P&D. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development, Building & Grading Permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of

construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

9. Bio-20a Equipment Washout-Construction. For all current and future projects on both resultant parcels, the Owner/Applicant shall identify within the designated Building Envelope one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as needed. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The equipment washout area may be located outside the designated Building Envelope with approval from P&D. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development Permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

10. Special Condition CulRes-1: Analysis of Existing Collections. The Applicant shall fund an archaeological study to complete the Phase 2 work begun by Compass Rose Archaeological, Inc. (Romani et al. 2008). Archaeological remains collected from intact site deposits by Applied EarthWorks, Inc. during an impact assessment (Lebow 2012) would be included in the Phase 2 completion study. Completing the Phase 2 work shall include:

- Sorting the remaining unsorted screen residues;
- Analysis of lithic debris (debitage, tools, and fire-altered rock);
- Identification of vertebrate faunal remains to the lowest possible taxa;
- Identification of invertebrate faunal remains to the lowest possible taxa
- Analyses of pigment and asphaltum; and
- Documentation of the results.

Using the materials recovered during the Compass Rose and Applied EarthWorks excavations, the Applicant shall also fund special studies typical of a Phase 3 investigation. Specifically, special Phase 3 studies shall include:

- Radiocarbon analysis sufficient to accurately delineate the chronology of site use;
- Identification of all shell beads and placement of the beads in the site chronology;
- Microscopic edge-wear analysis of all flaked stone tools;
- Archaeobotanical analysis of macrobotanical remains from flotation completed by Compass Rose;

- Geological sourcing and hydration rim measurement of obsidian specimens (if recovered); and
- Preparation of a Phase-3 level report. The report shall be synthetic by including both the Phase 2 and Phase 3 work. It shall provide a research design; present a site chronology; detail the results of the Phase 2 and Phase 3 technical analyses; and interpret the results. Interpretations shall consider the site in the context of data from a nearby site or sites. The report shall include an updated site form and shall be filed with the Central Coast Information Center at the University of California, Santa Barbara.

The Applicant shall fund curation, in perpetuity, of the cultural materials collected from the site.

Plan Requirements: The Owner/Applicant shall submit a work plan and timeline to the County for review and approval. After completion of the work, the Owner/Applicant shall submit the required archaeological studies for P&D review and approval. **Timing:** The work plan shall be submitted to the County prior to issuance of Coastal Development Permit for 11CDH-00000-00006. P&D planning staff shall approve the work plan prior to issuance of the Coastal Development Permit. The final report shall be submitted to P&D and shall be consistent with the approved proposal and timeline. Prior to issuance of 11CDH-00000-00006, the Owner/Applicant shall post a performance security prior to issuance of the Coastal Development Permit in the amount necessary to complete the analysis and prepare the report. **Monitoring:** P&D planning staff shall review and approve a draft study report prior to submittal of final report. The Owner/Applicant shall submit to P&D compliance monitoring staff the final report consistent with the approved proposal and timeline. The performance security shall be released upon satisfactory completion of the final report.

- 11. Special Condition CulRes-02: Structural Demolition & Retention of Foundations in Place.** In order to avoid disturbing the surrounding deposit, all structural foundations shall remain in place. All machinery used for structural demolition shall remain on the existing gravel road. Demolition shall be accomplished using an excavator with a thumb to remove pieces of the structure and put them directly into a haul away truck also parked on gravel road. Demolition may also be accomplished by use of hand tools. In the event that any portion of the existing residence cannot be reached by equipment parked on the road, the fill required in Special Condition CulRes-3 shall be spread in front of the excavator and, when geofabric and fill are in place per that condition, the excavator may park on it to reach those portions of the house than cannot be reached from the road. Debris shall not be piled on the ground but shall instead be placed directly into a haul-away vehicle. All structural foundations shall be left in place. The work shall proceed according to a demolition plan prepared by a qualified archaeologist and approved by P&D. The demolition plan shall include both text and a large-scale figure suitable for guiding work in the field. All work related to structural demolition shall be guided by the archaeologist and monitored by an archaeologist and a Native American observer. **Plan**

Requirements and Timing: The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit the Owner/Applicant shall submit to P&D for review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist consisting of a project description and scope of work (demolition plan), and once approved, shall execute the contract. The work shall be implemented after issuance of 11CDH-00000-00006 but prior to map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054.

