



COUNTY OF SANTA BARBARA

Planning and Development

SUBMITTAL DROP OFF

Date: 6/18/2020

Contact Information

Your Name: Susan F. Petrovich
Your Email: spetrovich@bhfs.com
Your Phone: 805-895-6988 or 805-882-1405
↳ cell-do not leave voice mail ↳ office - voice mail okay

Project Information

Assigned Staff Member Travis Lee & Alex Tuttle
Case Number: 19 LLA-00000-00003, 19 RMM-00000-00001
Address: 785/805 Toro Canyon Road, Carpinteria, CA
Parcel (APN): 155-230-017, -018

Payment Information (if applicable)

Check Number: Montecito Bank & Trust #12953 (Petrovich Account)
Check Amount: \$685.06
Name on Check: Susan F. Petrovich

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

June 18, 2020

Susan F. Petrovich
Attorney at Law
805.882.1405 tel
805.965.4333 fax
spetrovich@bhfs.com

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Alger Appeal of Planning Commission approval of Frampton Lotline Adjustment
and Recorded Map Modification, 19LLA-00000-00003, 19RMM-00000-00001

Dear Honorable Supervisors:

Brownstein Hyatt Farber Schreck represents Glenn and Valerie Alger, whose property abuts the Frampton project site.

While the County Planning Commission did a very good job of imposing conditions on the Frampton project, and in particular, of trying to prevent a repeat of the applicant's past unpermitted destruction of protected native habitat, including Special Status Species, the Algers believe that the conditions must be explicit, based upon the applicant's past disregard for project conditions.

In 2001, the County Planning Commission approved a lot split that created the two parcels that comprise the project site. The Commission at that time imposed conditions intended to prevent removal or damage to all native habitat on the property outside the designated Development Envelopes and fuel management zones around the Envelopes. The Commission was clear that all human occupancy was to be confined to the level land adjacent to Toro Canyon Road, which once was an agricultural field.

In 2017, the applicant brought in bulldozers, a backhoe, and other heavy equipment, ostensibly to remove non-native eucalyptus trees and other flammable non-natives for fire prevention. But he primarily removed extensive native habitat. In particular, there used to be a pristine coastal scrub and chaparral habitat, located well away from the Development Envelopes on a mesa at the top of a hill. The applicant graded this habitat, destroying most of the plants. To ensure that any surviving native plants didn't repopulate this area, the applicant later graded and weed-whacked the area so that it is now largely occupied by non-native, invasive grasses. There are a few surviving native plants, but the applicant periodically whacks them down as well to prevent their spread. In short, the

applicant has violated the lot split conditions for no apparent reason other than to change the area at the top of the hill into a viewing spot or building site for future development.

The applicant also has graded, graveled, and partially paved a wide driveway from the Development Envelopes up the steep slope to and across the top of the slope. In place of native vegetation in the area where the road was graded, the applicant has planted non-native invasive plants.

All of this violates the lot split conditions AND the Toro Canyon Plan.

The Revised Conditions of Approval

We provided a set of revised conditions of approval (attached) and the Planning Commission adopted most of our proposed revisions, but the Planning Commission (a) did not adequately prohibit the applicant from causing further damage to the habitat that the lot split conditions attempted to protect; and, (b) did not require removal of the non-native invasive plants that the applicant planted; and, (c) did not require removal of the road to and across the upper mesa on the property.

The Algiers want to ensure that there is no misunderstanding regarding the property owner's obligations to restore, protect and preserve native vegetation going forward, **even when there is no pending permit application.** If left alone, it is possible that the native vegetation will return, but there is no chance that native plants will be able to re-establish if the property owner keeps clearing any native plants that appear.

Conclusion

The County's ability to meet CEQA requirements and approve any project, including a simple lotline adjustment, relies entirely upon the enforcement of conditions that avoid potentially significant environmental impacts. No responsible property owner would use bulldozers and backhoes in a protected environmentally sensitive habitat, but that is what happened here. And that is what must be avoided in the future.

The upper terrace of the project site once was an intact EHS, which the 2001 Planning Commission did its best to protect. If the property owner were required to remove the non-native invasive species and restore the native plants, allowing them to repopulate the areas outside the Development Envelopes and particularly on the upper mesa, the habitat that it provided to birds and other native species will be restored, but only if the conditions are crystal clear that an owner will not use fire prevention as a subterfuge for clearing it in the future.

We ask that the Board of Supervisors impose additional conditions that require the following:

- a. Restoration of the upper mesa native habitat, with monitoring to ensure successful restoration.
- b. Remove the gravel and concrete paving on the new road, leaving a dirt track adequate for maintenance purposes but not an invitation to further decimate native vegetation.
- c. Removal all non-native vegetation planted by the property owner in and after 2017 and replace it with native vegetation.

Mr. and Mrs. Alger do not oppose a project on this site, but they support environmental protection through the re-establishment, preservation, and protection of the native vegetation in the long term.

Sincerely,

A handwritten signature in cursive script that reads "Susan F. Petrovich". The signature is written in black ink and is positioned above the printed name.

Susan F. Petrovich

SUBMITTAL REQUIREMENTS

- ✓ 8 Copies of the attached application.
- ✓ 8 Copies of a written explanation of the appeal including:
 - If you are not the applicant, an explanation of how you are an “**aggrieved party**” (“Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.”);
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- ✓ 1 Check payable to County of Santa Barbara.

Note: There are additional requirements for certain appeals including:

- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 785/805 Toro Canyon Road, Carpinteria

ASSESSOR PARCEL NUMBER: 155-230-017, -018

Are there previous permits/applications? no yes numbers: Benon Lot Split, TPM 14, 534
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: 01-ND-11

1. Appellant: Glenn Alger Phone: 425-785-2684 FAX: _____

Mailing Address: 3030 Linda Vista Ln, Santa Barbara E-mail: glenn.alger@gmail.com
Street City State Zip 93108

2. Owner: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

3. Agent: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

4. Attorney: Susan F. Petrovich Phone: 805-882-1405 FAX: 805-965-4333

Mailing Address: P.O. Drawer 720, Santa Barbara E-mail: spetrovich@bhfs.com
Street City State Zip 93102

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title frampton Lot Line Adjustment and Recorded Map

Case No. 19 LLA-00000-00003, 19 RMM-00000-00001 ^{Modification}

Date of Action 6/10/2020

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

Failure to condition project to require restoration of native vegetation wrongfully removed by applicant in violation of lot split conditions and Toro Canyon Plan policies - under guise of fire prevention.
Failure to condition project to prevent further damage and destruction of native vegetation between project approval and pulling land use permit in future.
See attachments.

Specific conditions imposed which I wish to appeal are (if applicable):

- a. _____
- b. _____
- c. _____
- d. _____

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Brownstein Hyatt Farber Schreck 6/18/2020
Print name and sign – Firm *Susan F. Petrovich* Date

Susan F. Petrovich 6/18/2020
Print name and sign – Preparer of this form *Susan F. Petrovich* Date

Print name and sign – Applicant Date

Print name and sign – Agent Date

Glenn Alger 6/18/2020
Print name and sign – ~~Landowner~~ *Glenn Alger by Susan F. Petrovich* Appellant Date

June 9, 2020

Susan F. Petrovich
Attorney at Law
805.882.1405 tel
805.965.4333 fax
spetrovich@bhfs.com

VIA EMAIL TO DVILLALO@CO.SANTA-BARBARA.CA.US

Santa Barbara County Planning Commission,
Laura M. Bridley, Chair
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Frampton Lotline Adjustment and Recorded Map Modification, 19LLA-00000-00003, 19RMM-00000-00001 – Revised Conditions and Draft MND,

Dear Chair Bridley and Honorable Commissioners:

Brownstein Hyatt Farber Schreck represents Glenn and Valerie Alger, whose property abuts the Frampton project site. We thank your Commission for your request for additional conditions addressing native and sensitive habitat restoration and preservation.

We have reviewed the staff-proposed revisions to the Draft MND and to the project conditions and have the following comments:

The Revised Mitigated Negative Declaration

Under the section dedicated to Biological Resources, the staff has proposed certain changes, all of which are appropriate for the project. There are, however, some issues that have not been addressed:

Impact Discussion (a-d) – This should include information regarding the clearing activity in 2017 and subsequent years, such as: “In or about 2017 and intermittently in subsequent years, grading and clearing activities for fire prevention were undertaken on the property, including the use of bull dozers and back hoes. These measures resulted in the loss of approximately two (2) acres of chaparral, coastal scrub, and transitional habitats, dominated by native plants, including Santa Barbara honeysuckle (*Lonicera subspicata*) and Nuttall’s scrub oak (*Quercus dumosa*), both of which are special-status plant species. Native species have not yet repopulated the cleared area and invasive non-natives have covered most of this area. Removal of the invasive species and cessation of periodic clearing will allow native plants to return.

1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2711
main 805.963.7000

Mitigation and Residual Impacts

1. MMBIO-1a – add to the mapping of species occurrence on the construction plans the following – “To allow for restoration of native habitat on the upper terrace above the Development Envelopes, the existing road to the upper terrace and the terrace itself shall be marked on the construction plans and with signage as being “OFF-LIMITS TO ALL CONSTRUCTION EQUIPMENT AND VEHICLES.”
2. MMBIO-1.c – Add to list of protected species the Nuttal’s scrub oak (*Quercus dumosa*), chaparral, and coast scrub.
3. MMBIO-2.b – Include in the Fuel Management Plan protection of Nuttal’s scrub oak (*Quercus dumosa*), chaparral, and coast scrub on the area outside the Development Envelopes and FFMZ, including prohibiting removal or disturbance of these plants and habitat communities outside the designated construction areas.
4. MMBIO-2.c – Add to the staff-proposed insert the following: “Existing non-native trees and shrubs along the roadways on the property shall be removed.”
5. MM BIO-3 – In addition to requiring fencing to protect the existing woodrat nest, the rare, native California Walnut trees also shall be fenced and avoided by construction equipment and vehicles.
6. MM BIO-4.a -- Under PLAN REQUIREMENTS AND TIMING– modify staff’s proposed insertion as follows: “If vegetation removal or modification, ground disturbance, **or** construction must begin within the breeding season . . .” to avoid another claim of ambiguity in condition language. If **any** of these activities occur, the condition should apply. As worded, one could argue that the condition only applies if all of the listed activities occur.

The Revised Conditions of Approval

We have attached the revised conditions of approval proposed by County staff, with a redline showing our suggested revisions.

Your staff did an outstanding job under a short deadline, but given the past failure to enforce the lot split conditions, we propose further clarifications to make crystal clear the Commission’s intent to protect native vegetation outside the Development Envelopes and FFMZ.

We want to ensure that there is no misunderstanding regarding the property owner’s obligations to protect and preserve native vegetation going forward, **even when there is no pending permit application.**

Conclusion

The County's ability to meet CEQA requirements and approve any project, including a simple lotline adjustment, relies entirely upon the enforcement of conditions that avoid potentially significant environmental impacts. No responsible property owner would use bull dozers and back hoes in a protected environmentally sensitive habitat, but that is what happened here. And that is what must be avoided in the future.

The upper terrace of the project site once was an intact EHS, which the 2001 Planning Commission did its best to protect. If the non-native invasive species were removed and the native plants allowed to repopulate this area, the habitat that it provided to birds and other native species will be restored, but only if the conditions are crystal clear that an owner will not use fire prevention as a subterfuge for clearing it in the future.

Our suggestions do not alter the conditions, but we believe that they do strengthen and clarify the conditions.

Mr. and Mrs. Alger do not oppose a project on this site, but they support environmental protection through the re-establishment, preservation, and protection of the native vegetation in the long term.

Sincerely,



Susan F. Petrovich

Attachment: Redline of Proposed Revised Conditions of Approval

ATTACHMENT A-1: CONDITIONS OF APPROVAL

19LLA-00000-00003

1. **Proj Des-01 Project Description.** This Lot Line Adjustment is based upon and limited to compliance with the project description, the approved plans, 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:

The proposed project is a request for a Lot Line Adjustment (LLA) & Recorded Map Modification (RMM – 19RMM-00000-00001) to adjust the property lines and modify the building and development envelopes between two lots for future residential development. No structural development is currently proposed. The size of the lots would not change from 2.0 and 10.67 acres but the lot lines and building/development envelopes would change. The building envelopes identify the location of future structures, construction storage and staging, while allowing other limited uses such as grading, utilities, paving, etc. to occur outside the building envelopes. The development envelopes identify the location of site preparation, ground disturbances and construction activities including those for structures, access, easements, subsurface grading, sewage disposal, and drainage components. No ground disturbance, including but not limited to any of the following: (a) grading; (b) ripping; (c) vegetation removal unless required by the Carpinteria-Summerland Fire Protection District or approved as part of the Fire Fuel Management and Habitat Improvement Plan; (d) ornamental, non-native landscaping; or (e) development, is allowed outside the development envelopes, except paving and utilities required for driveway access to serve the development envelopes. Lot A, which is 2.0 acres and currently has building/development envelopes of 0.29 and 0.04 acres, respectively, would have new envelopes of 0.45 and 0.28 acres. Lot B, which is 10.67 acres and currently has building/development envelopes of 0.37 and 0.12 acres, respectively, would have new envelopes of 0.60 and 0.40 acres. The existing and proposed envelopes are in the same general location on the parcels and the envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20%. Future development of the lots would be served by the Montecito Water District, private onsite wastewater treatment systems, and the Carpinteria-Summerland Fire Protection District. Access to the site would be provided via Toro Canyon Road via two existing unpaved driveways. The properties involved include a 2-acre lot and a 10.67-acre lot both zoned 10-E-1 and shown as Assessor's Lot Numbers 155-230-017 and -018 located at 785 and 805 Toro Canyon Road, in the Toro Canyon Area, First Supervisorial District.

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

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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 20NGD-00000-00004

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development. **TIMING:** The Owner/Applicant shall submit architectural drawings of future residential development on each lot for review and shall obtain final SBAR approval prior to issuance of applicable Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to SBAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved SBAR design and landscape plans prior to Final Building Inspection Clearance.
4. **Aest-06 Building Materials.** 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. **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-07 Understories and Retaining Walls.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted. **PLAN REQUIREMENTS:** The Owner/Applicant shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **TIMING:** Plans shall be submitted prior to Issuance of the Land Use Permit; vegetation shall be installed prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall check plans and ensure installation prior to Final Building Inspection Clearance.

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6. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site 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 or onto the public roadway. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. No lighting shall be allowed along driveways or outside designated building/development envelopes except at driveway entrances and the junction with the Lot 2 development envelope. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR 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 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.

7. **MM Bio-1a Map Species Occurrence on Construction Plans:** The location and extent of Santa Barbara honeysuckle, Nuttall's oak trees, chaparral, and coastal scrub plants shall be shown on all construction and landscaping plans and flagged for avoidance during construction and landscaping associated with future residential development. **PLAN REQUIREMENTS:** This measure shall be noted on all grading and building plans associated with future residential development. **TIMING:** Lots shall be resurveyed and location and extent of Santa Barbara honeysuckle shall be identified on all grading and landscape plans submitted to P&D associated with future residential development and shall be flagged prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure these areas are depicted on plans submitted to P&D prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure compliance and respond to complaints.

8. **MM BIO-1b Delimit Work Areas:** The limits of the Development Envelope and the 100-foot Fire Fuel Management Zone (FFMZ) around the Development Envelope shall be fenced with orange construction fencing prior to any ground disturbance. **PLAN REQUIREMENTS:** These limits shall be graphically depicted on all grading and building plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Fencing shall be installed prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure limits are depicted on plans prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure fencing remains in place.

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9. **MM Bio-1c Species Avoidance During Fire Fuel Management Activities:** Because Santa Barbara honeysuckle, ~~Nuttal's oak trees, chaparral, and coastal scrub~~ patches are discrete and not distributed throughout the FFMZ on Lot 2, fire fuel management practices shall avoid removing ~~this/these native species~~. Santa Barbara honeysuckle, Nuttal's oak trees, chaparral, and coastal scrub stands shall be permanently staked or fenced for avoidance during vegetation management. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting for individual lot development. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure Santa Barbara honeysuckle stands are permanently staked or fenced.
10. **MM Bio-2a Delineate FFMZs:** Prior to Land Use Permit issuance, the limits of the 100-foot fire fuel management zone on both lots shall be permanently marked with rebar or other metal stakes to delineate the zone during future fire fuel management activities. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting for individual lot development. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout fire fuel management activities.
11. **MM Bio-2b Fire Fuel Management and Habitat Improvement Plan:** Prior to Land Use Permit Issuance, a qualified biologist shall prepare a Fire Fuel Management and Habitat Improvement Plan that specifically addresses the methods to be used to protect ESH (coastal sage scrub habitat, Santa Barbara honeysuckle, Nuttal's oaks, California walnut trees, and native grassland) within the FFMZ and throughout the remainder of the property outside the Development Envelopes during fire fuel management operations. The Plan shall address how native vegetation within the FFMZs and throughout the remainder of the property outside the Development Envelopes on both lots will be modified, methods and measures to be implemented to selectively remove and control the spread of invasive, non-native grasses and shrubs, and selective removal of dead and dying non-native trees. Plan goals shall balance maximizing habitat values with fire safety.

The Plan shall include procedures for improving the quality of chaparral and coastal sage scrub habitat by removal and control of non-native grasses and shrubs and selective removal of dead and dying eucalyptus and other non-native trees. Non-native vegetation shall be controlled so that native shrubs and trees can naturally recolonize these areas. The Plan shall contain the following elements:

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- Specific recommendations on how to manage native vegetation within the 0-35 foot, 35-70 foot, and 70-100 foot fire fuel management zones. Vegetation management should balance fire safety with maintaining habitat quality for native plants and wildlife.
- Specific recommendations for the removal and control of eucalyptus trees in coastal sage scrub both within and outside of the FFMZs on both lots. Removal of these invasive, non-native species will greatly enhance native habitat quality. Eucalyptus should be cut at ground level and the stumps left in place to avoid unnecessary soil disturbance. Eucalyptus trunks should be scattered on-site to stabilize soils on steep slopes and to create valuable microhabitat for wildlife.
- Eucalyptus duff should be removed by hand (e.g. raking) in order to create sites where native coastal sage scrub shrubs and native trees (e.g. coast live oak) can recolonize. These cleared areas should be monitored to eradicate and control invasive, non-native herbaceous vegetation.
- A qualified biologist should survey eucalyptus and other non-native trees to be removed for nesting birds, per standards developed by the California Department of Fish and Wildlife.
- Dead or dying coast live oaks that do not present a safety hazard should be left in place as nesting and roosting habitat for a variety of birds.
- The Plan should avoid unnecessarily degrading the occurrence or density of native grasses on any lot. Specifically, native grasses in the 0-30 ft zone and 30-100 ft zone should be mowed or weed-whipped, so that the root masses are not disturbed. Mowing or weed-whipping should only occur after the native grasses have set seed. Seed heads should be left on the ground to germinate.
- The Plan shall include removal of the non-native plants on all areas of the property lying outside the Development Envelopes and the FFMZ and shall prohibit future grading, ripping, and weed whacking in these areas. Removal of non-native trees shall be performed by hand and in the manner described in the Mitigated Negative Declaration and removal of dead native vegetation shall be accomplished by hand-pruning. In no event shall native vegetation roots be disturbed or removed.
- The Plan shall include a 5 year maintenance and monitoring period to ensure restoration of native vegetation outside the Development Envelopes as well as success criteria.

PLAN REQUIREMENTS AND TIMING: The Fire Fuel Management Plan shall be prepared and submitted to P&D and Carpinteria-Summerland Fire Protection District for review and approval prior to Land Use Permit Issuance. A Notice to Property Owner shall be recorded on each lot that includes the approved Fire Fuel Management Plan. The Plan shall be implemented consistent with the approved maintenance schedule and

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beginning with construction of initial infrastructure improvements or individual lot development, whichever occurs first. **MONITORING:** The County-qualified biologist shall submit an annual report by January 15 of each year for the first five years of implementation, reporting on plan implementation and success criteria. Permit Compliance staff shall site inspect to confirm compliance following the first year's fuel clearance activities. For years 2 through 5, conformance with the Fire Fuel Management Plan shall be demonstrated through the submittal of the annual report and annual photo documentation by the Owner/Applicant or site visits as necessary at the discretion of the Permit Compliance staff. Compliance with the Fire Fuel Management Plan shall be for the life of the project.

12. **MM Bio-2c Landscaping Species:** Landscaping plans shall use native, locally-occurring species where feasible. The non-native trees and shrubs previously planted onsite shall be removed. No non-native ornamental landscaping is permitted outside the development envelopes. **PLAN REQUIREMENTS:** Prior to issuance of the Land Use Permit, a qualified biologist or certified landscape architect shall review the proposed species palette on all landscaping plans to ensure that native, locally-occurring species are incorporated into the landscaping plan and that the planting palettes do not include invasive, non-native species. **TIMING:** Landscaping plans shall be reviewed and approved by P&D and BAR, if applicable, prior to Land Use Permit Issuance. **MONITORING:** Permit Compliance staff shall ensure landscape plantings are installed according to plans prior to Final Building Inspection Clearance.
13. **MM-Bio-3 Woodrat Nest and California Walnut Trees:** Construction and/or landscaping could destroy a large woodrat nest and California Walnut Trees, a rare species, located in the southeast corner of Lot 2. The nests of this native mouse provides suitable microhabitat for a number of special-status wildlife species. If the nest or native California Walnut Trees can be avoided, ~~it~~ they shall be surrounded with orange construction fencing for the duration of construction and landscaping under the supervision of a qualified biologist. If not, a qualified biologist shall be retained to dismantle the nest and capture and relocate all inhabitants to suitable habitat nearby. **PLAN REQUIREMENTS:** Woodrat nest and California Walnut trees and pre-construction fencing shall be delineated on all plans. **TIMING:** A County-approved biologist shall conduct a pre-construction survey of both lots no more than one week prior to the pre-construction meeting to assess the woodrat nest and determine if construction fencing is required prior to any construction activities. **MONITORING:** Permit Compliance staff shall meet with the biologist at the pre-construction meeting and/or review construction fencing if required.
14. **MM Bio-4a Tree Survey:** To avoid disturbance of nesting and special status birds including raptorial species protected by the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, proposed project activities, including, but not limited to, vegetation removal, ground disturbance, and

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construction shall occur outside of the bird breeding season (February 1 through August 15). If these activities must begin within the breeding season, then pre-construction surveys shall be conducted. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 500-foot buffer as allowable without trespassing on private lands. The survey shall be conducted by a County-qualified biologist familiar with the identification of raptors and special status species known to occur in Santa Barbara County using typical methods. If nests are found, a buffer ranging in size from 25 to 500 feet (25 feet for urban-adapted species such as Anna's hummingbird and California towhee and up to 500 feet for certain raptors) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the County-qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring between August 16 and February 1.