Monitoring: The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American observer and P&D grading inspectors shall spot check field work.

12. Special Condition CulRes-03: Cap Significant Site Areas. After demolition of the house and accessory structure, a layer of geotextile fabric and at least 18 inches of chemically inert fill shall be placed over the significant portions of the archaeological site identified in Lebow (2012, p. 54, Figure 4-2) and as shown on the grading plans associated with 11CDH-00000-00054 and 11CDH-00000-00006. The exception to this requirement is the northernmost lobe of the site identified as significant by Lebow (2012:54), which is located on both sides of the existing driveway. In that location, no fill is required because site deposits are already overlain by approximately 2.6 ft of fill. The work shall proceed according to a capping plan prepared with the assistance of a qualified archaeologist and approved by P&D. The capping plan shall include both text and a large-scale figure suitable for guiding work in the field. All work related to capping shall be guided by the archaeologist and monitored by an archaeologist and a Native American observer. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit for 11CDH-00000-00006, the Owner/Applicant shall submit to P&D for review and approval a contract or Letter of Commitment between the Owner/Applicant and a County-approved archaeologist consisting of a project description (fill plan) and scope of work and once approved by P&D, shall execute the contract. The fill plan shall be implemented after issuance of 11CDH-00000-00006 but prior to map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. Implementation of the fill plan shall be supervised by an archaeologist and monitored by a Native American observer. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the archaeologist and Native American monitor prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm that placement of fill conforms to the approved fill plan, and P&D grading inspectors shall spot check field work.

13. Special Condition CulRes-04: Pre-Construction Workshop. A pre-construction workshop shall be conducted to inform construction personnel about the archaeological issues on site. Prior to any and all ground disturbing activities, including but not limited to

structural demolition and placement of geofabric and fill, a short pre-construction workshop shall be conducted by a qualified archaeologist and a local Native American (Chumash) observer. Attendees shall include all construction supervisors, other personnel and equipment operators. New operators or supervisors shall receive the briefing by the archaeologist and Native American observer prior to commencing work. The workshop shall:

- a. Inform all workers of the cultural resource related conditions on the project, provide copies of conditions, and ensure that are understood.
- b. Review the types of archaeological artifacts that may be found during construction and on the ground surface in the vicinity of the proposed project;
- c. Provide examples of common artifacts to examine; and
- d. Discuss prohibited activities, including unauthorized collection of artifacts and associated penalties.

A sign-in sheet shall be provided to document dates and names of persons attending. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. This condition shall be shown on all grading and building plans. **Monitoring:** P&D compliance monitoring staff shall confirm attendance. The Owner/Applicant shall include attendance sheets in the final monitoring report.

- 14. Special Condition CulRes-05: Cultural Resources Monitor.** For all current and future projects on both resultant parcels, the Owner/Applicant shall have all earth disturbances including scarification and placement of fill monitored by a P&D qualified archaeologist and a Native American observer in compliance with the provisions of the County Cultural Resource Guidelines. The Native American observer shall maintain a daily field log and share this information with interested Chumash individuals and tribal members on a weekly basis. In the event that human remains are discovered on site, and the Most Likely Descendent (MLD) appointed by the Native American Heritage Commission is the acting monitor, then a new monitor shall be retained so that the monitor is not the same individual as the MLD. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. This condition shall be shown on all building and grading plans. Prior to issuance of any Coastal Development Permit, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist consisting of a project description and scope of work, and once approved, shall execute the contract. Prior to final building clearance issuance, a monitoring report shall be submitted to P&D. The report shall be written by the monitoring archaeologist and shall include the Native American observer's field log. The report shall also be submitted to the Central Coast Information Center at the University of California, Santa Barbara (CCIC). **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance

monitoring staff shall confirm monitoring by archaeologist and Native American observer and P&D grading inspectors shall spot check fieldwork.