PLAN REQUIREMENTS AND TIMING. If vegetation removal, ground disturbance, and/or construction must begin within the breeding season, then the pre-construction survey shall be conducted no more than one week prior to commencing vegetation removal, grading, or construction activities. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. Bird survey results shall be submitted to P&D for review and approval prior to commencing grading or construction activities. These requirements would be applied to initial infrastructure improvements as well as individual lot development.

MONITORING: P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall verify compliance in the field and perform site inspections throughout the grading and construction. P&D staff shall review the survey report(s) prior to commencement of grading.

15. **MM Bio-4b Pre-Construction Survey:** A qualified biologist shall conduct a pre-construction survey of both lots no more than one week prior to initial vegetation grubbing and shall monitor initial grubbing and grading to salvage wildlife disturbed by this activity. **PLAN REQUIREMENTS:** This requirement shall be printed on all plans. **TIMING:** A County-approved biologist shall survey the lots no more than one week prior to initial vegetation grubbing and the pre-construction meeting. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that a County-approved biologist conducted the survey no more than one week prior to construction commencement. Survey results shall be submitted to P&D compliance monitoring staff

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prior to the pre-construction meeting.

16. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to Issuance of Grading or Building Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

17. **MM Geo-2 Erosion and Sediment Control Plan.** 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 future residential development. 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. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

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18. **MM Geo-3 WatConv-03 Erosion and Sediment Control Revegetation.** The Owner/Applicant shall re-vegetate graded areas ~~upon~~ within 30 days of 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 30 days of completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
19. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.
20. **MM Wat-1 WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) within the designated development/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. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all 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.
21. **MM Wat-2 WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or

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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 this area and removed from the site as needed. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all 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.

Lot Line Adjustment Conditions

- 22. **Map-01 Maps-Info.** Prior to recordation of the Lot Line Adjustment 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 Lot Line Adjustment. 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.

- 23. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Lot Line Adjustment, the Owner/Applicant shall submit a Lot Line Adjustment 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.

- 24. **Map-15 LLA-Deed Recordation.** The following language shall be included on each of the deeds used to finalize the Lot Line Adjustment: “This deed or document arises from the Lot Line Adjustment 19LLA-00000-00003 and defines a single parcel within the meaning of California Civil Code Section 1093 among two legal parcels created by 19LLA-00000-00003.” The County Surveyor shall determine the appropriate documents necessary to record with the deeds.

Project Specific Conditions

- 25. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation:
 - a. seeding with native plants and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or
 - c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **Monitoring:** Grading Inspector shall

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perform periodic site inspections.

26. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:
- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

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

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

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

27. Fuel Management Outside Fire Fuel Management Zones. Any fuel management activities required by the Carpinteria-Summerland Fire Protection District and conducted outside of the designated Development Envelopes and -Fire Fuel Management Zones (FFMZs) shall be subject to all of the same mitigation measures applicable to fuel management activities within the FFMZs, including native species avoidance, protection of native vegetation, and pre-construction surveys.

Plan Requirements/Timing: This condition shall become effective upon Map Recordation.

Monitoring: P&D staff shall ensure compliance with this condition and respond to complaints.

County Rules and Regulations

28. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
29. **Rules-19 Maps/LLA Revisions.** If the unrecorded Lot Line Adjustment to Parcel Map 14,534 is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Parcel Map.

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30. **Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
31. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
1. Carpinteria-Summerland Fire Protection District dated April 29, 2019.
32. **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. 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. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to map recordation as authorized by ordinance and fee schedules. Separate compliance accounts shall be required for each lot in association with future lot development. Compliance monitoring costs will be invoiced monthly and may include 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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans "This project is subject to Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Mitigated Negative Declaration 20NGD-00000-00004";
 - d. Contact P&D compliance staff and Carpinteria-Summerland Fire Protection District at least two weeks prior to implementation of Fire Fuel Management and Habitat Restoration plan activities. Also contact P&D compliance staff at least two weeks prior to commencement of construction activities 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.
33. **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,

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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.

34. **Rules-36 Map/LLA Expiration.** This Lot Line Adjustment 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.

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ATTACHMENT A-2: CONDITIONS OF APPROVAL

19RMM-00000-00001

1. **Proj Des-01 Project Description.** This Recorded Map Modification is based upon and limited to compliance with the project description, the approved plans, 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:

The proposed project is a request for a Lot Line Adjustment (LLA – 19LLA-00000-00003) & Recorded Map Modification (RMM) to adjust the property lines and modify the building and development envelopes between two lots for future residential development. No structural development is currently proposed. The size of the lots would not change from 2.0 and 10.67 acres but the lot lines and building/development envelopes would change. The building envelopes identify the location of future structures, construction storage and staging, while allowing other limited uses such as grading, utilities, paving, etc. to occur outside the building envelopes. The development envelopes identify the location of site preparation, ground disturbances and construction activities including those for structures, access, easements, subsurface grading, sewage disposal, and drainage components. No ground disturbance, including ~~grading~~, but not limited to any of the following: (a) grading; (b) ripping; (c) vegetation removal unless required by the Carpinteria-Summerland Fire Protection District or approved as part of the Fire Fuel Management and Habitat Improvement Plan; (d) ornamental, non-native landscaping; or (e) development, is allowed outside the development envelopes, except paving and utilities required for driveway access to serve the development envelopes, vegetation removal unless required by Carpinteria-Summerland Fire Protection District or approved as part of the Fire Fuel Management and Habitat Improvement Plan, ornamental landscaping, or development is allowed outside the development envelopes, except paving and utilities required for driveway access. Lot A, which is 2.0 acres and currently has building/development envelopes of 0.29 and 0.04 acres, respectively, would have new envelopes of 0.45 and 0.28 acres. Lot B, which is 10.67 acres and currently has building/development envelopes of 0.37 and 0.12 acres, respectively, would have new envelopes of 0.60 and 0.40 acres. The existing and proposed envelopes are in the same general location on the parcels and the envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20%. Future development of the lots would be served by the Montecito Water District, private onsite wastewater treatment systems, and the Carpinteria-Summerland Fire Protection District. Access to the site would be provided via Toro Canyon Road via two existing unpaved driveways. The properties involved include a 2-acre lot and a 10.67-acre lot both zoned 10-E-1 and shown as Assessor's Lot Numbers 155-230-017 and -018 located

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at 785 and 805 Toro Canyon Road, in the Toro Canyon Area, First Supervisorial District.

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 20NGD-00000-00004

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development. **TIMING:** The Owner/Applicant shall submit architectural drawings of future residential development on each lot for review and shall obtain final SBAR approval prior to issuance of applicable Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to SBAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved SBAR design and landscape plans prior to Final Building Inspection Clearance.
4. **Aest-06 Building Materials.** 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. **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-07 Understories and Retaining Walls.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted. **PLAN REQUIREMENTS:** The

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Owner/Applicant shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **TIMING:** Plans shall be submitted prior to Issuance of the Land Use Permit; vegetation shall be installed prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall check plans and ensure installation prior to Final Building Inspection Clearance.

6. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site 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 or onto the public roadway. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. No lighting shall be allowed along driveways or outside designated building/development envelopes except at driveway entrances and the junction with the Lot 2 development envelope. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR 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 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.

7. **MM Bio-1a Map Species Occurrence on Construction Plans:** The location and extent of Santa Barbara honeysuckle plants, Nuttall's oak trees, chaparral, and coastal scrub shall be shown on all construction and landscaping plans and flagged for avoidance during construction and landscaping associated with future residential development. **PLAN REQUIREMENTS:** This measure shall be noted on all grading and building plans associated with future residential development. **TIMING:** Lots shall be resurveyed and location and extent of Santa Barbara honeysuckle shall be identified on all grading and landscape plans submitted to P&D associated with future residential development and shall be flagged prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure these areas are depicted on plans submitted to P&D prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure compliance and respond to complaints.

8. **MM BIO-1b Delimit Work Areas:** The limits of the Development Envelope and the 100-foot Fire Fuel Management Zone (FFMZ) around the Development Envelope shall be fenced with orange construction fencing prior to any ground disturbance. **PLAN REQUIREMENTS:** These limits shall be graphically depicted on all grading and building

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plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Fencing shall be installed prior to the pre-construction meeting. **MONITORING:** P&D processing planner shall ensure limits are depicted on plans prior to Land Use Permit approval. Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure fencing remains in place.

9. **MM Bio-1c Species Avoidance During Fire Fuel Management Activities:** Because Santa Barbara honeysuckle, Nuttal's oak trees, chaparral, and coastal scrub patches are discrete and not distributed throughout the FFMZ on Lot 2, fire fuel management practices shall avoid removing this species. Santa Barbara honeysuckle, Nuttal's oak trees, chaparral, and coastal scrub stands shall be permanently staked or fenced for avoidance during vegetation management. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting for individual lot development. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout construction to ensure Santa Barbara honeysuckle stands are permanently staked or fenced.

10. **MM Bio-2a Delineate FFMZs:** Prior to Land Use Permit issuance, the limits of the 100-foot fire fuel management zone on both lots shall be permanently marked with rebar or other metal stakes to delineate the zone during future fire fuel management activities. **PLAN REQUIREMENTS:** Limits of 100-foot FFMZ shall be depicted on all plans submitted to P&D for Land Use Permit approval for future residential development. **TIMING:** Limits of 100-foot FFMZ shall be staked with rebar or other permanent markers in the field prior to the pre-construction meeting for individual lot development. **MONITORING:** Permit Compliance staff and Grading and Building inspectors shall monitor throughout fire fuel management activities.

11. **MM Bio-2b Fire Fuel Management and Habitat Improvement Plan:** Prior to Land Use Permit Issuance, a qualified biologist shall prepare a Fire Fuel Management and Habitat Improvement Plan that specifically addresses the methods to be used to protect ESH (coastal sage scrub habitat, Santa Barbara honeysuckle, Nuttal's oaks, and native grassland) within the FFMZ and throughout the remainder of the property outside the Development Envelopes during fire fuel management operations. ~~during fire fuel management operations.~~ The Plan shall address how native vegetation within the FFMZs and throughout the remainder of the property outside the Development Envelopes on both lots will be modified, methods and measures to be implemented to selectively remove and control the spread of invasive, non-native grasses and shrubs, and selective removal of dead and dying non-native trees. Plan goals shall balance maximizing habitat values with fire safety.

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The Plan shall include procedures for improving the quality of coastal sage scrub habitat by removal and control of non-native grasses and shrubs and selective removal of dead and dying eucalyptus and other non-native trees. Non-native vegetation shall be controlled so that native shrubs and trees can naturally recolonize these areas. The Plan shall contain the following elements:

- Specific recommendations on how to manage native vegetation within the 0-35 foot, 35-70 foot, and 70-100 foot fire fuel management zones. Vegetation management should balance fire safety with maintaining habitat quality for native plants and wildlife.
- Specific recommendations for the removal and control of eucalyptus trees in coastal sage scrub both within and outside of the FFMZs on both lots. Removal of these invasive, non-native species will greatly enhance native habitat quality. Eucalyptus should be cut at ground level and the stumps left in place to avoid unnecessary soil disturbance. Eucalyptus trunks should be scattered on-site to stabilize soils on steep slopes and to create valuable microhabitat for wildlife.
- Eucalyptus duff should be removed by hand (e.g. raking) in order to create sites where native coastal sage scrub shrubs and native trees (e.g. coast live oak) can re-colonize. These cleared areas should be monitored to eradicate and control invasive, non-native herbaceous vegetation.
- A qualified biologist should survey eucalyptus and other non-native trees to be removed for nesting birds, per standards developed by the California Department of Fish and Wildlife.
- Dead or dying coast live oaks that do not present a safety hazard should be left in place as nesting and roosting habitat for a variety of birds.
- The Plan should avoid unnecessarily degrading the occurrence or density of native grasses on any lot. Specifically, native grasses in the 0-30 ft zone and 30-100 ft zone should be mowed or weed-whipped, so that the root masses are not disturbed. Mowing or weed-whipping should only occur after the native grasses have set seed. Seed heads should be left on the ground to germinate.
- The Plan shall include removal of the non-native plants on all areas of the property lying outside the Development Envelopes and the FFMZ and shall prohibit future grading, ripping, and weed whacking in these areas. Removal of non-native trees shall be performed by hand and in the manner described in the Mitigated Negative Declaration and removal of dead native vegetation shall be accomplished by hand-pruning. In no event shall native vegetation roots be disturbed or removed.
- The Plan shall include a 5 year maintenance and monitoring period to ensure restoration of native vegetation outside the Development Envelopes as well as success criteria.

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PLAN REQUIREMENTS AND TIMING: The Fire Fuel Management Plan shall be prepared and submitted to P&D and Carpinteria-Summerland Fire Protection District for review and approval prior to Land Use Permit Issuance. A Notice to Property Owner shall be recorded on each lot that includes the approved Fire Fuel Management Plan. The Plan shall be implemented consistent with the approved maintenance schedule and beginning with construction of initial infrastructure improvements or individual lot development, whichever occurs first. **MONITORING:** The County-qualified biologist shall submit an annual report by January 15 of each year for the first five years of implementation, reporting on plan implementation and success criteria. Permit Compliance staff shall site inspect to confirm compliance following the first year's fuel clearance activities. For years 2 through 5, conformance with the Fire Fuel Management Plan shall be demonstrated through the submittal of the annual report and annual photo documentation by the Owner/Applicant or site visits as necessary at the discretion of the Permit Compliance staff. Compliance with the Fire Fuel Management Plan shall be for the life of the project.

12. **MM Bio-2c Landscaping Species:** Landscaping plans shall use native, locally-occurring species where feasible. No non-native ornamental landscaping is permitted outside the development envelopes. The non-native trees and shrubs previously planted onsite shall be removed. **PLAN REQUIREMENTS:** Prior to issuance of the Land Use Permit, a qualified biologist or certified landscape architect shall review the proposed species palette on all landscaping plans to ensure that native, locally-occurring species are incorporated into the landscaping plan and that the planting palettes do not include invasive, non-native species. **TIMING:** Landscaping plans shall be reviewed and approved by P&D and BAR, if applicable, prior to Land Use Permit Issuance. **MONITORING:** Permit Compliance staff shall ensure landscape plantings are installed according to plans prior to Final Building Inspection Clearance.

13. **MM-Bio-3 Woodrat Nest and California Walnut Trees:** Construction and/or landscaping could destroy a large woodrat nest and rare native California Walnut trees located in the southeast corner of Lot 2. The nests of this native mouse provides suitable microhabitat for a number of special-status wildlife species. If the nest can be avoided, it shall be surrounded with orange construction fencing for the duration of construction and landscaping under the supervision of a qualified biologist. If not, a qualified biologist shall be retained to dismantle the nest and capture and relocate all inhabitants to suitable habitat nearby. **PLAN REQUIREMENTS:** Woodrat nest and California Walnut trees and pre-construction fencing shall be delineated on all plans. **TIMING:** A County-approved biologist shall conduct a pre-construction survey of both lots no more than one week prior to the pre-construction meeting to assess the woodrat nest and determine if construction fencing is required prior to any construction activities. **MONITORING:** Permit

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Compliance staff shall meet with the biologist at the pre-construction meeting and/or review construction fencing if required.

14. **MM Bio-4a Tree Survey:** To avoid disturbance of nesting and special status birds including raptorial species protected by the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, proposed project activities, including, but not limited to, vegetation removal, ground disturbance, and construction shall occur outside of the bird breeding season (February 1 through August 15). If these activities must begin within the breeding season, then pre-construction surveys shall be conducted. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 500-foot buffer as allowable without trespassing on private lands. The survey shall be conducted by a County-qualified biologist familiar with the identification of raptors and special status species known to occur in Santa Barbara County using typical methods. If nests are found, a buffer ranging in size from 25 to 500 feet (25 feet for urban-adapted species such as Anna's hummingbird and California towhee and up to 500 feet for certain raptors) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the County-qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring between August 16 and February 1.

PLAN REQUIREMENTS AND TIMING. If construction must begin within the breeding season, then the pre-construction survey shall be conducted no more than one week prior to commencing vegetation removal, grading, or construction activities. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. Bird survey results shall be submitted to P&D for review and approval prior to commencing grading or construction activities. These requirements would be applied to initial infrastructure improvements as well as individual lot development.

MONITORING: P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall verify compliance in the field and perform site inspections throughout the grading and construction. P&D staff shall review the survey report(s) prior to commencement of grading.

15. **MM Bio-4b Pre-Construction Survey:** A qualified biologist shall conduct a pre-

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construction survey of both lots no more than one week prior to initial vegetation grubbing and shall monitor initial grubbing and grading to salvage wildlife disturbed by this activity. **PLAN REQUIREMENTS:** This requirement shall be printed on all plans. **TIMING:** A County-approved biologist shall survey the lots no more than one week prior to initial vegetation grubbing and the pre-construction meeting. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that a County-approved biologist conducted the survey no more than one week prior to construction commencement. Survey results shall be submitted to P&D compliance monitoring staff prior to the pre-construction meeting.

16. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to Issuance of Grading or Building Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

17. **MM Geo-2 Erosion and Sediment Control Plan.** 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 future residential development. 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. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:**

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The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

18. **MM Geo-3 WatConv-03 Erosion and Sediment Control Revegetation.** The Owner/Applicant shall re-vegetate graded areas upon within 30 days of 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 30 days of completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
19. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.
20. **MM Wat-1 WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) within the designated development/building envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches,

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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. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all 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.

21. **MM Wat-2 WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) 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 this area and removed from the site as needed. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all 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.

Recorded Map Modification Conditions

22. **Map-01 Maps-Info.** Prior to recordation of the Recorded Map Modification 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 Parcel 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.
23. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Recorded Map Modification, the Owner/Applicant shall submit a Parcel 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.

Project Specific Conditions

24. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation:
 - a. seeding and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or

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c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **Monitoring:** Grading Inspector shall perform periodic site inspections.

25. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:
- d. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - e. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - f. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

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

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

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site.

APCD inspectors shall respond to nuisance complaints.

26. Fuel Management Outside Fire Fuel Management Zones. Any fuel management activities required by the Carpinteria-Summerland Fire Protection District and conducted outside of the designated Fire Fuel Management Zones (FFMZs) shall be subject to all of the same mitigation measures applicable to fuel management activities within the FFMZs, including species avoidance, protection of native vegetation, and pre-construction surveys.

Plan Requirements/Timing: This condition shall become effective upon Map Recordation.

Monitoring: P&D staff shall ensure compliance with this condition and respond to complaints.

County Rules and Regulations

27. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
28. **Rules-06 Recorded Map Required.** The Map Modification to Parcel Map 14,534 shall not be final until a 'Certificate of Correction' is filed with the County Surveyor's Office

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for review and approval and is subsequently recorded with the Santa Barbara County Recorder as directed by the County Surveyor. This shall be completed prior to approval of any permits for development, including grading.

29. **Rules-19 Maps/LLA Revisions.** If the unrecorded Map Modification to Parcel Map 14,534 is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Parcel Map.
30. **Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
31. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
 1. Carpinteria-Summerland Fire Protection District dated April 29, 2019.
32. **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. 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. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to map recordation as authorized by ordinance and fee schedules. Separate compliance accounts shall be required for each lot in association with future lot development. Compliance monitoring costs will be invoiced monthly and may include 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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans "This project is subject to Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Mitigated Negative Declaration 20NGD-00000-00004";
 - d. Contact P&D compliance staff and Carpinteria-Summerland Fire Protection District at least two weeks prior to implementation of Fire Fuel Management and Habitat Restoration plan activities. Also contact P&D compliance staff at least

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two weeks prior to commencement of construction activities 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.

33. **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.
34. **Rules-36 Map/LLA Expiration.** This Map Modification 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.

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May 28, 2020

Susan F. Petrovich
Attorney at Law
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VIA EMAIL TO TRLEE@COUNTYOF SB.ORG

Mr. Travis Lee
County of Santa Barbara
Planning & Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Frampton Lotline Adjustment and Recorded Map Modification; Mitigated
Negative Declaration (MND) 20NGD-00000-00004

Dear Mr. Lee:

Brownstein Hyatt Farber Schreck represents Mr. Glenn Alger, owner of the property abutting the Frampton project site. We request that this letter be included in the administrative record for this project, and that you submit this letter to the members of the County Planning Commission in anticipation of their June 3, 2020 hearing.

We have reviewed the Proposed Final Mitigated Negative Declaration (FMND) and find it to be inaccurate and incomplete because of the failure to address significant environmental impacts that resulted, and continue to result, from unpermitted grading, removal of native vegetation, periodic weed whacking, ripping, and/or mowing of Environmentally Sensitive Habitat (EHS) to prevent native vegetation re-establishment, planting of invasive species, and grading and hard-surfacing of a former jeep trail so that it provides access through former EHS and to the denuded EHS removed in 2017.

Brief History of Native Vegetation Removal in Violation of Lot Split Conditions of Approval

On May 11, 2001, the County Planning Commission approved the lot split application submitted by Leon Benon (now deceased). At that time, the property had a single entrance serving the two proposed Development Envelopes, and was substantially covered with a relatively untouched, rich native habitat outside the proposed Development Envelopes. **The Development Envelopes were strictly limited as to size to preserve and protect the surrounding native habitat.** The entrance road was

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20989555

the only onsite road, although there was a narrow jeep trail up the steep slope to a relatively level area that was entirely covered in EHS, including some very sensitive species.

The 2001 lot split was conditioned heavily to protect and preserve the native habitat on the site, including the following:

Condition #1 – Project Description – the project description states that all development (including construction, grading, and other site disturbance) on each parcels is limited to the Development Envelopes. **Grading, development, use and maintenance of the property and protection and preservation of resources shall conform to the Project Description.**

2001 Staff Report Evaluation of Biological Impacts of Project – the Development Envelopes will minimize disturbance and preserve the majority of the site in Open Space pursuant to the Conservation Element [there was no Toro Canyon Plan at this time].

2001 Staff Report Evaluation of Hillside & Watershed Impacts – grading and disturbance on slopes would be avoided.

2001 Finding 2.1.3.3 and 2.1.3.5 – **the Development Envelopes will limit grading and site disturbance** to the gently-sloped area near Toro Canyon Road that has little native vegetation because of historic agricultural uses of this area.

With all of the assurances in the conditions, it is reasonable to conclude that the 2001 County Planning Commission approved the lot split with the expectation that native habitat removal, grading and site disturbance of any kind would be limited to the Development Envelopes and the 100-foot wide Fuel Management Zone on the north and west sides of the Development Envelope limits, and that native habitat outside the Development Envelopes would be preserved and undisturbed.

In 2017, the landowner launched an ambitious effort to remove and compromise the native vegetation on the property OUTSIDE the Development Envelopes and to construct a new paved road in place of the narrow jeep trail from the lower area of the site, up a steep slope, and ending in the pristine EHS at the top of the slope.

Because there was not pending or issued building permit at the time of this massive environmental destruction, County staff refused to acknowledge that the habitat clearing violated either the lot split conditions, the Toro Canyon Plan, or any County policy. In fact, the staff granted a grading permit for the new road and for the later gravel paving of that road.

We believe that the staff was wrong to allow the road to be built and the habitat destroyed, without regard to the conditions imposed by the Planning Commission in

2001. Our client, Glenn Alger, repeatedly lodged with Planning & Development staff objections to the habitat destruction, to no avail. The landowner has been able to freely conduct follow-up mowing, ripping, or other clearing to discourage native plants from repopulating the site. See the statement from biologist Tamara Klug, describing the scattered, stunted native plants that are attempting to return, but have been cut short so they cannot thrive.

Given that the habitat destruction obviously was undertaken in anticipation of development of these two parcels, the impacts of that destruction are part of the current project. They were, in fact, Phase I of the project now being proposed. Instead, the FMND entirely ignores the habitat modification and discounts the impact of enlarging the Development Envelopes, which will result in enlargement of the FFMZ and, as the FMND concedes, will impact larger areas of existing native plants. As a result, the environmental document is inadequate, incomplete and inconsistent with the California Environmental Quality Act (CEQA).

We submit with this letter a biological analysis of the damaged habitat from biologist Tamara Klug of CARDNO, prepared in 2017 and updated based upon her May 2020 field inspection. The sad result of the habitat destruction on this site, particularly the denuding that occurred at the top of the slope where the EHS was particularly rich, is that non-native weeds largely have supplanted the former EHS. To make matters worse, the landowner periodically has renewed the denuding effort to ensure that the EHS cannot recover and repopulate this area. The result is a field of weeds and non-native grasses with a few scattered native plants that have been whacked off to prevent them from growing and spreading.

The result of the landowner's 2017 land clearing on these parcels is that the 2020 site now has vast areas of cleared land that are characterized in the staff report for the project as "primarily dominated by non-native vegetation."

Inadequate Environmental Review

FMND Analysis of Potential Biological Impacts

All of the biologist site visits referenced in the proposed FMND occurred in 2019, well after the 2017 damage had been completed. The applicant's biologist doesn't even mention the 2017 land clearing.

The following sections of the Biological Resources analysis are inadequate and incomplete because they fail to take into account the landowner's preparatory clearing of native habitat: a, b, c, f, g, h, i and k.

The Flora discussion states that the site now comprises primarily non-native species, demonstrating that the landowner's destructive site clearing (outside the Development

Envelopes) was a resounding success – he removed most of the native species and continues to do so each time he mows, rips, and/or weed whacks the area at the top of the steep slope – an area that, pursuant to the lot split conditions, was required to be left undisturbed so the native plant communities present in 2001 would be protected and preserved.

The Fauna section is the same, referring to the site as having “limited value as habitat for plants and animals because it is vegetated with weedy, non-native annual grassland.” This section points out that the removal or severe disturbance of native grasslands crosses the threshold of significance at $\frac{1}{4}$ acre. As noted by biologist Tamara Klug, the native grassland denuding far exceeded that figure. For other rare habitat types, this section notes that reduction or elimination of species diversity or abundance, or limiting the sensitive species’ reproductive capacity is significant in and of itself. The current project will result in even further disturbance – 0.68 acres of coastal sage scrub and 0.15 acres of native grassland.

The FMND includes a proposed mitigation ratio for the habitat destruction from the current proposal – Phase II of the overall project – is proposed to be mitigated 3:1. The same or a greater mitigation requirement should be required for the 2017 destruction, such that all of the damaged and destroyed native vegetation is replanted, monitored, and maintained once the revegetated areas are successfully established.

The mitigation measures should include project conditions that specifically prohibit the kind of clearing and habitat destruction that occurred on this site in 2017.

Approval of the proposed project also should address the gravel road that now leads to the top of the slope and into the EHS. Given that all development and land uses are supposed to be occurring solely within the Development Envelopes, there is no justification for this road. Given the landowner’s demonstrated intent to phase this project, it is reasonable to assume that the creation of this road demonstrates a plan to launch a Phase III once he has this project approval --- Phase III being further development and habitat disturbance in this upper area at some time in the future. Otherwise, why would there be an all-weather road leading to the area? The staff report doesn’t provide an answer to this question. It doesn’t even address this “road to nowhere.”

The Land Use section also ignores the past intentional habitat damage, including the road construction outside the Development Envelopes. Sections 1, b, and d are inadequate for this reason.

The Water section also is inadequate because it fails to address the increase impervious surface created by the new road construction, despite the fact that it acknowledges that such an increase is significant if it increases the impervious surfaces by more than 25%. Considering that the only other impervious surface on the site is the entrance road, which

was included in the Planning Commission's approval, the "road to nowhere" creates a significant impact on water runoff and water quality.

Finally, certain Mandatory Findings of Significance apply to this project:

#1 Substantially degrades the quality of the environment.

#5 Expert opinion, supported by facts regarding the significance of impacts, justifies preparation of an EIR if the project doesn't restore damaged habitat and remove the invasive species planted by the applicant in 2017. Tamara Klug's attached reports – the one that she prepared in 2017 and her 2020 update – provides expert evidence of significant impacts associated with this project.

Conclusion

In 2017, the County opened Violation Case No. 17BDV-00000-00019 to investigate the habitat clearing occurring on the project site. For reasons that we still don't fathom, the staff concluded that there was no pending development project so the land clearing required no permit.

Now there is a project pending. The environmental analysis is incomplete because it does not accurately describe the project impacts and breadth.

Mr. Travis Lee
May 28, 2020
Page 6

This project analysis inadequate under CEQA because it completely ignores past environmental damage conducted for the purpose of allowing for larger development envelopes, with a larger fuel modification footprint within environmentally sensitive habitat, and with a paved road leading to and through what once was sensitive habitat.

Sincerely,



Susan F. Petrovich

Enclosures: June 20, 2017 Technical Memorandum from Biologist Tamara Klug –
Biological Investigation Regarding Grading and Vegetation Clearing at Toro
Canyon Road

May 28, 2020 Technical Memorandum from Biologist Tamara Klug –
Update of 2017 Biological Investigation

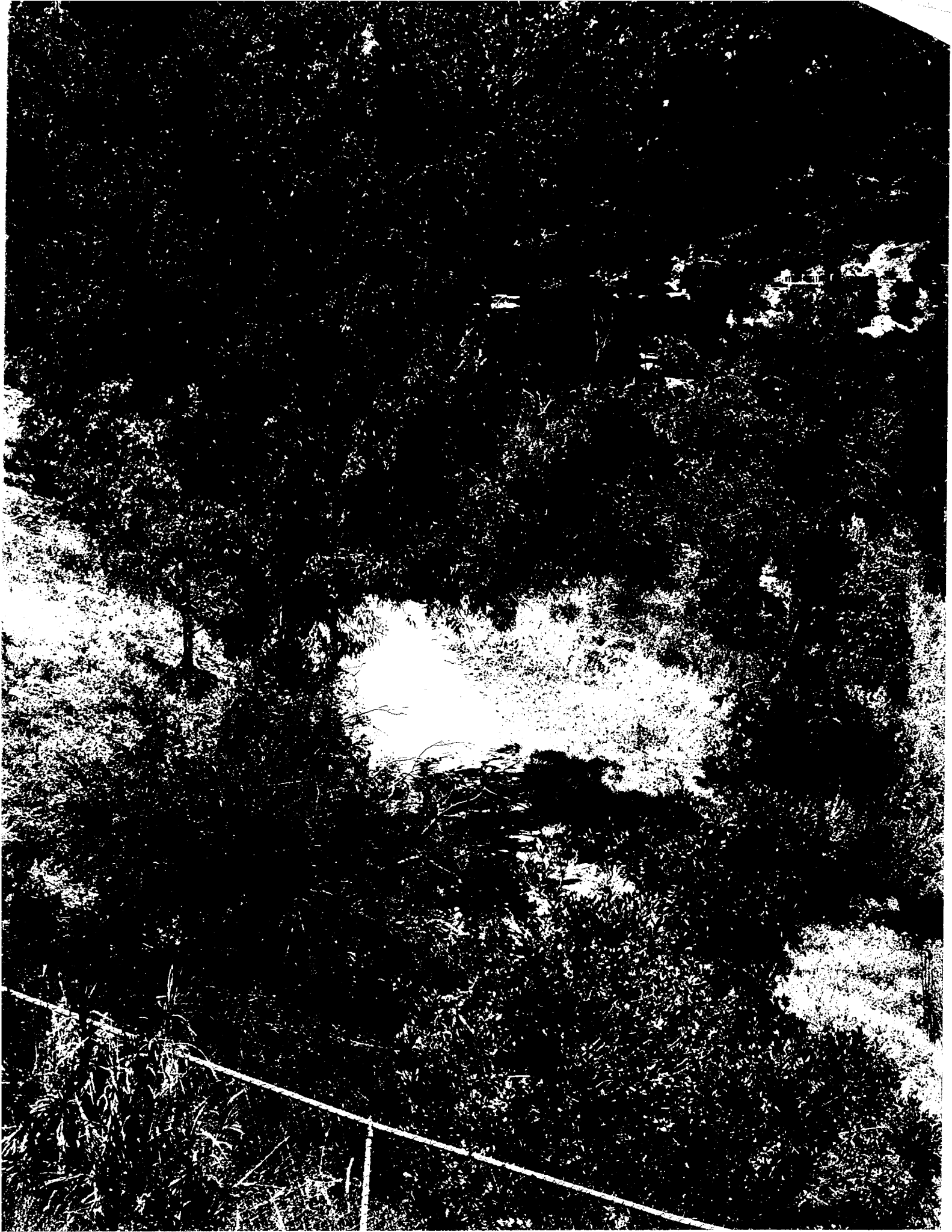
Petrovich, Susan

From: Petrovich, Susan
Sent: Tuesday, June 09, 2020 4:27 PM
To: 'Lee, Travis'; 'Michael Cooney Esq. (Michael@IGSB.com)'; 'Larry Ferini - County of Santa Barbara Planning Commission (larryf@lagunafarms.com)'; 'Lbridley2ndDistPC@gmail.com'; 'John Parke'
Cc: 'Villalobos, David'
Subject: Frampton Project Conditions

One of the major concerns about the conditions is making it clear that they apply even if no permit is pending. **I suggest that the following sentence be included in the project description** to address that concern:

The project conditions set forth herein apply to each parcel immediately upon the County Planning Commission's approval of the project. No earth movement, native vegetation removal or damage, paving, ground disturbance or structure shall be allowed on any part of either parcel without fully complying with all conditions set forth herein. No pending permit issued for any activity on the project site shall be required for enforcement of these conditions.

Susan



May 28, 2020

Susan F. Petrovich
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VIA EMAIL TO DVILLALO@CO.SANTA-BARBARA.CA.US

Santa Barbara County Planning Commission,
Laura M. Bridley, Chair
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Frampton Lotline Adjustment and Recorded Map Modification, 19LLA-00000-00003, 19RMM-00000-00001,

Dear Chair Bridley and Honorable Commissioners:

Brownstein Hyatt Farber Schreck represents Glenn and Valerie Alger, whose property abuts the Frampton project site. We submit this letter on their behalf to express the Algiers' concern about the propriety of approving this project without addressing all of the significant environmental impacts of the project – specifically, the environmental damage associated with widespread native habitat removal commencing in 2017 on this site, as the owner prepared for this project.

We also have submitted a comment letter regarding the inadequacies in the Mitigated Negative Declaration (MND), identifying potentially significant environmental impacts not adequately addressed in the proposed MND for this project. The MND doesn't acknowledge or address the vegetation clearing activities described in detail below.

We also request that you review the attached 2017 and 2020 Technical Memoranda, prepared by biologist Tamara Klug of CARDNO for a complete description of the applicant's native vegetation damage.

We ask that your Commission address the ENTIRE project, not just the relocation and enlargement of the Development Envelopes and related FFMZ.

In considering the contents of this letter and its attachments, we ask that you keep one question in mind – Does the County wish to send a message to the applicant and other developers that you will approve a new project that will impact existing onsite biological resources without considering and mitigating the massive habitat destruction undertaken, in violation of conditions already imposed on the site, to eliminate or marginalize the

native habitat, thereby allowing for enlargement of the Development Envelopes and the surrounding fire fuel modification area (FFMZ)?

The 2001 Planning Commission Imposed Conditions to Preserve and Protect Extensive Native Plant Habitat on the Site

In 2001, the Planning Commission approved creation of these two parcels subject to clear conditions, including the following: "All construction, grading, and other site disturbance associated with the development of the proposed lots would be limited to these designated envelopes."

The Biological Section of the 2001 staff report states, "Development envelopes are designated on the proposed lots to minimize the area of disturbance and preserve the majority of the property in open space consistent with the goal of the Conservation Element."

Condition No. 24 imposed on the lot split states that **prior to using any land or structures, or commencing any work pertaining to any improvement**, the applicant shall obtain a Land Use and Building Permit from Planning and Development, explaining that **"These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission."**

It's important to note that there was no Toro Canyon Plan in 2001, but the findings for approval in 2001 are clear -- the lot split approval was based upon conditions and findings intended to minimize impacts on the existing native vegetation and other biological resources on the site. For example, Finding 2.1.3.3 in the 2001 staff report states, "The proposed Development Envelopes, however, would limit grading and other site disturbance . . . to a gently-sloping area of the property where only minor native vegetation is present due to past agricultural practices." Finding 2.1.3.5 states that the Development Envelopes were "specifically designed to avoid areas of steep slopes and substantial native vegetation. No trees are anticipated to be removed as part of future development."

2017 Habitat Clearing and Damage in Disregard of 2001 Conditions

The attached Technical Memorandum, prepared by biologist Tamara Klug, describes the 2017 habitat removal in detail, including an aerial photograph mapping the damaged areas and photographs of the site taken from the Alger property.

In addition to the habitat destruction, the applicant created two (2) entrance roads to the site without a permit, thereby increasing the impermeable surface area and removing more native vegetation outside the Development Envelopes. The lot split provided for only one entrance driveway, serving both parcels.

Section 4.0 of the 2017 Technical Memorandum sets forth the Toro Canyon Plan provisions that should have been (but were not) applied to the 2017 habitat damage, which included extensive clearing of native vegetation, addition of the second entrance road, and the creation of a gravel road up to and through the ESH and removal of native vegetation, including special status plant species.

2017 Refusal to Enforce Lot Split Conditions or Prevent Habitat Damage

January 2017 -- Glenn Alger lodged a complaint with Planning & Development regarding the grading, vegetation clearing, road construction, invasive species planting, and general native habitat damage and disturbance occurring on the property adjacent to his. Staff concluded that the habitat removal to date was entirely within the Development Envelopes and the road construction involved less than 50 cubic yards of grading.

February 2017 – As native plant clearing continued and expanded on the project site, Glenn Alger submitted the attached letter to County staff, along with copies of the 2001 lot split conditions of approval, the environmental analysis conducted by staff in 2001, and photographs of the large equipment clearing the land.

March 2017 – staff consistently contended that lot split conditions of approval only apply once development within the Development Envelopes begins, contrary to the clear lot split conditions. The applicant completed the denuding of the Environmentally Sensitive Habitat (ESH) at the top of the slope.

April 2017 – applicant publishes the attached advertisement, suggesting that the ESH area at the top of the slope, which had just been cleared, provides a magnificent view site for the buyer.

June 2017 – biologist Tamara Klug notices new grading in native habitat and replacement of habitat with invasive non-native species.

July 2017 – Glenn Alger files another written complaint. Staff's position remains unchanged – no violation.

August 2017 – Petra Leyva letter to Glenn Alger, expressing staff position and stating that “If and when a permit for development is submitted, the entire parcel for the proposed development will be evaluated under all applicable policies of the Comprehensive Plan/Toro Community Plan and the development will be subject to all of the conditions adopted with the Parcel Map.”

December 2017 – applicant submits application for current project. The comprehensive, all-inclusive review described in Ms. Leyva's letter still hasn't occurred.

Current Project Application

The current project application proposes a relocation and enlargement of the 2001 Development Envelopes, which will result in further impact on the areas once heavily vegetated with native plants, but now substantially denuded and/or replaced with non-native species.

Enlargement of the Development Envelopes and the associated expansion of the 100-foot FFMZ on the perimeter of the Development Envelopes will expand the project footprint further into the native habitat areas.

The staff report includes no mention of the habitat destruction already undertaken in anticipation of this project. The proposed MND reflects the same disregard for environmental damage associated with this project. In light of the fact that these lots would never have been created without the property owner having agreed to the conditions adopted to preserve the extensive native habitats on the site, the current project cannot be considered without including analysis and mitigation of the environmental impacts arising from the clearing of those habitats.

Mr. and Mrs. Alger don't oppose development of the project site, but they do believe that the native habitat as it existed in 2001 should be restored. The Alger homesite is directly adjacent to the area at the top of the slope that was pristine native habitat in 2001 and now is a pathetic weed patch.

The Algers fear what is to come if the project is approved as proposed. What is the purpose of the newly constructed road that invades the native habitat area? Will this become a recreational/entertainment area for the site residents rather than native habitat? Why else would the applicant convert a jeep road to a wide, paved, tree-lined road? And why would the County allow in native habitat the invasive non-native plantings installed by the applicant in 2017?

The Staff Report and Proposed Mitigated Negative Declaration Don't Adequately Analyze All Project Impacts

Our comment letter regarding the inadequacy of the environmental review is submitted with this letter; please see that comment letter for the environmental discussion.

The staff report's Project Setting, Project Description and Background sections contain no mention of the 2017 native vegetation removal documented in the CARDNO reports. The habitat damage remains in 2020, per the updated CARDNO report, which documents that native plants are being prevented from re-establishing in this upper area of the site by on-going weed whacking, ripping, and/or mowing. The former jeep trail is now a wide roadway flanked by invasive plants.

The staff report assures the reader that “No ground disturbance, including grading and development, is allowed outside the Development Envelopes.” But that is the same condition language imposed in 2001 and it proved completely useless because County staff found no actionable land use violation in 2017, despite the damage to native vegetation outside the Development Envelopes. If the County wouldn’t enforce the lot split conditions, how can we expect enforcement of any proposed new conditions?

The Comprehensive Plan Consistency portion of the staff report reflects a massive oversight in the staff report analysis.

A more complete and accurate analysis can be found in Tamara Klug’s 2017 Technical Memorandum,

The staff report analysis of consistency with Land Use Element Hillside and Watershed Protection Policies 1 and 2 is inadequate because one cannot reasonably conclude that the grading and gravelling of a road right through the heart of the ESH is consistent with these policies. Not only did the road construction result in excessive cutting as required by Policy 1, but it also does not preserve native vegetation to the maximum extent feasible as required by Policy 2. The road is now flanked by non-native invasive plants that will crowd out any native vegetation attempting to recolonize the site. Most important, though, is there is no explanation as to what this new road is for and why was it built through sensitive habitat?

Flaws in Staff Report Conditions of Approval

Condition #1 – Project Description – not only does the Project Description fail to include the 2017 environmental damage, but it underplays the loss of additional native habitat with the increased Development Envelope sizes and the corresponding FFMZ expansion around the Development Envelopes.

Condition #6 – Lighting -- the lighting condition should be modified to clearly prohibit any outdoor lighting outside the Development Envelopes.

Condition #9 – Species Avoidance – this condition is confined to the Santa Barbara honeysuckle and states that the honeysuckle isn’t widely distributed on the site, but fails to address the other native species onsite in 2001. As it happens, the Santa Barbara honeysuckle plants remaining about the cleared area at the top of the slope and it’s likely that there was Santa Barbara honeysuckle in the cleared ESH.