15. Special Condition CulRes-06: Discovery of Features, Diagnostic Artifacts or Human Remains. In the event that archaeological features such as hearths or burials are encountered, P&D shall be notified and work shall be stopped immediately. If human remains are encountered, then the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and such remains shall be treated in accordance with California Public Resources Code 5097.98. Intact features other than human remains shall be treated in accordance with County Cultural Resources Guidelines. Diagnostic artifacts shall be documented, collected and curated. Human remains shall be returned to the Most Likely Descendent (MLD) and may, at the discretion of the MLD, be re-buried in an area of the site that will not experience any further disturbance. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. This condition shall be printed on all grading and building plans. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check fieldwork. Prior to final building clearance issuance, the applicant shall demonstrate that any collected artifacts have been appropriately documented and curated with the remainder of the collection from the site.

16. Special Condition CulRes-07: Compliance with plans. For all current and future projects on both resultant parcels, all development, including utilities and accessways, shall occur outside of the area mapped in Lebow 2012 (p.54) as significant. Habitat restoration and landscaping may occur within significant site areas only if it is located entirely in fill above the geofabric described in Special Condition CulRes-3. The exception to this requirement is the northernmost lobe of the site identified as significant by Lebow (2012:54), which is located on both sides of the existing driveway. In that location, no fill is required because site deposits are already overlain by approximately 2.6 ft of fill. All excavation for placement of plants must be located within the fill and above the geofabric (where present). Construction of the split-rail safety fence shall also occur entirely above the geofabric and within the fill. If any trees within the significant site area are proposed for removal, either as part of this project or any future projects, they shall be cut off above the level of the geofabric; they shall not be dug out and the roots shall be left in place. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. This condition shall be printed on all grading and building plans. Prior to issuance of any CDPs, P&D shall confirm that plans show that any development is occurring solely outside of the significant portion of the site, and shall confirm that the locations and depths of the landscaping and split rail safety fence are above geofabric and in fill. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and

contact information for the assigned onsite archaeological monitor(s) prior to grading/building permit issuance and pre-construction meeting. Prior to the start of any ground disturbing activity and periodically thereafter, P&D compliance monitoring staff shall confirm with the archaeologist that all work is occurring outside of the mapped boundaries of the significant portion of the site or otherwise complies with requirements to be located within fill.

17. Special Condition CulRes-08: Development Exclusion Area. In order to protect on site cultural resources, the area mapped in Lebow 2012 (p.54, Figure 4-2) as significant shall be excluded from all future development with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources in accordance with the conditions included with the Parcel Map.
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.
- A protective fence would be installed along the bluff top, with fenceposts placed entirely in the fill soil above the geogrid fabric layer.
- The applicant could retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces. All other roadways must be located outside of the exclusion area.

Plan Requirements and Timing: This condition applies to 11CDH-00000-00006, 11CDH-00000-00054, and shall be recorded graphically with 12TPM-00000-00006. The area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site shall be mapped graphically on a separate informational sheet and designated as “Development Exclusion Area”. This sheet shall be recorded with the final map. **Monitoring:** P&D shall ensure that this condition is met prior to map recordation.