Condition #11 – Habitat Improvement Plan – this condition is a good start, but it is incomplete. To be complete, it must require revegetation of all areas cleared in 2017 so that the habitat will return to the lush condition in 2001 when the lot split creating the parcels was approved. Because of the uniquely situated and vegetated nature of the ESH at the top of the slope, successful revegetation of this area should be a primary

objective of this condition. The native vegetation at the top of the slope was particularly pristine and rich – and isolated from the Development Envelopes. If re-established to its 2001 condition, this ESH area could thrive and again provide habitat for native animal species.

Many of the Proposed Findings Cannot Be Made Unless and Until the Native Plant Habitats Are Restored to their 2001 Condition

Finding 1.1.2 – Finding of No Significant Effect of the Project – for all of the reasons stated in this letter and in our comment letter on the MND, this finding cannot be made because significant environmental impacts have resulted from the applicant's grading and grubbing. Unless and until this damage is cured, the project has significant environmental impacts that require an Environmental Impact Report and mitigation.

Finding 2.1.1 – Conformity with the General Plan, including the Toro Canyon Plan – as set forth in the Tamara Klug 2017 Technical Memorandum, the project conflicts with multiple provisions of the Toro Canyon Plan and other General Plan elements.

Finding 2.1.5 – No Known Zoning Violations – County staff opened a violation case (17BDV-00000-00019) but apparently closed it because staff believed that no violation had occurred in the absence of development that requires a permit. Staff's position is unsupportable and nonsensical. It opens the door for others to obtain a permit then use the land in a manner inconsistent with the conditions imposed. First, staff conceded that the road construction and paving required a County permit -- they issued an "after the fact" grading permit for the "road to nowhere" without requiring that the invasive plant species be removed and the native habitat be restored. Second, the staff committed a major error by giving the applicant a green light to disregard the lot split conditions. As a result, invasive plants have supplanted the native plants that were intended to be protected

Finding 2.2.1 – Project Justified by Change in Circumstances – this finding cannot be made because the applicant created the change in circumstances and violated the lot split conditions in doing so. He removed or damaged the very native habitats that the lot split conditions were intended to protect when they limited the size and location of the Development Envelopes. Does the County reward landowners who disregard natural resource protection conditions in order to create a change in circumstances and justify further natural resource damage? If interpreted as staff urges, this finding opens the door to piece-mealing in violation of CEQA.

Finding 2.2.4:

(a) Consistency with General Plan, including Toro Canyon Plan -- see same issue under Finding 2.1.1.

(b) Project Design Is Consistent with General Plan – the enlarged Development Envelopes and related FFMZ expansion into the remaining habitat cannot be consistent with the General Plan without significantly revising the conditions as noted above and by meticulously studying how to minimize the impacts of enlarging the development area, including fuel management, that would expand further into native plant habitat areas.

(d) Site Is Physically Suitable for Project – if the project doesn't fit on the site without further impacting the native plants and related habitat, the site can't accommodate the applicant's plans for grand estates.

(e) Not Likely to Cause Substantial Environmental Damage – substantial natural resource damage already has occurred. Enlargement of the Development Envelopes and the FFMZ will expand that damage. The conditions of approval don't address this issue so the finding cannot be made.

Finding 2.2.6 -- Map Modification Complies with All Laws, Rules, and Regulations – without substantial native vegetation restoration and protection, this finding cannot be made.

Conclusion

If the County's land use planning tools and the conditions imposed on projects to make them compliant with all applicable policies and ordinances are not enforced, the integrity of land divisions, lot splits, and other projects is lost. The County's approval of projects assumes rigorous enforcement of the conditions that make these projects consistent with CEQA, applicable law, and the County's ordinances and policies. Things have gone wrong in this case.

The applicant purchased the property with the lot split conditions recorded against the title. Completely disregarding these conditions, which run with the land, the applicant damaged and destroyed large areas of sensitive native plants, then graded and paved a new roadway and a new entrance driveway (also in violation of the conditions because these new roadways are outside the designated Development Envelopes) right through the ESH.

Having accomplished this devastation, the applicant has applied to expand the Development Envelopes and the FFMZ into the non-disturbance area created by the lot split conditions, claiming that this expansion is fine because there is little or no native vegetation left in the areas that he cleared.

Whether or not your Commission agrees that the Development Envelopes and FFMZ should be expanded, it is of tantamount importance that ANY decision on this project include a requirement that the applicant restore the native plants that once populated this site. The ESH at the top of the slope was particularly pristine and should be at the center

of this revegetation because it was continuous intact habitat. But the remainder of the site should be revegetated (outside the Development Envelopes) to better provide a potential wildlife corridor. With Toro Creek nearby, it is likely that wildlife used the former native vegetation as cover as they move from habitat to habitat and for forage. The Commission also must address the location and function of the newly graded and paved road. It serves no purpose other than to provide easy access into the ESH and an opening for more unpermitted development within that ESH.

Mr. and Mrs. Alger do not oppose a project on this site, but they urge your Commission not to reward inappropriate habitat removal and, instead, use the proposed project as a means of requiring removal of invasive and other non-native species and re-establishment, preservation, and protection of the native vegetation in the long term.

Sincerely,



Susan F. Petrovich

Enclosures: February 28, 2017 Letter from Glenn Alger to Kimberley McCarthy

June 20, 2017 Technical Memorandum from Biologist Tamara Klug –
Biological Investigation Regarding Grading and Vegetation Clearing at Toro
Canyon Road

May 28, 2020 Technical Memorandum from Biologist Tamara Klug –
Update of 2017 Biological Investigation

February 28, 2017 Letter from Glenn Alger to staffer Kimberley McCarthy,
with attachments

July 21, 2017 Letter from Glenn Alger to P&D Director Glenn Russell

August 31, 2017 Letter from Petra Leyva to Glenn Alger

April 2017 Applicant's Advertisement of Parcels with "Montecito Legacy
Property"

Technical Memorandum

Date June 20, 2017
To: Susan Petrovich
Brownstein Hyatt Farber Schreck, LLP
From: Tamara Klug and Shannon Gleason
Cardno
RE: **Biological Investigation Regarding Grading and Vegetation Clearing at
Toro Canyon Road**

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1.0 Introduction

This memo provides background regarding clearing activities conducted in the spring of 2017 at Toro Canyon Road. The property that is the subject of this investigation does not appear to have a street address, but is assessor's parcel number (APN) 155-230-018 and is accessed from Toro Canyon Road, north of the intersection with Vista Linda Lane. You asked us to assess possible new grading and vegetation clearing conducted on the subject property as viewed from property owned by Mr. Glen Alger at 3030 Vista Linda Lane. All observations described in this memo were made from Mr. Alger's property or were determined using remote sources (e.g., GoogleEarth). We did not go on the subject property, which will hereafter be referred to as the "neighbor's property."

The neighbor's property is located in the inland zone of the Toro Canyon Plan Area. As such, it is subject to the Toro Canyon Plan restrictions as well as the County General Plan.

2.0 Field Survey Methods

The project site investigation included a review of the California Natural Diversity Database (CNDDDB, 2017) for the area, review of the National Wetlands Inventory, review of USFWS critical habitat information, County ESH layers, and a survey of the site from the Alger property. The CNDDDB results were reviewed, and any species that would not occur on the parcel, due to environmental factors that preclude their presence such as marsh and dune species, were removed from the list of species to consider during the reconnaissance survey.

On June 6, 2017, Cardno biologists Tamara Klug and Shannon Gleason performed a reconnaissance survey of the neighbor's property from the Alger property. Binoculars were used when needed to determine the habitat and/or special status species present adjacent to graded areas in an attempt to deduce habitat that may have been removed during vegetation clearing and/or grading.

Aerial photographs from a number of sources were examined, and the degree to which vegetation may have been cleared in the past and the physical area of new grading was determined and mapped using geographic information systems (GIS). GoogleEarth aerial data dated April 14, 2017 was imported into the GIS to use as a base map to calculate the newly cleared area.

3.0 Results

Based on a GIS analysis, road areas consisted of 0.37 acres in 2014. The road areas appear to be relatively consistent in location and width over the 25 years or so that aerial photography is available, until 2017. No new graded areas contiguous with the 2014 grading were observable in

June 20, 2017

 Biological Investigation Regarding Grading and
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aerial photography between 2014 and 2017. An additional 1.97 acres¹ were graded or cleared in 2017; most of this area was adjacent to the existing road, but some areas are clearly new roads or 50 or more feet from roads (Attachment A). Based on our on-the-ground observations, the habitat that was impacted by the clearing consisted of coastal scrub, chaparral, and transitional habitats between these types. In addition, the understory and individual eucalyptus trees were removed, some of which may have been stressed or dead due to drought. However, the vast majority of the newly cleared area had been dominated by native woody (shrub or tree) vegetation. Photographs showing the cleared area are included in Attachment B.

The list of sensitive species potentially present based on the CNDDDB search is included in Attachment C. The reconnaissance survey revealed that special-status plant species (Nuttall's scrub oak [*Quercus dumosa*] and Santa Barbara honeysuckle [*Lonicera subspicata*]) occur on the Alger property and on the neighbor's property and were impacted by grading activities (see Attachment A for location). Furthermore, up to three additional special-status plant species may have been impacted by grading and vegetation clearing, but this impact and/or the degree of impact cannot be determined because surveys were not conducted prior to grading.² These species include the Ojai fritillary (*Fritillaria ojaiensis*), the late-flowered mariposa lily (*Calochortus fimbriatus*) and white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*). The presence of special-status plant species in and adjacent to the cleared/graded area on the neighbor's property is considered environmentally sensitive habitat (ESH) and is protected by County policy. In the Toro Canyon Plan area, buffers around these ESHs are required.

In addition to cleared native vegetation, the neighbor's property has newly planted nonnative vegetation consisting of Peruvian pepper trees (*Schinus molle*) and myoporum (*Myoporum laetum*) in areas that previously had contained native vegetation. Both of these species are considered invasive by the California Invasive Plant Council and are not recommended in natural areas such as the neighbor's property.

No sensitive wildlife species were observed in the project area or adjacent to the proposed development site during surveys of the parcel. However, habitat for several sensitive species was determined to be potentially present within and surrounding the neighbor's property. These include coast range newt (*Taricha torosa torosa*) and California red-legged frog (*Rana draytonii*). Additionally, the creek corridor is likely an important wildlife corridor for numerous species. Wildlife corridors are areas of habitat connecting wildlife populations separated by human activities or structures which allow an exchange of individuals between populations. These corridors are important in maintaining genetic diversity within isolated populations and help moderate some of the effects of habitat fragmentation where urbanization has split up habitat areas, such as in the southern Santa Barbara coast foothills, causing animals to lose both their natural habitat and the ability to move between regions to use all of the resources they need to survive.

4.0 Consistency with County Plans and Policies

The reason for vegetation removal and grading on the neighbor's property is unclear. However, planting nonnative trees in this area, particularly the species that were selected (and commonly used in developed areas), implies that these areas may be used for development in the future. In addition, the entrance is planted with the same species, giving it a consistent look and feel. With that in mind, we considered Toro Canyon Plan policies to determine if the clearing we observed and have documented in this memo are consistent with those policies. Where inconsistencies were found, they are provided in Table 1 below.

¹ Mapped roads in 2014 totaled 0.37 acres, but only 0.30 of that area overlaps the 2.27 acres that were graded in 2017.

² We are assuming that no biological surveys were conducted prior to grading, because, according to Mr. Alger, he notified the County and an after-the-fact permit was issued for the road. If surveys had been conducted beforehand, they would have been part of the permit process and the permit would have been issued in advance of the grading.

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 Biological Investigation Regarding Grading and
 Vegetation Clearing at Toro Canyon Road

Table 1 Inconsistencies between grading activities and the Toro Canyon Plan

Policy / Action / Rule Number	Policy Summary	Reason Inconsistent
Policy LUR-TC-2	Residential development, including but not limited to the size of structures and development envelopes, shall be scaled to protect resources such as ESH and visual resources and to respect site constraints such as steep slopes.	Special status plant habitat is ESH and should have been protected (not removed).
DevStd FIRE-TC-2.2	Development shall be sited to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways	A flat home site appears to be available adjacent to Toro Canyon Road. The newly graded area does not minimize the fire hazards and does not reduce the need to grading and clearance of native vegetation.
DevStd BIO-TC-1.1	The following biological resources and habitats shall be presumed to be "environmentally sensitive," provided that the biological resource(s) or habitat(s) satisfy one or more of the criteria listed in Action BIO-TC-7.1, and resources and habitats that qualify as being "environmentally sensitive" shall be protected and preserved on development project sites through the new Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Overlay: <ul style="list-style-type: none"> ▪ Southern Coast Live Oak Riparian forest corridors; ▪ Streams and creeks; ▪ Wetlands; ▪ Rocky intertidal (coastal zone only); ▪ Coastal Sage Scrub; ▪ Sensitive native flora; ▪ Coast Live Oak forests; ▪ Scrub oak chaparral; ▪ Native grassland; ▪ Critical wildlife habitat/corridors; and ▪ Monarch butterfly habitat. 	Two and possibly three types of ESH were removed during grading activities: <ul style="list-style-type: none"> ▪ Coastal scrub habitat was removed. ▪ Sensitive native flora was removed. ▪ The grading occurred within areas supporting scrub oaks, the extent of which cannot be determined to know whether scrub oak chaparral was removed.
DevStd BIO-TC-1.4	(INLAND) Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat Buffer areas from other types of ESH shall be determined on a case-by-case basis.	No buffers were provided from ESH. ESH was removed.
DevStd BIO-TC-1.5	Where documented zoning violations result in the degradation of an ESH, the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption.	We are not aware that a restoration plan has been prepared and there is no evidence that it is being implemented. Furthermore, planting nonnative species in the ESH is an indication that restoration back to native habitat is not intended.
Policy BIO-TC-2	Landscaping for development shall use appropriate plant species to ensure compatibility with and preservation of ESH.	Planting invasive plant species in ESH is not compatible as it precludes function of the ESH and discourages the reestablishment of native plant species, especially special status species as described in this memo.
ACTION BIO-TC-7.1	The following general criteria are used to determine which resources and habitats in the inland Toro Canyon Planning Area are identified as environmentally sensitive. <ul style="list-style-type: none"> ▪ Unique, rare, or fragile communities which should be preserved to ensure their survival in the future; ▪ Habitats of rare and endangered species as protected by State and/or Federal law; 	Areas supporting rare and endangered species were not treated as environmentally sensitive.

Table 1 Inconsistencies between grading activities and the Toro Canyon Plan

Policy / Action / Rule Number	Policy Summary	Reason Inconsistent
	<ul style="list-style-type: none"> ▪ Outstanding representative natural communities that have values ranging from particularly rich flora and fauna to an unusual diversity of species; ▪ Specialized wildlife habitats which are vital to species survival; ▪ Areas structurally important in protecting natural landforms that physically support species (e.g., riparian corridors protecting stream banks from erosion, shading effects of tree canopies); ▪ Critical connections between separate ESH areas and/or migratory species' routes; and ▪ Areas with outstanding educational values. 	
DevStd BIO-TC-7.4	(INLAND) Development shall be sited and designed at an appropriate scale to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.	The development was not planned to avoid ESH.
DevStd BIO TC-7.6	(INLAND) New development on parcels entirely covered with ESH shall be subject to the following development standards. <ol style="list-style-type: none"> a. The area of permitted ground disturbance for development shall be proportional to the size of the parcel. No more than twenty percent (20%) of a parcel's total area should be disturbed by development, and at least eighty percent (80%) of the ESH on the property should be preserved. b. Main structure and accessory structures shall be clustered in one contiguous area to avoid fragmenting the habitat. c. Development shall be located adjacent to existing access roads and infrastructure. 	The building should be clustered with other disturbed areas (e.g., Toro Canyon Road). Development can be accommodated on the neighbor's parcel without disruption of ESH.
DevStd BIO-TC-7.8	All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the ESH and ESH buffer areas to the maximum extent feasible.	The ESH was disturbed and it appears that no measures were taken to avoid those impacts.
Policy GEO-TC-1	Hillside and watershed areas shall be protected to the maximum extent feasible to avoid adverse geologic impacts and preserve watershed function.	Hillside areas were disturbed and could result in erosion.
DevStd GEO-TC-2.3	Revegetation and/or landscaping of project sites shall be accomplished as soon as is feasible following grading/vegetation clearing in order to hold soils in place.	Minimal landscaping has been conducted, in planting a couple of lines of trees.
Action VIS-TC-2.4	In carrying out the Visual & Aesthetic Resources policies and development standards of this Plan and the TCP Overlay District, the County shall work with project applicants and designers, the Carpinteria-Summerland Fire Protection District, and the Montecito Fire Protection District to minimize excessive road/driveway construction and reduce or redesign fire buffers to minimize the removal of natural vegetation and related visual effects.	It does not appear that the applicant attempted to minimize the removal of natural vegetation.



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5.0 Conclusion

Based on information we were able to obtain, grading at the neighbor's property consisted of 1.97 acres in 2017 and is inconsistent with Toro Canyon Plan Goals, Policies, Actions, and Development Standards.

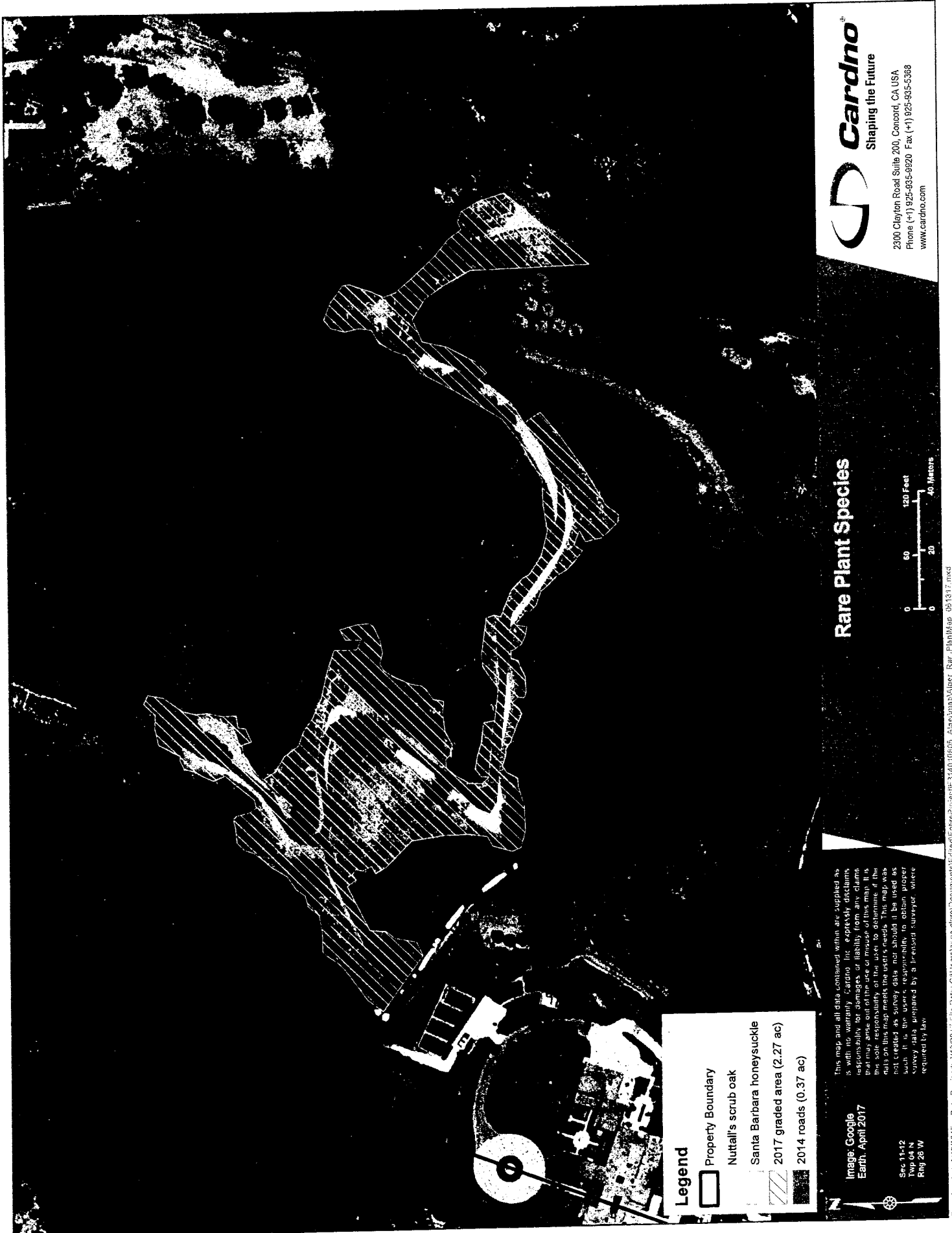


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Attachment A
Graded Area

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Rare Plant Species



Legend

- Property Boundary
- Nuttall's scrub oak
- Santa Barbara honeysuckle
- 2017 graded area (2.27 ac)
- 2014 roads (0.37 ac)

This map and all data contained within are supplied as is, with no warranty, Cardno, Inc. expressly disclaims responsibility for damages or liability from any claims that may arise out of the use or misuse of this map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data nor should it be used as such. It is the user's responsibility to obtain proper survey data prepared by a licensed surveyor where required by law.