18. Special Geologic Protection Measures. For all current and future projects on both resultant parcels, all construction techniques and onsite development shall conform to the recommendations contained in the relevant Geotechnical Engineering Reports prepared by Earth Systems. **PLAN REQUIREMENTS:** For proposed development on both newly created parcels, the Owner/Applicant shall submit a soils engineering study addressing structure locations and access road(s) to determine structural design criteria. The Owner/Applicant shall submit the study for P&D and Public Works review and approval. Elements of the approved study shall be reflected on grading and building plans as required. **TIMING:** The Owner/Applicant shall submit the study prior approval of Coastal Development Permits. **MONITORING:** P&D permit processing planner shall review the study. The Owner/Applicant shall demonstrate that the submitted plans conform to required study components. Grading and building inspectors shall ensure compliance in the field.

19. WatConv-03: Erosion and Sediment Control Revegetation. For all current and future projects on both resultant parcels, the Owner/Applicant shall revegetate graded areas

upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas within one week of work stoppage or completion of work. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

- 20. WatConv-07: SWPPP.** The Owner/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. **TIMING:** Prior to issuance of the first Grading Permit on the resultant parcels, the Owner/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. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities. **MONITORING:** P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.
- 21. Noise-02:** 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:** Three 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.

PROJECT SPECIFIC CONDITIONS

22. Special Condition DevEnv-04 - Exclusion Area for Maps. The Planning Commission has determined an exclusion envelope is necessary to identify areas onsite that are excluded from all uses and development. Exclusion envelopes shall be identified for those areas shown on Exhibit H, dated November 15, 2013 to avoid impacts to significant cultural resources. No development of any kind, including grading, stockpiling, access ways, development, vegetation removal, construction equipment operation or storage shall occur in the identified exclusion area(s) with the exception of the following activities:

- Fill material shall be placed on top of a geogrid fabric layer to protect significant cultural resources in accordance with the conditions included with the Parcel Map.
- Shallow-rooted landscaping shall be placed entirely within the fill on top of the geogrid fabric.
- A protective fence may be installed along the bluff top, with fenceposts placed entirely within the fill soil above the geogrid fabric layer.
- The applicant may retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces, as shown on the Parcel Map. All other paved or unpaved driveways and access routes must be located outside of the exclusion area.

Plan Requirements: The exclusion area shall be recorded concurrently with and cross-referenced on the map. The exclusion area shall also be described by metes and bounds and shown on all plans submitted for Coastal Development Permits, Zoning Clearances, Grading Permits and Building Permits. **Timing:** This condition shall be recorded with the final map. **MONITORING:** During plan check of any permit on Parcel A or Parcel B, the P&D permit processing planner shall confirm that no development would occur within the development exclusion envelope with the exception of activities explicitly permitted by permit no. 11CDH-00000-00006.

23. Special Condition DevEnv-01 Building Envelopes. All structural development on both newly created lots shall be limited to the building envelopes designated on Exhibit H, dated December 4, 2013. The building envelopes identify the location of proposed structures, construction storage and staging while allowing other uses such as grading, stockpiling, utilities, paving, etc. to occur outside the building envelope, subject to applicable permits. **PLAN REQUIREMENTS:** The building envelopes shall be described by metes and bounds and with this condition shall be recorded with the final map on the deed. The building envelopes shall also be recorded with and cross-referenced on the map. Finally, the building envelopes shall be depicted on all plans submitted for Coastal Development Permits or Zoning Clearances, and Building Permits. **TIMING:** The building envelopes shall be staked in the field prior to approval of any Coastal Development Permit. **MONITORING:** During plan check, the P&D permit

processing planner shall confirm that all structural development is confined to the approved building envelope. Staking shall be verified by compliance monitoring staff at the preconstruction meeting or prior to building permit approval. P&D building inspectors and compliance monitoring staff shall ensure that structural development is confined to the building envelopes and that staking remains in place during construction.

- 24. Can and Will Serve Letters.** Prior to map recordation, the owner/applicant shall obtain can and will serve letters from the Montecito Water District for both lots created by 12TPM-00000-00006.
- 25. Public Sewer Connection.** Within six months of the time of availability of public sewer service from the Carpinteria Sanitary District, the applicant shall connect to District services and shall abandon the private septic system, subject to EHS permit requirements.
- 26. Special Condition GRD-1 Location of Stockpile Areas.** All stockpiles shall be located within designated building envelopes. **TIMING:** Stockpile locations shall be graphically depicted on all land use and grading permits. **MONITORING:** P&D processing planner shall ensure stockpile locations are within building envelopes. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite.