Image: Google Earth, April 2017
 See 14-12
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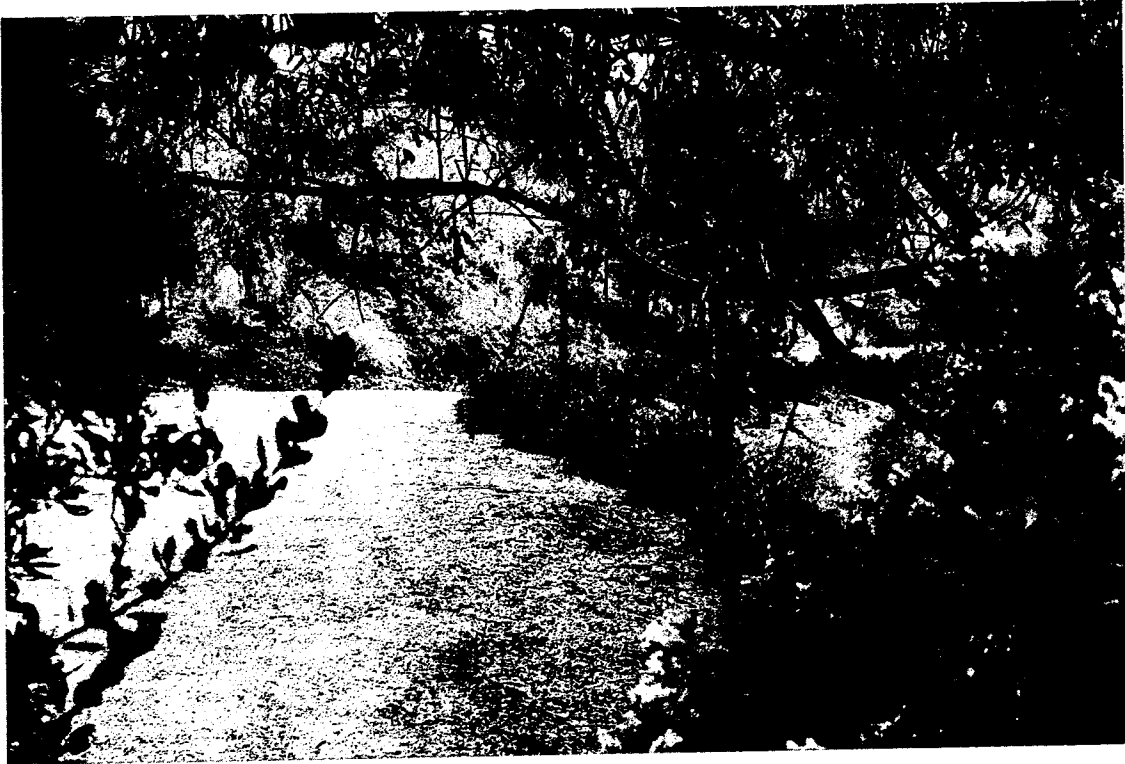
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Attachment B

Photographs

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Graded road on the neighbor's property. A row of myoporum, an invasive species, was planted alongside the road and is indicated with red arrows. Clearing is extensive sloping down from the graded road. June 6, 2017.



Cleared areas (indicated by arrows) on the neighbor's property. Cleared area in the foreground is on the Alger property. June 6, 2017.

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Present view of the entrance to the neighbor's property. The entrance is greatly improved and myoporum have been planted in along the entrance. Compare with photo from the same location below. Many large trees have been removed, a substantial area has been graded, and the surface has been improved. June 20, 2017.



Google earth Street View of the entrance to the neighbor's property taken in April 2012. A small dirt track is present. Compare with photo from the same location above.

Attachment C

**California Natural Diversity
Database (CNDDDB)**

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Attachment C Special-Status Species that may occur in the Vicinity of Linda Vista Lane

Scientific Name/ Common Name	Status (Fed /State/CRPR)	Likelihood of Occurrence on Neighbor's Property
Amphibians		
<i>Taricha torosa torosa</i> / coast range newt	-/CSC/-	Potential. Breeds in ponds, reservoirs, and slow moving streams during winter and spends summers in oak woodlands, chaparral, and grasslands. There are no occurrences documented within 5 miles of property, but the species is relatively common in the region and there is potential for it to occur in upland woodlands adjacent to, and in the riparian corridor of, Toro Canyon Creek.
<i>Rana draytonii</i> / California red-legged frog	T/CSC/-	Moderate Potential. Inhabits dense, shrubby, or emergent riparian vegetation closely associated with deep, still, or slowly moving water. Can move a mile or more over land. Known from Arroyo Paredon Creek, 2.1 miles southeast of the property.
<i>Thamnophis hammondi</i> / two-striped garter snake	-/CSC/-	Unlikely. Associated with permanent or nearly permanent watercourses, preferably with riparian vegetation. Nearest documented occurrence is 3.7 miles north northeast of the project, at the Santa Ynez River. Toro Canyon Creek is several hundred feet from the neighbor's property and it is unlikely that this species would disperse this far from the creek corridor, if it is present.
<i>Emys marmorata</i> / southern western pond turtle	-/CSC/-	Unlikely. Inhabits permanent or nearly permanent bodies of water including streams, rivers, ponds, and lakes. Requires deeper water for refuge as well as basking sites; no occurrences documented within 5 miles of property. Toro Canyon Creek appears to lack sufficient perennial flow and deep pools favored by this species, though pond turtles could pass through the riparian area when the stream is wetted.
Fish		
<i>Eucyclogobius newberryi</i> / tidewater goby	E/CSC/-	Not Present. Inhabits brackish water habitats in shallow lagoons and lower stream reaches. Known from Arroyo Paredon Creek from the mouth to approximately 0.25 mile upstream, which is approximately 1.9 miles south of the property.
<i>Oncorhynchus mykiss irideus</i> / Southern steelhead	E/CSC/-	Not Present. Occurs in San Ysidro Creek, approximately 3.2 miles west of the property, according to a 1999 record. Designated critical habitat is mapped in Arroyo Paredon Creek, approximately 1.1 mile east of the Project. However, the ephemeral nature of Toro Canyon Creek makes it unsuitable habitat for the species.
Birds		
<i>Vireo bellii pusillus</i> / least Bell's vireo	E/E/-	Not Present. Inhabits and nests in thickets of willows and other low, dense valley foothill riparian habitat and lower portions of canyons. Closest documented occurrence is at the Santa Ynez River, from 1985. Designated critical habitat exists approximately 3.2 miles north of the Project in the Santa Ynez Mountains. Suitable habitat is not present at the Project site.
Mammals		
<i>Corynorhinus townsendii</i> / Townsend's big-eared bat	/CSC/-	Not Present. Known from a 1941 record, approximately 3.5 miles southeast of the project site. Distribution is strongly correlated with the availability of caves and cave-like roosting habitat. Suitable roosting habitat not present on the property.
Insects		
<i>Danaus plexippus</i> / Monarch butterfly	URI/-	Potential. Overwintering population mapped approximately 1.6 miles south of the proposed project. Other overwintering populations of this species are present within 5 miles of the project site. Suitable overwintering habitat does not appear to be present on the property, although individuals may disperse through the project area.

June 20, 2017

Biological Investigation Regarding Grading and
Vegetation Clearing at Toro Canyon Road

Scientific Name/ Common Name	Status (Fed /State/CRPR)	Likelihood of Occurrence on Neighbor's Property
Plants		
<i>Calochortus fimbriatus</i> / late-flowered mariposa lily	-/-1B	Possible. Perennial herb occurs in dry chaparral and woodland; known to occur 0.6 mile northwest of the neighbor's property.
<i>Atriplex coulterii</i> Coulter's saltbush		Not Present. Perennial herb known from coastal bluffs and dunes as well as coastal scrub and grassland. Known from the Carpinteria ocean bluff, approximately 4.4 miles southeast of the neighbor's property. No suitable habitat in the neighbor's property.
<i>Fritillaria ojaiensis</i> / Ojai fritillary	-/-1B	Possible. Perennial herb that occurs in chaparral and woodlands. This species is known from about 2.8 miles northwest of the project site. Suitable habitat is present at the in the cleared area of the neighbor's property and it may have been present.
<i>Lasthenia glabrata</i> Coulter's goldfields	-/-1B	Not Present. Herb that occurs in salt marsh habitat. No suitable habitat present at the neighbor's property.
<i>Lonicera subspicata</i> var. <i>subspicata</i> / Santa Barbara honeysuckle	-/-1B	Present. Found in chaparral, cismontane woodland, and coastal scrub communities. This species was observed in habitat along the fence on the Alger and the neighbor's property. In addition, numerous plants were observed adjacent to the recently graded area on the neighbor's property. Minimally, several individuals of this species were likely removed during grading activities on neighbor's property.
<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i> / white-veined monardella	-/-1B	Possible. Perennial herb that occurs in chaparral and woodland. Nearest record for this species is from 1965, approximately 2.5 miles northwest of the project site. This species was not observed at the Alger or neighbor's property, but may have been present on neighbor's property, because it is a small plant and difficult to see from a distance. In addition, it may have been cleared and no evidence remains.
<i>Quercus dumosa</i> / Nuttall's scrub oak	-/-1B	Present. Shrub that is occurs in chaparral, woodland, and coastal scrub. This species was observed adjacent to the southwest corner of the grading activity on the neighbor's property and was likely present in the graded area due to suitable habitat and adjacent occurrence.
<i>Thelypteris puberula</i> var. <i>sonorensis</i> / Sonoran maiden fern	-/-2B	Not Present. Occurs along streams and seepage areas. The nearest documented occurrence is from 1978 in Romero Canyon, approximately 1.5 miles north northwest of the neighbor's property. This species would not occur within the neighbor's property because no suitable habitat is present.

Notes:

All common and scientific names taken from California Department of Fish and Game's Complete List of Amphibian, Reptile, Bird and Mammal Species in California (CDFG 2008).

Federal Status (determined by U.S. Fish and Wildlife Service)

- UR Under Review for listing as threatened or endangered
- E Endangered. In danger of extinction throughout all or a significant portion of its range.
- T Threatened. Likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

State Status (determined by California Department of Fish and Wildlife):

- E Endangered
- CSC California Species of Special Concern

California Rare Plant Rank (CRPR)

- 1B California Native Plant Society list 1B. Plants considered rare or endangered in California and elsewhere.
- 2B California Native Plant Society list 2B. Plants considered rare or endangered in California, but more common elsewhere.



Technical Memorandum

Date: May 28, 2020
To: Susan Petrovich
Brownstein Hyatt Farber Schreck, LLP
From: Tamara Klug
RE: **Update to Biological Investigation Regarding Grading and Vegetation Clearing at Toro Canyon Road**

Cardno, Inc.
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Suite 203
Santa Barbara, CA 93103
USA
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1.0 Introduction

This memo is an update to an earlier memo report that provided background regarding clearing activities conducted in the spring of 2017 at Toro Canyon Road. The subject property is at 785 and 805 Toro Canyon Road, which have corresponding assessor's parcel numbers (APNs) of 155-230-017 and -018. It is accessed from Toro Canyon Road, north of the intersection with Vista Linda Lane.

You asked us to assess the current status of the new grading observed in 2017, including vegetation clearing conducted on the subject property as viewed from property owned by Mr. Glenn Alger at 3030 Vista Linda Lane, as well as the state of vegetation recovery from that clearing.

All observations described in this memo were made from Mr. Alger's property, Toro Canyon Road, or were determined using remote sources (e.g., GoogleEarth). We did not go on the subject property, which will hereafter be referred to as the "neighbor's property."

The neighbor's property is located in the inland zone of the Toro Canyon Plan Area. As such, it is subject to the Toro Canyon Plan restrictions as well as the County General Plan. All analysis in the previous memo on this topic is incorporated by reference including:

- Impacts on special-status species, specifically Santa Barbara honeysuckle, scrub oak, and possibly others.
- Impacts on Environmentally Sensitive Habitat.
- Inconsistency with the Toro Canyon Plan.

2.0 Field Survey Methods

On May 26, 2020, Cardno biologist Tamara Klug performed a reconnaissance survey of the neighbor's property from the Alger property. Binoculars were used when needed to determine the habitat and/or special-status species present adjacent to graded areas in an attempt to deduce habitat that may have been removed during vegetation clearing and/or grading. Aerial photographs from a number of sources were examined, and the degree to which vegetation was cleared after 2017 was determined.

3.0 Results

Based on a Cardno's geographic information system (GIS) analysis in 2017, 1.97 acres were graded or cleared in 2017 (Attachment A). At that time, Cardno determined the habitat that was

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impacted by the clearing consisted of coastal scrub, chaparral, and transitional habitats between these types. In addition, the landowner had planted a number of nonnative invasive shrubs and trees including Peruvian pepper trees (*Schinus molle*) and myoporum (*Myoporum laetum*).

Desktop analysis of aerial photographs using GoogleEarth (Attachment B) shows the site prior to vegetation clearing and a progression of removal and regrowth following vegetation clearing. It appears that shrubs had started to reestablish in the cleared area by December 2017, had grown by April 2018, but were removed prior to August 2018. This is consistent with observations in June 2017, in which native shrubs were resprouting and growing back, and observations in 2020 in which shrubs were uncommon and vegetation cover was primarily non-native perennial herbaceous species (Attachment C).

Observations in 2020 showed that previously cleared sites are now dominated by a variety of nonnative invasive species. The dominant species throughout the site is onionweed (*Asphodelus fistulosus*). This species covers the hilltop, and limited native species occur within the area. Onionweed is a nonnative invasive species. It is increasing rapidly throughout California and produces abundant seed, making it particularly problematic.

The dominance of onionweed and relative low presence of native shrubs is surprising because at the time of the 2017 site visit several native shrubs were resprouting, and about 1 foot tall. At the time of the 2020 site visit, only a few native shrubs were present. These shrubs were very small (several inches as opposed to several feet tall). Given anticipated recolonization and growth rates for shrub species observed in 2017, it appears that the site was cleared of vegetation by mechanical means subsequent to 2017. In the absence of mechanical vegetation removal, shrubs would be much taller and abundant, especially given the two average to wet winters that have transpired since observations were made in 2017.

Several other nonnative perennial invasive species are also present including fountain grass (*Pennisetum setaceum*), tree tobacco (*Nicotiana glauca*), and castor bean (*Ricinus communis*). Common nonnative annual species include Mediterranean mustard (*Hirschfeldia incana*) and riggut brome (*Bromus diandrus*). Mediterranean mustard is considered invasive, but riggut brome is so widely distributed that is not generally considered invasive. Along with onionweed, the invasive species would prevent the re-establishment of native vegetation at the site. Control of onion weed at the site would be needed to enable restoration of this area.

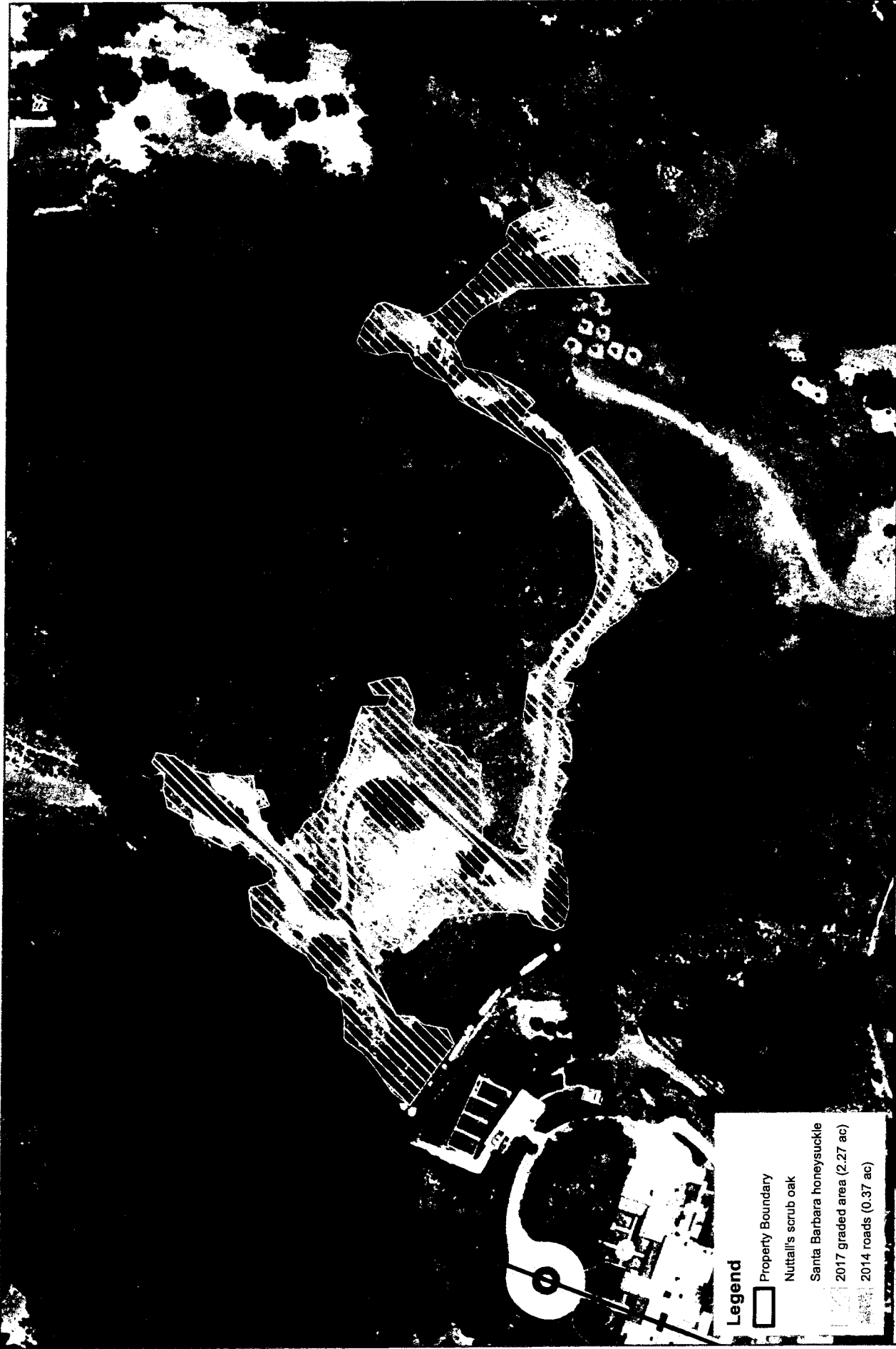
4.0 Conclusion

Based on my observations of the neighbor's property, the area cleared in 2017 has not recovered. Nonnative vegetation, in particular, nonnative invasive species have colonized and established throughout the site. Nonnative planted vegetation, which is also invasive, has matured.

Attachment A

2017 Figure Showing Graded Area

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Legend

- Property Boundary
- Nuttall's scrub oak
- Santa Barbara honeysuckle
- 2017 graded area (2.27 ac)
- 2014 roads (0.37 ac)

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Alger Project
 Santa Barbara County, California

May 28, 2020
Biological Investigation Regarding Grading and
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Page A-2

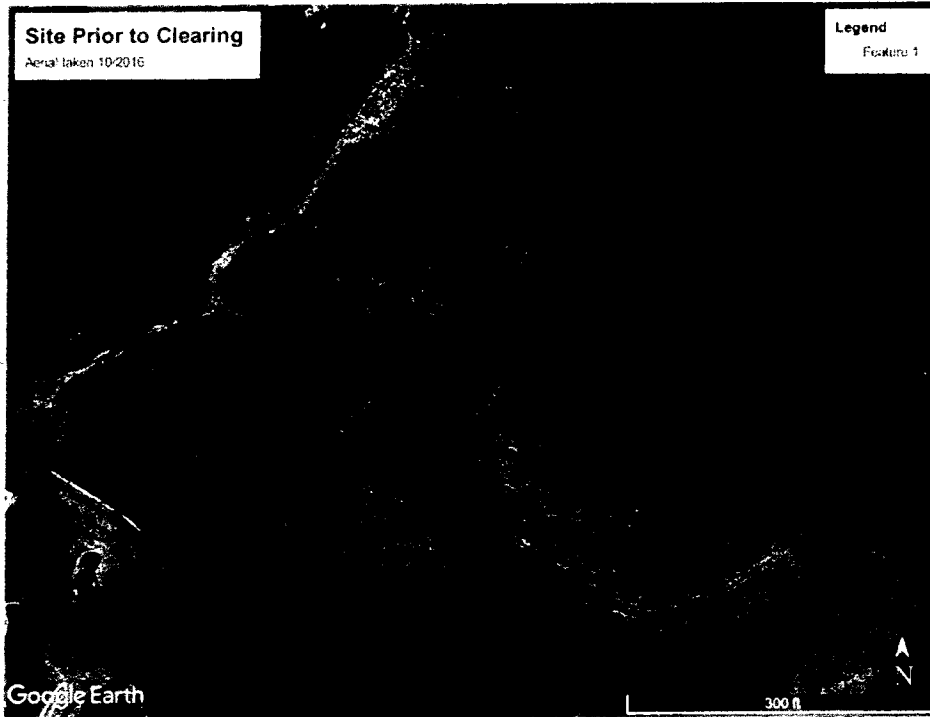


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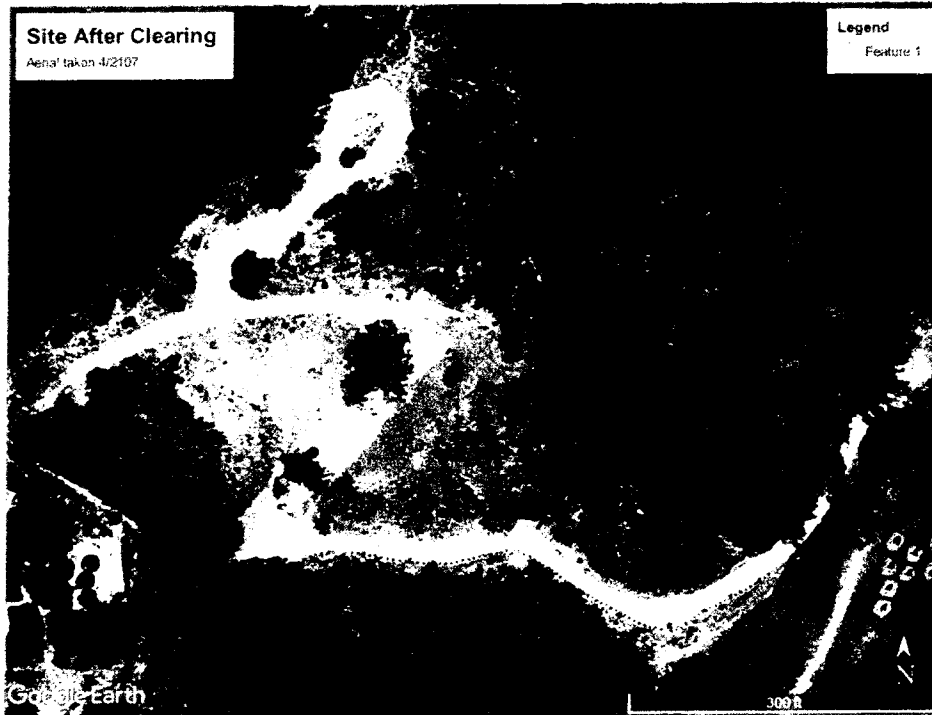
Attachment B

Google Earth Aerial Photographs

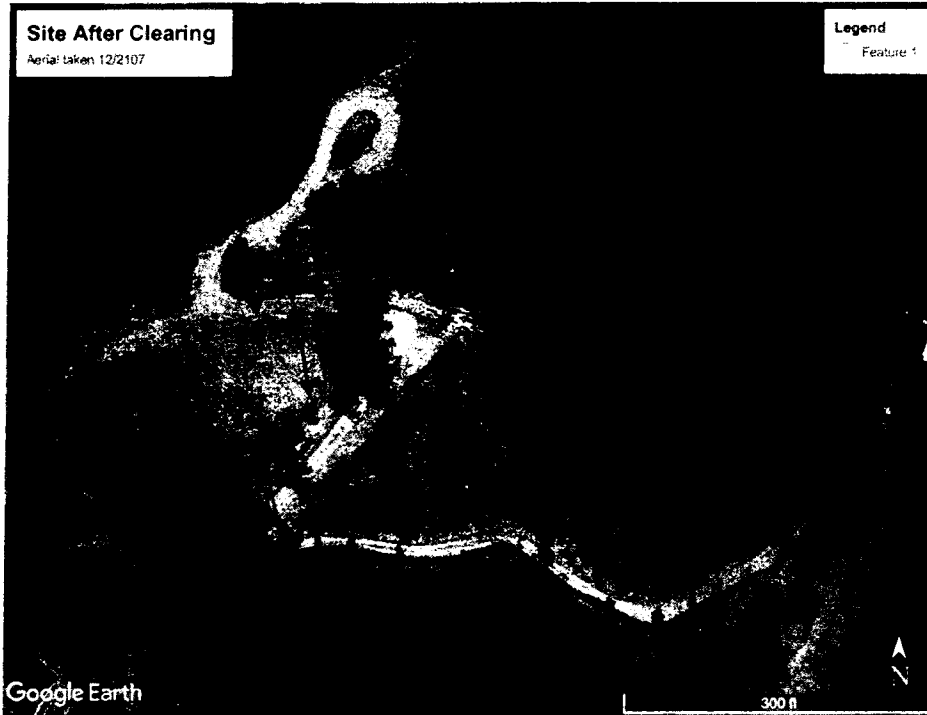
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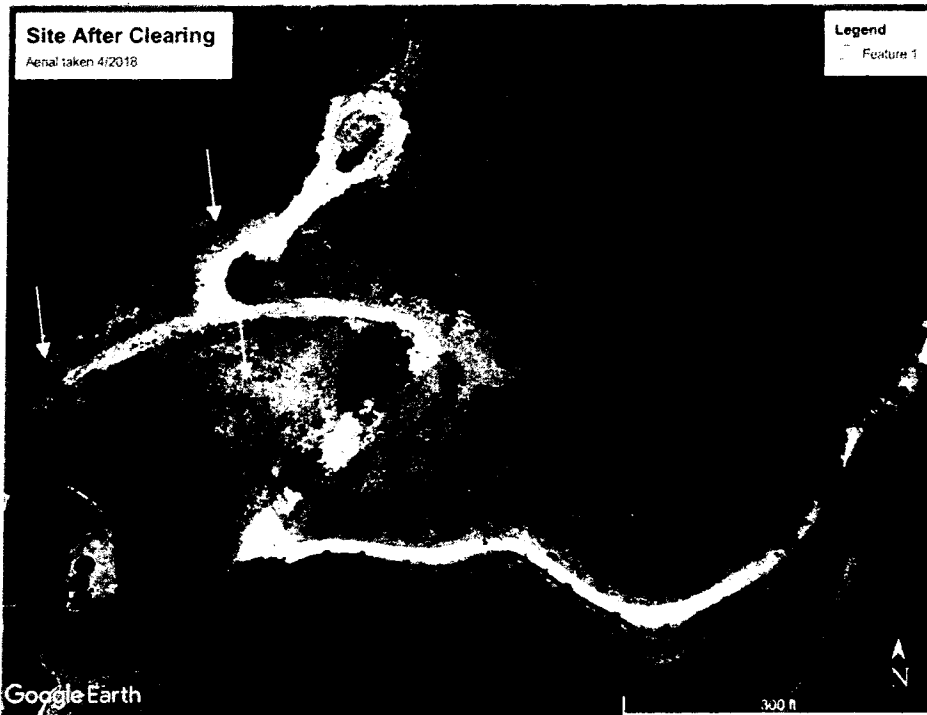
Aerial photograph taken in October 2016. A vague trace of an existing road can be seen. The existing road was subtracted from the newly cleared area to calculate the new disturbance.



Aerial photograph taken in April 2017. The newly cleared area is clearly discernable.



Aerial photograph taken in December 2017. Planted Peruvian pepper trees, indicated by red arrows, have grown substantially and are clearly visible on the hilltop. New shrub regrowth can be seen as a peppering on the landscape.

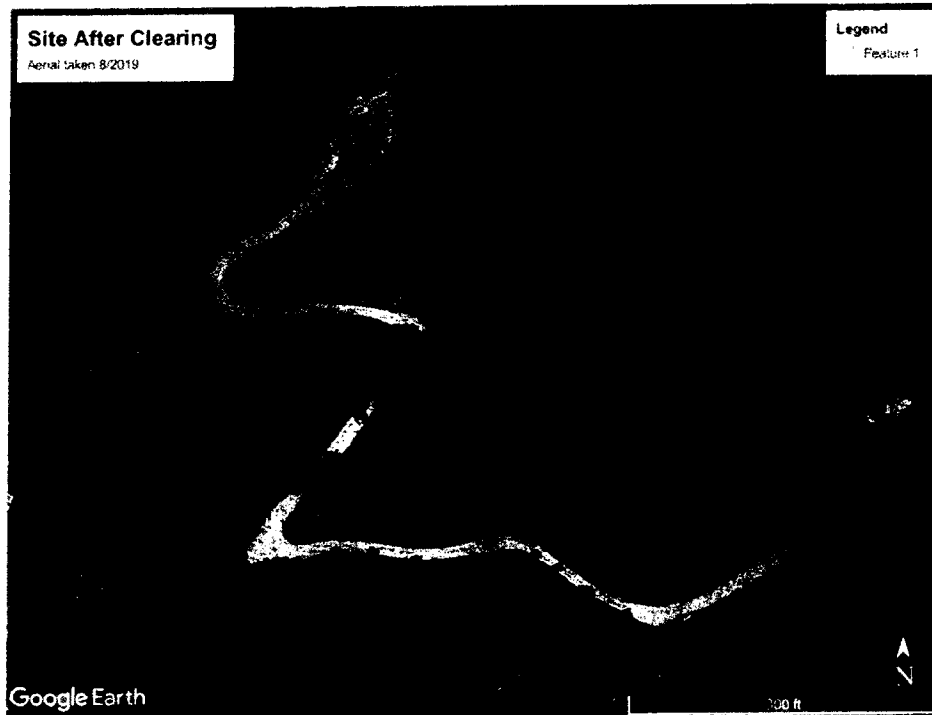


Aerial photograph taken in April 2018. Shrub regrowth is more prominent, particularly in areas marked with light blue arrows.

May 28, 2020
Update to Biological Investigation Regarding Grading and Vegetation Clearing at Toro Canyon Road



Aerial photograph taken in August 2018. Shrub regrowth visible in preceding photographs is now gone.



Aerial photograph taken in August 2019. This is the most recent aerial available.

Attachment C

Photographs

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May 28, 2020
Biological Investigation Regarding Grading and
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Hilltop area looking northeast at the neighbor's property. Dense onionweed infestation is clearly visible with undisturbed habitat behind. May 26, 2020.



Longer distance view of the hilltop site looking northeast. The expansive onionweed-dominated area is visible with native chaparral habitat to the left and in the background. May 26, 2020

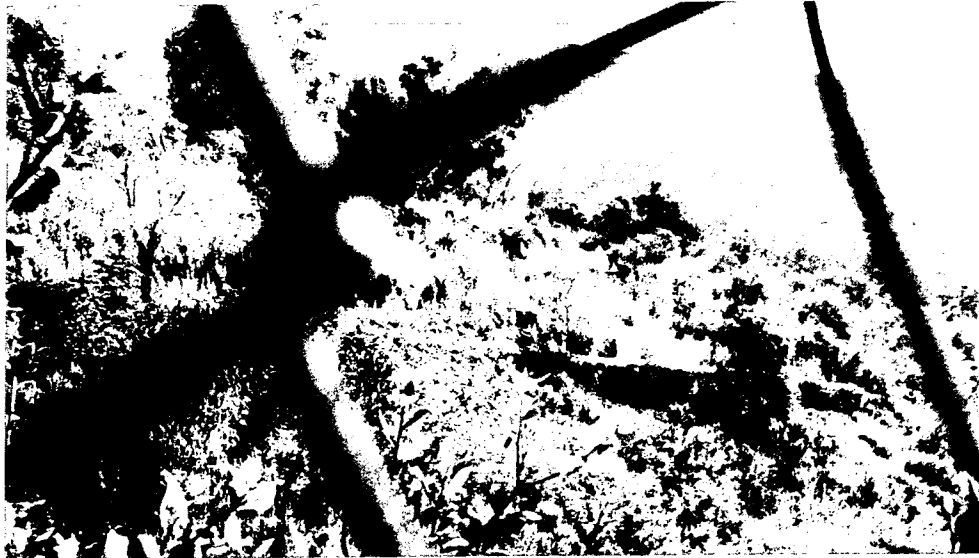
May 28, 2020
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Hilltop area in 2017 with shrubs resprouting and rapidly recovering after initial clearing. June 6, 2017.



Hilltop and adjacent slope toward Toro Canyon Road. Planted Peruvian pepper trees have growth and established well. This species is nonnative and invasive in native habitats. May 26, 2020.



Access road leading from hilltop to Toro Canyon Road. Planted Peruvian pepper trees are visible, and the planted myoporum have matured. May 26, 2020.



Property entrance from Toro Canyon Road. This entrance is generally unchanged since 2017, except that shrubs have matured into a hedge. May 26, 2020.

Glenn Alger
3030 Vista Linda Lane
Santa Barbara, CA 93108
Tel: H (805) 969-3530
M (425) 785-2684
Email: glenn.alger@gmail.com

February 28, 2017

Ms. Kimberly McCarthy
Santa Barbara County
Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Violation Case No. 17BDV-00000-00019; APN 155-230-018

Dear Ms. McCarthy,

Thank you for the prompt response to my recent inquiry related to the unpermitted tree removal and grading on my neighbor's property (APN 155-230-018). It is my understanding that the Senior Grading Inspector, Tony Bohnett, investigated the complaint and mistakenly determined that the tree removal occurred within an approved development envelope and therefore was not determined to be a violation. It is also my understanding that the grading was determined to be associated with an existing road, which did not trigger a Grading Permit.

I am writing to provide additional information that may help clarify the nature of my inquiry, and demonstrate that the tree removal that occurred was not within the development envelope, but well beyond it in the northwest corner of the lot very near my residence. Unfortunately, it must not have been clear to Mr. Bohnett where the tree removal had occurred, so I am including some additional information that clearly demonstrates that the tree removal is in-fact, a violation.

After researching the Conditions of Approval for the Benon Lot split (Case No. TPM 14,534) and the associated Environmental Document (01-ND-11), it has become very clear that the recent tree removal (and potentially road improvement) is a violation:

1) The trees that were removed were located well outside of the approved development envelopes and fuel management areas (see attached exhibits).

2) The project description for Case No. TPM 14,534 states "All construction, grading and other site disturbance associated with the development of the proposed lots would be limited to these designated envelopes."

3) The Biological Discussion from Staff Report states "Development envelopes are designated on the proposed lots to minimize the area of disturbance and preserve the majority of the property in open space consistent with this goal of the Conservation Element."

4) The Hillside and Watershed discussion from the Staff Report states "...Grading and other site disturbance on the steep slopes that characterize most of the property would be avoided." The Hillside and Watershed Policy No. 2 requires that all development be sited to fit the site, and to protect natural features such as trees to the maximum extent feasible.

5) Finding 2.1.3.3 from the Staff Report states "...The proposed Development Envelopes, however, would limit grading and other site disturbance...to a gently-sloping area of the property where only minor native vegetation is present due to past agricultural practices."

6) Finding 2.1.3.5 from the Staff Report states "To minimize potential impacts to biological resources from any future development, the applicant has designated Development Envelopes...The Development Envelopes have been specifically design to avoid areas of steep slopes and substantial native vegetation. No trees are anticipated to be removed as part of future development."

Attached please find copies of the staff report and environmental document, along with exhibits that depict where the tree removal occurred.

Ms. McCarthy, please understand that one of the primary reasons for purchasing my lot was the protections that were afforded me as a neighbor by the County's application of the development envelopes. If a neighbor is allowed to grade the site and remove trees wherever they want, it removes many of the protections that were important when I purchased my property.

Please feel free to contact me with any questions, or should you require any additional information. I'm looking forward to continuing our discussion once you've had an opportunity to review the enclosed materials.

Sincerely,

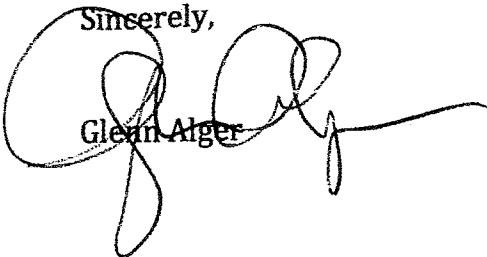

Glenn Alger

Exhibit A

FOR BOUNDARY INFORMATION AND BASIS OF BEARINGS, SEE SHEET 2 OF 3 SHEETS

PARCEL TWO
10.67 ACRES GROSS
10.34 ACRES NET

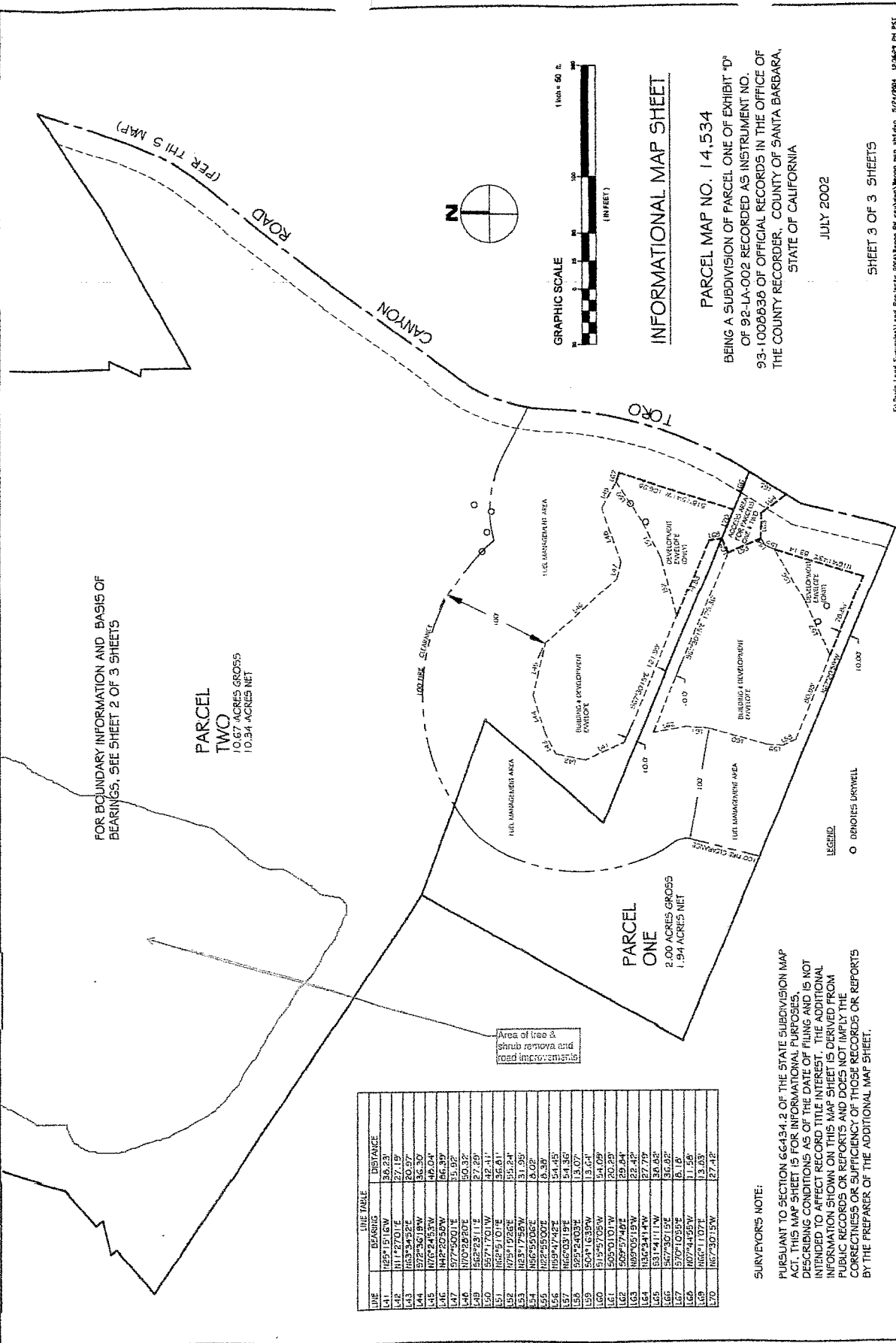
PARCEL ONE
2.00 ACRES GROSS
1.94 ACRES NET

Area of tree & shrub removal and road improvement

LINE	BEARING	DISTANCE
L41	N65°15'18"W	26.23'
L42	N11°27'01"E	27.19'
L43	S72°36'24"W	52.30'
L44	N76°24'13"W	48.04'
L45	N41°20'53"W	56.89'
L46	S77°50'01"E	35.92'
L47	N70°28'20"E	50.32'
L48	S62°23'11"E	27.29'
L49	S57°17'01"W	42.41'
L50	N62°51'01"E	36.81'
L51	N75°19'26"E	55.24'
L52	N63°17'59"W	31.95'
L53	N66°55'06"E	35.02'
L54	N62°55'00"E	30.38'
L55	N69°27'42"E	24.35'
L56	N65°03'19"E	24.35'
L57	N62°53'39"W	13.07'
L58	S67°14'39"W	14.07'
L59	S73°45'03"W	34.09'
L60	S70°51'01"W	20.29'
L61	S69°57'48"E	29.84'
L62	N69°05'19"W	22.42'
L63	N35°24'14"W	27.79'
L64	S31°14'11"W	36.05'
L65	S67°30'15"E	36.02'
L66	S70°10'55"E	16.16'
L67	N07°44'55"W	11.59'
L68	N65°11'07"E	13.05'
L69	N67°50'13"W	27.42'

SURVEYORS NOTE:

PURSUANT TO SECTION 66434.2 OF THE STATE SUBDIVISION MAP ACT, THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES. DESCRIBING CONDITIONS AS OF THE DATE OF FILING AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THE ADDITIONAL INFORMATION SHOWN ON THIS MAP SHEET IS DERIVED FROM PUBLIC RECORDS OR REPORTS AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THE ADDITIONAL MAP SHEET.