TENTATIVE PARCEL MAP CONDITIONS

- 27. Map-01 Maps-Info.** Prior to recordation of the map and subject to P&D approval as to form and content, the Owner/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(s) to be recorded with the 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.
- 28. Map-01a Maps-Future Lots.** Any lot created by the recordation of this map is subject to the conditions of this map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this map, each set of plans accompanying any permit for development shall contain the conditions of this map.
- 29. Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the map, the Owner/Applicant shall submit a map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.

- 30. Map-08 Water and Sewer Connections.** If, prior to the Board action to approve the recording of the Final 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.
- 31. Map-09 Drainage Easement.** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve a drainage easement over Lot B in favor of Lot A at the time of conveyance of either parcel. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.
- 32. Map-10 Public Utility Easements.** Prior to recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
- 33. Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.

COUNTY RULES AND REGULATIONS

- 34. Special Condition Rules-04 Additional Approvals Required.** Approval of this Tentative Parcel Map is subject to the Planning Commission approving permit no. 11CDH-00000-000016, which resolves an active zoning violation on the subject parcel.
- 35. Rules-23 Processing Fees Required.** Prior to map recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions and applicable law in effect when paid.
- 36. DIMF-24e DIMF Fees-Parks (Quimby Fee).** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Parks DIMF amount is currently estimated to be \$1,226.00 per lot. This is based on a project

type of a single-family dwelling. **TIMING:** Parks DIMFs shall be paid to the County Parks Department prior to map recordation.

37. Rules-29 Other Dept Conditions. Compliance with Departmental/Division letters required as follows:

- a) Air Pollution Control District dated August 3, 2012
- b) Environmental Health Services Division dated March 28, 2013
- c) Carpinteria-Summerland Fire Protection District dated August 15, 2012
- d) Parks Department dated November 15, 2013

38. Rules-30 Plans Requirements. The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

39. Rules-31 Mitigation Monitoring Required. The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. A separate Permit Compliance case shall be opened for monitoring of new construction on each lot and for utility/service improvements. To accomplish this, the Owner/Applicant shall:

- a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b) Pay fees prior to CDP approval for on-site utility improvements, grading and new construction, as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
- c) Note the following on each page of grading and building plans "This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, conditions of approval, and mitigation measures from Negative Declaration 13NGD-00000-00012";
- d) Contact P&D compliance staff at least two weeks prior to commencement of construction activities for on-site utility improvements and for new construction on each lot to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

40. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 this project. In the event that the County fails promptly to notify the Owner / 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.

41. Rules-36 Map/LLA Expiration. This map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.

ATTACHMENT C

Coastal Development Permit for 11CDH-00000-00006

ATTACHMENT D

Coastal Development Permit for 11CDH-00000-00054

ATTACHMENT E

13NGD-00000-00012

ATTACHMENT F

BAR Comments and Conceptual Review Checklist

ATTACHMENT G

APN Sheet

ATTACHMENT H

Tentative Parcel Map (12TPM-00000-00006, TPM 14,791)

ATTACHMENT I

Grading Plan (11CDH-00000-00006)

ATTACHMENT J

Habitat Restoration Plan Addendum for 11CDH-00000-00006

ATTACHMENT K

Site Plan, Floor Plans, Elevations (11CDH-00000-00054)

Revised 11/09

G:\GROUP\PERMITTING\CASE FILES\CDH\11 CASES\11 CDH-00000-00006 BEACH CLUB GABOON WALL AND GRADING\DEC 4 PC HEARING\STAFF REPORT, ATTACHMENT A, ATTACHMENT B 11.24.13.DOC