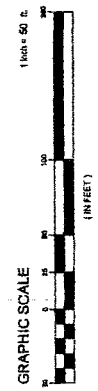


FOR BOUNDARY INFORMATION AND BASIS OF BEARINGS, SEE SHEET 2 OF 3 SHEETS

SHEET 3 OF 3 SHEETS

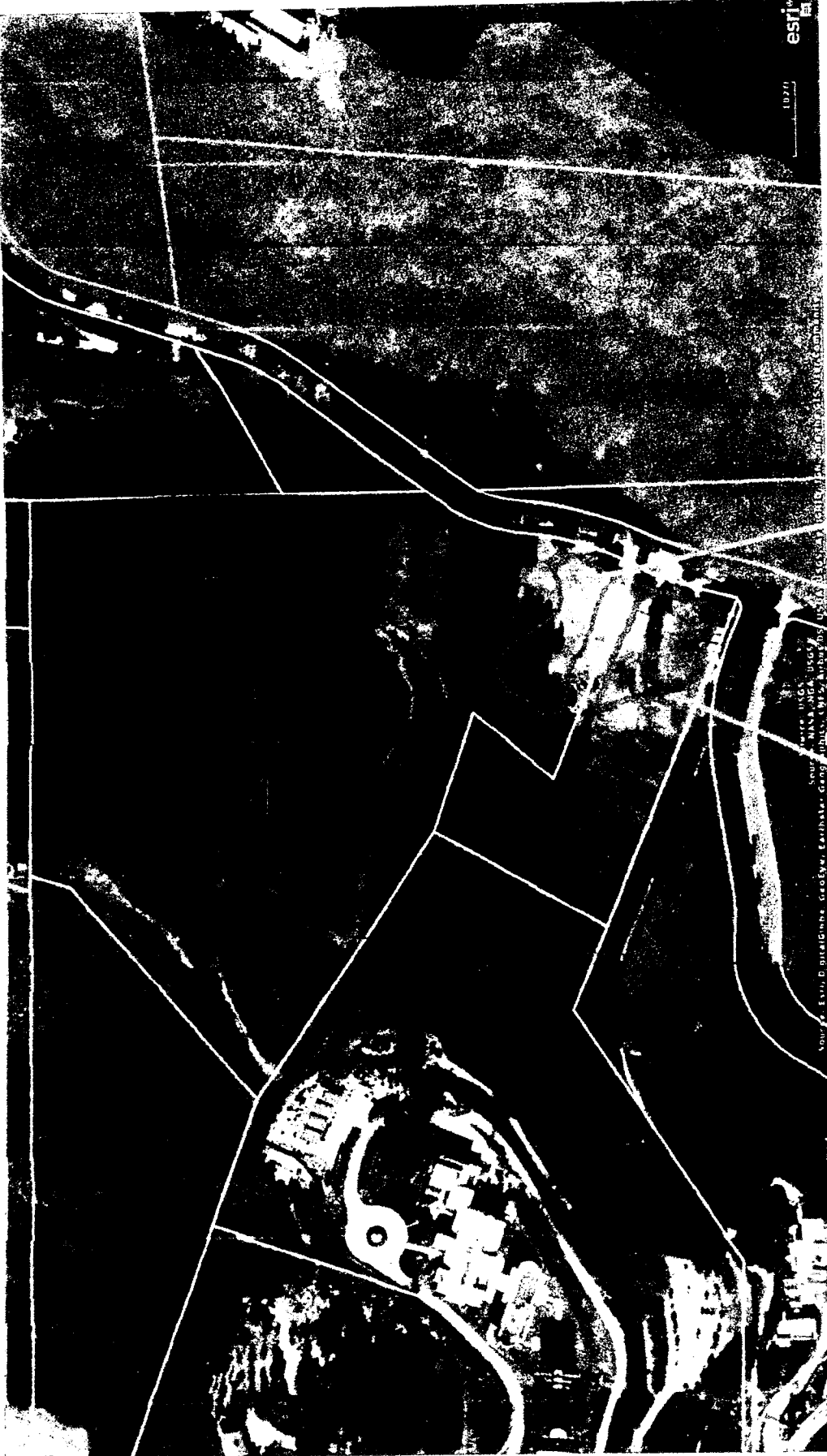
JULY 2002

INFORMATIONAL MAP SHEET
PARCEL MAP NO. 14,534
BEING A SUBDIVISION OF PARCEL ONE OF EXHIBIT "D" OF 92-LA-002 RECORDED AS INSTRUMENT NO. 93-1008838 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA



1 PM BK 57 PG 66

Exhibit B



Approximate Building &
Development Envelope

Area of tree &
shrub removal and
road improvements

111

Exhibit D



Exhibit C



SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Benon Lot Split

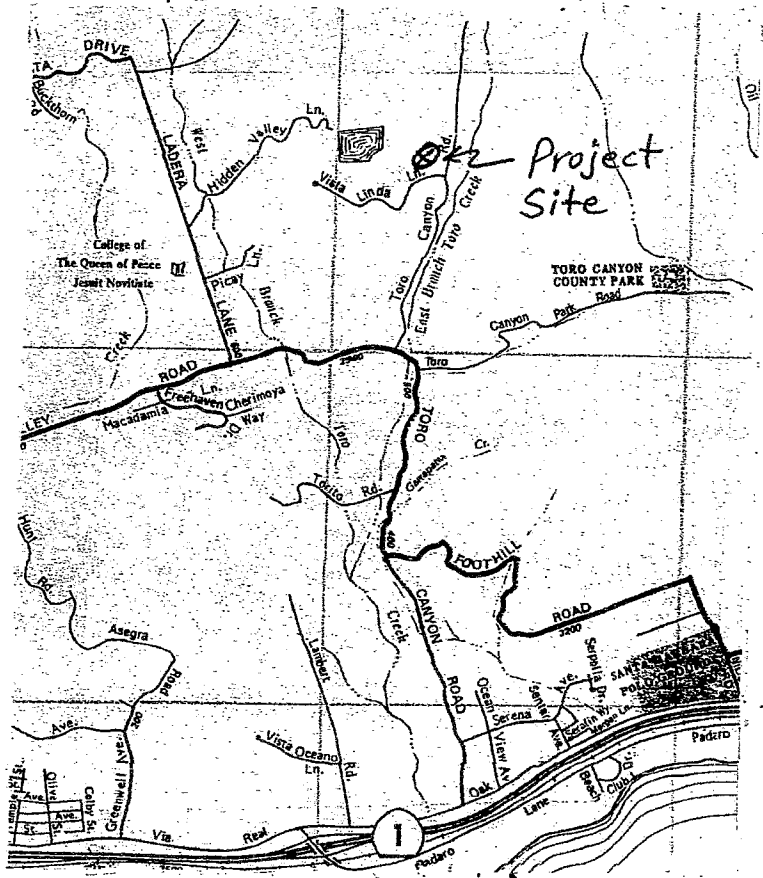
Hearing Date: May 23, 2001
Staff Report Date: May 11, 2001
Case No.: TPM 14,534
Environmental Document: 01-ND-11

Supervisorial District: First
Staff: Brian R. Baca
Phone: (805) 568-2004

OWNER/APPLICANT:
 Leon Benon
 124 Via Alicia
 Santa Barbara, CA 93108
 (805) 969-3544

AGENT:
 Harwood White
 1553 Knoll Circle Drive
 Santa Barbara, CA 93103
 (805) 962-5260

The project site, Assessor Parcel Numbers 155-230-006 and -007, is located northeast of the community of Summerland in the foothills of the Santa Ynez Mountains, at 785 Toro Canyon Road in the Toro Canyon area, First Supervisorial District.



1.0 REQUEST

Harwood White, agent for the landowner, requests approval of a Tentative Parcel Map to subdivide one 12.72-acre parcel into two parcels of 2.0 acres (Parcel 1) and 10.72 acres (Parcel 2), and approval of the Negative Declaration for the project (01-ND-11).

Application Filed:	July 21, 1999
Application Complete:	March 19, 2001
Processing Deadline:	60 days from approval of Negative Declaration

2.0 RECOMMENDATION AND PROCEDURES

Staff recommends that the Planning Commission follow the procedures outlined below and conditionally approve TPM 14,534---marked "Officially Accepted, County of Santa Barbara Planning Commission Exhibit 1, May 23, 2001"---based upon the project's consistency with the Comprehensive Plan and the Commission's ability to make the required findings.

The Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including the CEQA findings.
2. Approve the Negative Declaration (01-ND-11) and adopt the mitigation monitoring program contained in the conditions of approval.
3. Approve the project subject to the conditions included as Attachment B.

The Planning Commission should refer the matter back to staff for appropriate findings and conditions if the Commission takes action other than that recommended here.

3.0 JURISDICTION

This project is before the Planning Commission as decision-maker under Section 21-6(a) of the Santa Barbara County Code (Subdivision Regulations), which grants to the Commission approval authority over Tentative Parcel Maps that are subject to environmental review.

4.0 ISSUE SUMMARY

This case involves an application to subdivide a 12.72-acre parcel in the upper portion of the Toro Canyon area. No structural development is proposed as part of the project. Development on each proposed parcel would be limited to a designated Development Envelope approximately 22,000 square feet in size. The envelopes are both located in the southeast corner of the property. All construction, grading and other site disturbance associated with future development of the proposed lots would be limited to these designated envelopes. A Fuel Management Area (FMA) would extend 100 feet outside of the Development Envelopes. The land within the Development Envelopes is gently sloping (less than 20 percent) and without substantial native vegetation. Vegetation in the FMA includes a remnant windrow of eucalyptus trees with minor chaparral understory, and a few coast live oak trees. Access to both Development Envelopes would be from a single short driveway off of Toro Canyon Road.

Staff's recommendation for approval of the Benon Lot Split is based on the project's consistency with the Comprehensive Plan, its lack of unmitigable environmental impacts and the limits on site disturbance associated with the proposal. The project limits future residential development to a gently sloping area along Toro Canyon Road that was previously disturbed by agricultural (orchard) activities. With this design, impacts on sensitive biological resources would be minimal. This design also allows for a single driveway to serve both future lots. As this new driveway would be constructed at the location of the existing residential driveway on the property, no substantial change in traffic safety along Toro Canyon would occur with the project. Furthermore, grading on the very steep slopes that characterize most of the property would be avoided. In summary, the design of the project minimizes the environmental effects of future development.

5.0 PROJECT INFORMATION

5.1 Site Information	
Comprehensive Plan Designation	Urban area, Residential with a 1-acre minimum lot size. (APN 155-230-006) Urban area, Residential with a 3-acre minimum lot size. (APN 155-230-007)
Zoning District, Zoning Ordinance	Article III, 1-E-1, 1-acre minimum lot size. (APN 155-230-006) Article III, 3-E-1, 3-acre minimum lot size. (APN 155-230-007)
Site Size	12.72 acres (gross), 12.32 acres (net)
Present Use & Development	The site is developed with a single family dwelling and a shed.
Surrounding Uses/Zoning	North: Residential / 3-E-1 South: Residential / 1-E-1 East: Agriculture / AG-I-10 and Residential / RR-10 West: Residential / 1-E-1
Access	Toro Canyon Road
Public Services	Water Supply: Montecito Water District Sewage: Private septic system Fire: Carpinteria-Summerland Fire Protection District

5.2 Setting

The proposed project involves a 12.72-acre property that extends westward from Toro Canyon Road to the top of the ridge that separates the west and east branches of Toro Canyon Creek. Development Envelopes have been designated for each proposed parcel and are located in the southeast corner of the property adjacent to Toro Canyon Road. Although most of the property is characterized by steep slopes, the proposed Development Envelopes are in an area of slopes with less than a 20 percent gradient. The site is underlain by a veneer of clay-rich surface soils and alluvium that rests on the reddish-colored sandstone and mudstone of the Sespe Formation. No substantial geologic hazards have been identified within the area of the property proposed for future development.

Vegetation present within the envelopes consists primarily of grasses with a few non-native shrubs. West of the Development Envelopes in the designated Fuel Management Area is a stand of eucalyptus trees with minor native chaparral understory. A few coast live oak trees are also present. These trees are not known roosts of Monarch butterflies. There is no designated Environmentally Sensitive Habitat within the area of the proposed development envelopes.

The site has been surveyed for archaeological resources and none were found. The nearest identified cultural resource site is approximately 2,500 feet to the south.

The site is currently developed with a single family dwelling built in the 1890s. The original homestead house was substantially altered in the 1970s and 1980s by previous owners of the property. Parcels in the vicinity of the subject property are developed with single family dwellings constructed on hillsides that flank the branches of Toro Canyon Creek which is located on the opposite side of Toro Canyon Road in this area.

5.2 Project Description

The proposed project involves the subdivision of an existing 12.72 acre parcel (APNs 155-230-006 and -007) into two parcels that would be 2.00 and 10.72 acres in size. Development on each proposed parcel would be limited to a designated Development Envelope approximately 22,000 square feet in size. All construction, grading and other site disturbance associated with development of the proposed lots would be limited to these designated envelopes. The Development Envelopes for proposed Parcels 1 and 2 would be located in the southeast corner of the existing property within 50 to 300 feet from Toro Canyon Road. Access to the Development Envelopes on proposed parcels 1 and 2 and would be provided by a single driveway extending off of Toro Canyon Road. Building Envelopes would also be designated on each of the two proposed parcels within the area of the Development Envelopes. All residential structures would be located within the designated Building Envelopes. Extending 100 feet from the northern and western limits of the Development Envelope would be a designated Fuel Management Area in which the vegetation would be modified for fire protection purposes. Sewage disposal on each proposed parcel would be accomplished with private septic systems. Water would be provided by the Montecito Water District. The site is currently developed with one single family dwelling which would be demolished or relocated prior to recordation of the proposed map.

5.3 Background Information

Parcel Validity: The existing legal parcel encompasses the combined 12.72 acres of APNs 155-230-006 and 155-230-007. This parcel was created by a lot line adjustment approved by the County and subsequently recorded in conformance with applicable regulations establishing the property as a legal parcel.

Existing Structures: The parcel is currently developed with a single family dwelling constructed in the 1890s and substantially altered in the 1970s and 1980s. An unpermitted storage shed is also present on the property. These structures are proposed to be demolished as part of this lot split. The proposed new lot line, in fact, runs through the location of the existing house.

Historic Use: The area of the proposed Development Envelopes was utilized as a citrus orchard for many decades. County aerial photographs taken in 1938 show the entire development envelope area planted as an orchard with the eucalyptus trees forming a windrow to the north of the onsite dwelling. Aerial photographs taken in 1970 and 1997 (also available in County archives) document the lack of substantial vegetation (other than the eucalyptus trees) within the proposed Development Envelopes over the past three decades. Similarly, the eucalyptus trees are essentially the only substantial vegetation in the designated Fuel Management Area. Eight isolated coast live oak trees, however, are present in this area. There is also no creek or wetland area in the vicinity of the proposed development envelopes.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

Staff prepared an Initial Study in March 2001 to evaluate the potential environmental impacts of the proposed project. Based on the analysis provided in that Initial Study, Planning and Development issued a Draft Mitigated Negative Declaration (01-ND-11) as the environmental document for the proposed project.

The Draft Mitigated Negative Declaration was circulated for public review and comment between April 9 and May 1, 2001. No environmental hearing was held. Planning and Development received no public comments in response to the Draft ND. The proposed final ND provided to the Planning Commission is unchanged from the draft document.

The Negative Declaration identifies and discusses potential impacts, mitigation measures, residual impacts and monitoring requirements for identified subject areas. The ND found significant but mitigable effects on the environment in the following areas: Aesthetics/Visual Resources, Air Quality, Cultural Resources, Fire Protection, Geologic Processes and Noise. Each of the mitigation measures has been accepted by the applicant for incorporation into the overall project description, and those measures are included in the proposed Conditions of Approval (Attachment B).

6.2 Consistency with the Comprehensive Plan

As discussed below, the proposed project would be consistent with each of the applicable policies in the County's Comprehensive Plan.

REQUIREMENT	DISCUSSION
Availability of Services	
<p>Land Use Development Policy 4</p> <p><i>Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred as a result of the proposed project. Lack of public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p>Consistent. Adequate public and private services are available to serve the proposed project.</p> <p><u>Water:</u> The Montecito Water District (MWD) currently serves the subject property through one meter. The MWD issued a "Can and Will Serve" letter on August 13, 1999 stating that the District is prepared to provide permanent water service to both of the proposed parcels, subject to compliance with District requirements for an additional water meter. Prior to recordation, Environmental Health Services will also require written notice of the District's ability and willingness to serve the subject property.</p> <p><u>Wastewater Disposal:</u> Sewage disposal is currently provided by an onsite sewage disposal system. The applicant has demonstrated through onsite drywell performance testing that adequate sewage effluent disposal capacity is available to serve both proposed parcels. These tests have also demonstrated that adequate capacity and area is available for a 100% expansion of the system. The test information has been reviewed and accepted by Environmental Health Services.</p> <p><u>Police:</u> Adequate police protection services are available to serve the proposed lots.</p> <p><u>Fire Protection:</u> The project site is served by the Carpinteria-Summerland Fire Protection District, but is outside the CSFPD's five minute response zone. Because fire protection in the area is constrained by emergency access and evacuation problems, the project has been conditioned with several measures to reduce the likelihood of a wildland fire reaching adjacent structures and to improve access to the site by emergency vehicles. Specifically, these measures include a 30-foot wide vegetation clearance zone around the proposed development envelopes, brush clearance 10 feet from both edges of all existing and proposed</p>

REQUIREMENT	DISCUSSION
	<p>driveways, and construction of a driveway 16 feet in width to serve both lots. Additional mitigation includes landscaping utilizing fire resistant species, the use of fire retardant/resistant building materials, and installation of an additional fire hydrant consistent with CSFPD standards. The CSFPD has reviewed these measures and has determined that the project as conditioned is consistent with fire department requirements. In addition, the Proposed Final Environmental Impact Report for the Toro Canyon Plan has identified that the current ratio of one fire fighter per 2,900 residents is within an acceptable level of service for fire protection, and that buildout of the Toro Canyon Plan (831 additional residents) would not adversely affect the CSFPD service ratio. With these project features, fire protection would be adequate to serve the project.</p> <p><u>Utilities:</u> The project site is located within a developed rural area where public utility infrastructure is present and available.</p> <p><u>Roads:</u> An improved private driveway off of Toro Canyon Road would provide access to both proposed lots. This driveway would be a minimum of 16 feet wide and be located at the site of the existing driveway that serves the existing dwelling on the property. This short driveway would provide for adequate fire protection access.</p>
Cultural Resources	
<p>Historical and Archaeological Sites Policy 1: <i>All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.</i></p>	<p>Consistent: Although no known historical or archaeological resources exist on the site or in the immediate vicinity of the site, the standard discovery clause has been incorporated into project approval to cover the unlikely event that subsurface artifacts are encountered during construction. A recommended mitigation measure from the Negative Declaration requires photo-documentation of the existing residence on the site prior to its demolition. Incorporation of these mitigation measures ensures consistency with this policy.</p>
Geologic Hazards	
<p>Seismic Safety Element <i>Applications for grading and building permits, and applications for subdivision shall be reviewed for</i></p>	<p>Consistent. Seismic risk for the site was evaluated in the Negative Declaration and found to be similar to that for most of the South Coast area of Santa</p>

REQUIREMENT	DISCUSSION
<p><i>adjacency to, threats from, and impacts on geologic hazards arising from seismic events, landslides or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.</i></p>	<p>Barbara County. The potentially active Arroyo Parida Fault crosses Toro Canyon about 3,000 feet south of the Benon property. This hazard is routinely addressed as part of the Building Permit process. Any structures built on the site will be subject to seismic design measures found in state and county building code requirements.</p>
<p>Hillside and Watershed Protection</p>	
<p>Hillside and Watershed Policy 1: <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>Hillside and Watershed Policy 2: <i>All developments 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, native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p>	<p>Consistent. The project is designed to limit development to the gently sloping area in the southeast corner of the property. Grading and other site disturbance on the steep slopes that characterize most of the property would be avoided. Potential short-term erosion during construction activities would be minimized by a mitigation measure included in the conditions of approval that requires a Building and Safety approved erosion control plan. As designed and conditioned, the project would be consistent with both of these policies.</p>
<p>Hillside and Watershed Policy 3: <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 methods for removing sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.</i></p> <p>Hillside and Watershed Policy 5: <i>Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</i></p>	<p>Consistent. The project conditions require an erosion control plan to minimize runoff and siltation into Toro Canyon Creek during grading and construction. The conditions also require reseeded of graded areas to ensure slope stability and minimize erosion. Drainage from future development will be directed to existing facilities in Toro Canyon Road. Given these requirements, the project can be found to be consistent with these Hillside and Watershed Protection Policies.</p>

REQUIREMENT	DISCUSSION
<p>Hillside and Watershed Policy 6: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. 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.</p>	
Biological Resources	
<p>Conservation Element - Chaparral and Scrub Habitats: To insure the preservation of all species associated with the variety of chaparral and scrub habitat in the County, it will be necessary to restrict use of several areas. In undisturbed areas, productive educational and research programs could be conducted. We recommend low-use chaparral preserves to perpetuate the present high diversity of habitats and communities to be found in the County.</p>	<p>Consistent. Development envelopes are designated on the proposed lots to minimize the area of disturbance and preserve the majority of the property in open space consistent with this goal of the Conservation Element.</p>
Visual Resources	
<p>Visual Resources Policy 3: In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</p>	<p>Consistent. Project conditions require review and approval by the Board of Architectural Review to ensure that the scale and character of future development would be compatible with other development in the community. Other conditions require the use of natural building materials and colors compatible with surrounding terrain and restrict night lighting to hooded, low-intensity, low glare designs to prevent spillover onto adjacent areas. As conditioned, the project would be consistent with this policy .</p>
<p>Visual Resources Policy 5: Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</p>	<p>Consistent. The project has been conditioned to require undergrounding of utilities for any new development on either parcel.</p>

6.3 Ordinance Compliance

Article III Zoning Ordinance:

The proposed Tentative Parcel Map is subject to the requirements of the Article III, E-1 Single-Family Residential zone district. According to the ordinance, the purpose of the E-1 zone is to "reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety." It is the intent of this district to "protect the residential characteristics of an area and to promote a suitable environment for family life." The proposed lot split is intended to allow for future single family residential development at densities established by the zoning ordinance, in an established single family neighborhood.

The proposed project complies with the minimum lot size requirements of the 1-E-1 and 3-E-1 zone districts. The area of the parcel included in the 3-E-1 Zone District (APN 155-230-007) is incorporated into the proposed 10.72-acre lot. The proposed 2-acre parcel is entirely within the area of the 1-E-1 Zone District. Any future development on the new lots would be subject to review and approval by Planning and Development for consistency with the development standards contained in the zoning ordinance, including those regulating setbacks, height, and use. The proposed lot split would therefore conform to the expressed intent of the zone district. In addition, any development would be required to comply with the policies of the County Comprehensive Plan and---if adopted and in effect at the time---all applicable policies and development standards of the proposed Toro Canyon Plan.

Section 35-267.2 of Article III prohibits the use of accessory structures unless the principal structure on the lot is present. Consequently, the project has been conditioned with a requirement that within 60 days after recordation of the final map, the applicant shall either demolish or relocate the existing shed on proposed parcel 1 to a location that allows the structure to meet all Zoning Ordinance requirements. The existing single family dwelling on the property has been conditioned for demolition or relocation prior to map recordation as this structure would be bisected by the proposed new lot line.

Chapter 21, County Code (Subdivision Regulations)

The proposed project meets the standards for approval of tentative parcel maps, including but not limited to those related to lot size, depth and width, as listed under Section 21-8(c) of Chapter 21.

6.4 Subdivision/Development Review Committee

The Subdivision/Development Review Committee reviewed the project on August 5, 1999. All final department and agency conditions are included in the attached conditions of approval.

6.5 Board of Architectural Review

To ensure that the design, scale and character of any new structures would be compatible with vicinity development, a Condition of Approval requires BAR review and approval of any new structural development prior to approval of a Land Use Permit (see discussion under Section 6.2,

Visual Resources above, as well as Section 4.1 of the proposed Final ND included as Attachment C of this staff report).

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of that action.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval with attached Departmental letters
- C. Proposed Final Mitigated Negative Declaration 01-ND-11 with Transmittal Letter
- D. TPM 14,534

ATTACHMENT A: FINDINGS

1.0 CEQA Findings

- 1.1 The Planning Commission has considered the Negative Declaration (01-ND-11) together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Planning Commission, has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Rita Bright, Planning and Development, located at 123 East Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation

2.0 Administrative Findings

2.1 Subdivision Map Act Findings (Tentative Parcel Map 14,534)

According to the Subdivision Map Act, the Planning Commission must deny this tentative parcel map (TPM 14,534) if the Commission is either unable to make the requisite statutory findings for approval of the project or, in the alternative, makes any of the specified statutory findings that would require disapproval. For the reasons discussed below, the Commission adopts each of the required statutory findings necessary to approve this TPM:

- 2.1.1 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.*

Maintenance of the existing eucalyptus and oak trees, coupled with protection of other onsite vegetation by the proposed development envelopes, would provide for on-site passive heating or cooling systems for all future residential development to the extent feasible.

- 2.1.2 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 §65450) of Chapter 3 of Division 1.

As discussed in section 6.2 of the staff report dated May 11, 2001, the proposed project would be consistent with all applicable policies of the County's Comprehensive Plan.

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

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

No specific plan applies to the project site. As discussed in section 6.2 of the staff report dated May 11, 2001, the proposed project would be consistent with all applicable policies of the County's Comprehensive Plan.

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

No specific plan applies to the project site. As discussed in section 6.2 of the staff report dated May 11, 2001, the proposed project would be consistent with all applicable policies of the County's Comprehensive Plan.

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

The project site (i.e., the project parcel) is generally characterized by steep slopes and dense vegetation. The proposed Development Envelopes, however, would limit grading and other site disturbance associated with future residential construction to a gently-sloping area of the property where only minor native vegetation is present due to past agricultural practices. Based on this design, the project site is considered suitable for the proposed development.

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

The site of the proposed Development Envelopes is zoned E-1, a zone district that permits one single-family residence and certain accessory structures on each legal lot. The proposed project would result in a total of two parcels of 2.0 and 10.72 acres in size and the potential for one additional single-family residence and accessory structures. Both of the proposed parcels would exceed the one-acre and three-acre minimum required parcel sizes. The proposed project site is therefore physically suited for the proposed density of development.

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

To minimize potential impacts to biological resources from any future development, the applicant has designated development envelopes on both Parcel 1 and Parcel 2. The development envelopes have been specifically designed to avoid areas of steep slopes and substantial native vegetation. No trees are anticipated to be removed as part of future development. No wetlands or creeks are located inside of or within 100 feet of the Development Envelopes.

To avoid downstream sedimentation impacts on riparian habitat, the project has also been conditioned to require erosion control measures during grading and construction. As a result, the proposed project would not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

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

The proposed lot split and potential buildout of residential development is not expected to result in either the use of substantial quantities of hazardous materials or any activities that would cause significant health or safety impacts. Environmental Health Services has determined that proposed Parcels 1 and 2 can satisfactorily accommodate a new private septic system meeting EHS and RWQCB standards to service any new development. Therefore, the proposed project is not likely to result in any serious public health problems.

2.1.3.7 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.

No public easements for access or use are located on the project site or would be affected by the proposed subdivision. The existing parcel is encumbered with private utility easements as well as the right-of-way held by the County for Toro Canyon Road.

2.1.4 State Government Code §66474.4. The legislative body of a county shall deny approval of a tentative map or parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that either of 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.

This finding does not apply to the proposed subdivision as the existing parcel is not subject to a Williamson Act contract.

2.1.5 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.

This finding does not apply as the proposed subdivision would utilize one or more private septic systems and would not discharge waste into an existing community sewer system.

ATTACHMENT B: CONDITIONS OF APPROVAL

This Tentative Parcel Map 14,534 is based upon and limited to compliance with the project description, Hearing Exhibit #1 dated May 23, 2001 and the conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

PROJECT DESCRIPTION:

1. The proposed project involves the subdivision of an existing 12.72 acre parcel (APNs 155-230-006, -007) into two parcels that would be 2.00 and 10.72 acres in size. Development on each proposed parcel would be limited to a designated Development Envelope on each parcel of approximately 22,000 square feet in size. All construction, grading and other site disturbance associated with development of the proposed lots would be limited to these designated envelopes. The Development Envelopes for proposed Parcels 1 and 2 would be located in the southeast corner of the property within 50 to 300 feet from Toro Canyon Road. Access to the Development Envelopes on proposed parcels 1 and 2 and would be provided by a single driveway extending off of Toro Canyon Road. Building Envelopes ranging from approximately 16,000 to 18,000 square feet would also be designated on each of the two proposed parcels. All residential structures would be located within the designated Building Envelopes. Extending 100 feet from the northern and western limits of the Development Envelope would be a designated Fuel Management Area in which the vegetation would be modified for fire protection purposes. Sewage disposal on each proposed parcel would be accomplished by gravity flow with private septic systems. Water would be provided by the Montecito Water District. The site is currently developed with one single family dwelling which would be demolished or relocated prior to recordation of the proposed map.

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

MITIGATION MEASURES FROM ENVIRONMENTAL DOCUMENT (from Proposed Final Mitigated Negative Declaration 01-ND-11)

2. In order to reduce impacts on visual resources, the design, scale, size and character of the project architecture shall be compatible with development in the vicinity. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the

project for review and approval by the Board of Architectural Review prior to approval of Land Use Permits. Grading and landscape plans shall be submitted to P&D for review and approval concurrent with or prior to Board of Architectural Review plan filing.

Monitoring: Prior to approval of a Land Use Permit for any structure, Planning and Development shall review all architectural plans for compliance with BAR conditions and approved drawings. Permit Compliance shall inspect project architecture and landscaping upon completion to insure that structures were built and landscaping installed in accordance with approved plans and conditions.

3. Future structures shall not exceed a height of 16 feet above finish grade. Height would be based on the standard County formula, which allows for averaging of heights around the structure. Additionally, fill pads shall not exceed ten feet or greater in height. **Plan Requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Land Use Permits.

Monitoring: Building and Safety shall check height of building(s) during frame inspection approval.

4. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

5. Understories and retaining walls higher than six feet shall be in tones compatible with surrounding terrain and shall use textured materials or construction methods that create a textured effect. Native vegetation to screen retaining walls shall be planted. **Plan Requirement:** The applicants shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **Timing:** Plans shall be submitted prior to approval of Land Use Permits; vegetation shall be installed prior to occupancy clearance.

Monitoring: P&D shall check plans and ensure installation prior to occupancy clearance.

6. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicants shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** Locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of an LUP for structures. Permit Compliance shall inspect

structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

7. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation:
- seeding and watering to revegetate graded areas; and/or
 - spreading of soil binders; and/or
 - any other methods deemed appropriate by Planning and Development.

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

Monitoring: Grading Inspector shall perform periodic site inspections.

8. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:
- During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

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

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

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

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

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

10. The Carpinteria-Summerland Fire Protection District has reviewed the project plans and has determined that fire safety for the project requires imposition of a number of project conditions prior to final recordation of the proposed parcel map. They include:
- Maintenance of a 100-foot wide fuel management area around the proposed development envelopes except along the south and east sides of the property which

front Toro Canyon Road and Vista Linda Lane. Clearance of brush, weeds and tree litter, and the limbing-up of trees would be required in this area. No eucalyptus or oak trees would be removed.

- Clearance of brush and vegetation 10 feet from both edges of the proposed driveway.
- Minimum driveway width of 16 feet.
- Installation of a new fire hydrant in proximity to the proposed development envelopes. The location of this hydrant is to be reviewed and approved by CSFPD staff.

Plan Requirements: Prior to map recordation, the applicants shall meet with the Carpinteria-Summerland Fire Protection District to review conformance with each of the above conditions. **Timing:** All road maintenance and improvements and all vegetation clearance shall occur prior to approval of a Land Use Permit for any residence or other structure.

Monitoring: Planning and Development staff will ensure that the Carpinteria-Summerland Fire Protection District has approved all such site improvements prior to approval of a Land Use Permit.

11. Individual landscaping plans shall utilize fire resistant native species. **Plan Requirements:** Prior to approval of a Land Use Permit, the applicant shall submit landscape plans to P&D and the CSFPD for review and approval. This mitigation shall be incorporated into landscape plans for future development. **Timing:** The applicant shall install the landscaping consistent with the approved plan prior to occupancy clearance.

Monitoring: Permit Compliance shall site inspect to verify landscape installation and once each year to monitor landscape maintenance during the maintenance period.

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

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

Monitoring: P&D building inspectors shall site inspect during construction.

13. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement

shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within four weeks of grading completion.

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

14. In order to compile a record of the 1890s farmhouse on the project site, a photographic record and a building plan shall be prepared that documents the design and construction of this structure. **Plan Requirements and Timing:** Prior to issuance of the required Demolition Permit or any Land Use Permit to relocate the structure, the applicant shall provide photographs of the interior and exterior of the house as well as an accurate design plan (house plan) of the structure pursuant to County Guidelines.

Monitoring: P&D staff shall review and approve (if adequate) the documentation provided prior to issuance of the demolition permit or any Land Use Permit.

15. 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:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** The sign shall be in place prior to the 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

The applicant shall comply with all conditions in the following department or agency letters:

- a. County Surveyor's Office, dated August 9, 1999;
 - b. Carpinteria-Summerland Fire Protection District, dated September 2, 1999;
 - c. Montecito Water District, dated August 13, 1999;
 - d. Air Pollution Control District, dated August 10, 1999;
 - e. County Parks Department, dated May 3, 2001; and
 - f. Public Works Department, dated May 3, 2001.
17. Electrical utilities to any new structural development on Parcel 1 or Parcel 2 shall be installed underground.

18. Prior to map recordation, the applicant shall demolish the existing unpermitted shed on proposed Parcel 1 or obtain a Land Use Permit to convert that building to a permitted structure.

TENTATIVE PARCEL MAP CONDITIONS

19. Prior to recordation of the tentative map and subject to Planning and Development approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Parcel 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. If Land Use Permits are obtained prior to recordation, Tentative Parcel Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
20. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
21. Three copies of the map to finalize the tentative parcel map and required review fees in effect at the time shall be submitted to Planning and Development for compliance review of conditions before P&D will issue final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
22. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
23. The Tentative Parcel Map shall expire three years after approval or conditional approval by the final decisionmaker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

COUNTY RULES AND REGULATIONS

24. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, of permit issuance, the applicant shall obtain a Land Use and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the

applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

25. All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
26. The applicant shall ensure that the project complies with all approved plans and all project conditions including those that must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
27. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.
28. The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Parcel Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
29. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

PLANNING AND DEVELOPMENT

INITIAL STUDY/NEGATIVE DECLARATION

01-ND-11

Benon Lot Split, TPM 14,534

This questionnaire is to be completed for all non-exempt projects requiring environmental review under the California Environmental Quality Act (CEQA) and the County of Santa Barbara CEQA Guidelines. All questions should be answered.

Clarification or supporting information should be provided for each issue area. Extra pages should be attached if necessary.



(Form Revised 07/99)

**COUNTY OF SANTA BARBARA
 PLANNING AND DEVELOPMENT
 Proposed Final INITIAL STUDY/NEGATIVE DECLARATION 01-ND-11
 For the Benon Lot Split, TPM 14,534**

1.0 REQUEST/PROJECT DESCRIPTION

The proposed project involves the subdivision of an existing 12.72 acre parcel (APNs 155-230-006, -007) into two parcels that would be 2.00 and 10.72 acres in size. Development on each proposed parcel would be limited to a designated *Development Envelope* approximately 22,000 square feet in size. All construction, grading and other site disturbance associated with development of the proposed lots would be limited to these designated envelopes. The *Development Envelopes* for proposed *Parcels 1 and 2* would be located in the southeast corner of the existing property within 50 to 300 feet from Toro Canyon Road. Access to the *Development Envelopes* on proposed parcels 1 and 2 and would be provided by a single driveway extending off of Toro Canyon Road. *Building Envelopes* would also be designated on each of the two proposed parcels. All residential structures would be located within the designated *Building Envelopes*. Extending 100 feet from the northern and western limits of the *Development Envelope* would be a designated *Fuel Management Area* in which the vegetation would be modified for fire protection purposes. Sewage disposal on each proposed parcel would be accomplished with private septic systems. Water would be provided by the Montecito Water District. The site is currently developed with *one single family dwelling* which would be demolished prior to recordation of the proposed map.

2.0 PROJECT LOCATION

The proposed project is located at 785 Toro Canyon Road (APNs 155-230-006 & 007), First Supervisorial District.

2.1 Site Information	
Comprehensive Plan Designation	Urban area, Residential with a 1-acre minimum lot size. (APN 155-230-006) Urban area, Residential with a 3-acre minimum lot size. (APN 155-230-007)
Zoning District, Ordinance	Article III, 1-E-1, 1-acre minimum lot size. (APN 155-230-006) Article III, 3-E-1, 3-acre minimum lot size. (APN 155-230-007)
Site Size	12.72 acres (Gross), 12.32 acres (net)
Present Use & Development	Developed with a single family dwelling.
Surrounding Uses/Zoning	North: Residential / 3-E-1 South: Residential / 1-E-1 East: Agriculture / AG-I-10 and Residential / RR-10 West: Residential / 1-E-1
Access	Toro Canyon Road
Public Services	Water Supply: Montecito Water District Sewage: Private septic system Fire: Carpinteria-Summerland Fire Protection District

3.0 ENVIRONMENTAL SETTING

The proposed project involves a 12.72 acre property that extends westward from Toro Canyon Road to the top of the ridge that separates the west and east branches of Toro Canyon Creek. *Development Envelopes* have been designated for each proposed parcel and are located in the

southeast corner of the property adjacent to Toro Canyon Road. Although most of the property is characterized by steep slopes, the proposed Development Envelopes are in an area of slopes with less than a 20 percent gradient. The site is underlain by a veneer of clay-rich surface soils and alluvium that rests on the reddish-colored sandstone and mudstone of the Sespe Formation. No substantial geologic hazards have been identified within the area of the property proposed for development.

Vegetation present within the Envelopes consists primarily of grasses with a few non-native shrubs. West of the Development Envelopes in the designated Fuel Management Area is a stand of Eucalyptus trees with minor native chaparral understory. A few Coast Live Oak trees are also present. These trees are not known roosts of Monarch butterflies. There is no designated Environmentally Sensitive Habitat within the area to be disturbed as part of the proposed project.

The site has been surveyed for archaeological resources and none were found. The nearest identified cultural resource site is approximately 2,500 feet to the south.

The site is currently developed with a single family dwelling built in the 1890's. The original homestead house was substantially altered in the 1970's and 1980's by the previous owners of the property.

The nearby parcels in the vicinity of the project property are developed with single family dwellings constructed on hillsides that flank the branches of Toro Canyon Creek.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Signif.: Known significant environmental impacts.

Unknown Poten. Signif.: Unknown potentially significant impacts which need further review to determine significance level.

Poten. Signif. and Mitig.: Potentially significant impacts which can be mitigated to less than significant levels.

Not Signif.: Impacts which are not considered significant.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case. Discussion should include reference to the previous documents, a citation of the page or pages where the information is found, and identification of mitigation measures incorporated from those previous documents. NOTE: Where applicable, this box should be checked in addition to one indicating significance of the potential environmental impact.

4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?			X		
b. Change to the visual character of an area?			X		
c. Glare or night lighting which may affect adjoining areas?			X		
d. Visually incompatible structures?			X		

Impact Discussion:

The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe, and travel corridors as "especially important" visual resources. They say that a project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would degrade or significantly interfere with public enjoyment of the site's visual resources, impact a mountainous area or other visually important area, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas (County Environmental Thresholds at 17-1 and 17-2). The guidelines address public views, not private ones.

The project would result in the demolition of the existing house on the site and the construction of two new dwellings adjacent to Toro Canyon Road. Any new residential structure built on the site would be a minimum of 50 feet from the centerline of Toro Canyon Road based on the Building Envelopes included in the project description. The future residences on the proposed parcels, because of proximity to a public road (Toro Canyon Road), could constitute an aesthetically offensive site open to public view that would be visually incompatible with the surrounding neighborhood. The aesthetic effect would depend on the design and size of the future structures and would represent a potentially significant impact on visual resources.

Mitigation and Residual Impact:

The following measures would be required to reduce the potential to visual resources:

1. In order to reduce impacts on visual resources, the design, scale, size and character of the project architecture shall be compatible with development in the vicinity. **Plan Requirement and Timing:** The applicants shall submit architectural drawings of the project for review and approval by the Board of Architectural Review prior to approval of Land Use Permits. Grading and landscape plans shall be submitted to P&D for review and approval concurrent with or prior to Board of Architectural Review plan filing.

Monitoring: Prior to approval of an LUP for any structure, Planning and Development shall review all architectural plans for compliance with BAR conditions and approved drawings. Permit Compliance shall inspect project architecture and landscaping upon completion to insure that structures were built and landscaping installed in accordance with approved plans and conditions.

2. Future structures shall not exceed a height of 16 feet above finish grade where site preparation results in a maximum fill of ten feet or greater in height. In any event, future structures shall not exceed a height of 25 feet above finished grade. Height would be based on the standard County formula, which allows for averaging of heights around the structure. **Plan Requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Land Use Permits.

Monitoring: Building and Safety shall check height of building(s) during frame/inspection approval.

3. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

4. Understories and retaining walls higher than six feet shall be in tones compatible with surrounding terrain and shall use textured materials or construction methods that create a textured effect. Native vegetation to screen retaining walls shall be planted. **Plan Requirement:** The applicants shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **Timing:** Plans shall be submitted prior to approval of Land Use Permits; vegetation shall be installed prior to occupancy clearance.

Monitoring: P&D shall check plans and ensure installation prior to occupancy clearance.

5. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicants shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

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

With incorporation of the mitigation measures specified above, residual project-specific impacts to aesthetic and visual resources would be reduced to less than significant levels.

4.2 AGRICULTURAL RESOURCES

Will the proposal:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
b. An effect upon any unique or other farmland of State or Local Importance?				X	

Impact Discussion:

The proposed project would not affect any existing agricultural activities and no prime soils are present on the project site. Impacts would be less than significant.

Mitigation and Residual Impact:

No mitigation required. Residual impacts would be less than significant.

4.3 AIR QUALITY

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations?				X	
b. The creation of objectionable smoke, ash or odors?				X	
c. Extensive dust generation?			X		

Impact Discussion:

Santa Barbara is included within the South Central Coast air basin, a federal and state non-attainment area for ozone (O₃) and a state non-attainment area for particulate matter (PM₁₀). Reactive organic compounds (ROC) and nitrogen oxides (NO_x), which are precursors to ozone, are considered to be non-attainment pollutants. The major sources of ozone precursor emissions in the County are motor vehicles, the petroleum industry and solvent use. Sources of PM₁₀ include grading, road dust and vehicle exhaust.

The County Air Pollution Control District is responsible for regulating stationary emission sources in the region and has established guidelines for the scope and content of the air quality analysis in CEQA documents. APCD has established screening criteria to determine whether a development potential would generate emissions that exceed the County's adopted threshold of 25 pounds per day for NO_x or ROC. According to the screening table, the lot split proposed here would not exceed that threshold, and thus the long-term air quality impacts associated with new vehicular emissions would be adverse, but not significant and less than cumulatively considerable.

Short-term air quality impacts caused by dust generation and emissions from construction equipment could occur during future grading or other construction activities associated with development of new single family dwellings on the two proposed parcels. The County has not established quantitative thresholds for either short-term, construction-related dust generation or short-term thresholds for ozone precursors from construction equipment. But fugitive dust emissions could cause a public nuisance or exacerbate the County's non-attainment status for PM₁₀ pollutants, resulting in potentially significant impacts to air quality. Adoption of standard APCD dust control measures would reduce potentially significant dust generation associated with such grading to less than significant levels.

Mitigation and Residual Impact:

The following measures would be required to reduce potential impacts to air quality.

- 6. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation:
 - a. seeding and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or
 - c. any other methods deemed appropriate by Planning and Development.

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

Monitoring: Grading Inspector shall perform periodic site inspections.

- 7. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

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

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

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

With incorporation of these two mitigation measures, residual impacts to air quality would be reduced to less than significant levels.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?				X	
e. The loss of healthy native specimen trees?				X	
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?				X	
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?				X	
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?				X	
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?				X	
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?				X	
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?				X	

Existing Plant and Animal Communities/Conditions:

Vegetation present within the Development Envelopes consists primarily of grasses with a few non-native shrubs and remnant fruit trees from past agricultural operations. West of the Development Envelopes in the designated Fuel Management Area is a stand of Eucalyptus trees with a minor (i.e. a few individual plants) amount of native chaparral understory. The Eucalyptus trees are not known roosts of Monarch butterflies. There is no designated Environmentally Sensitive Habitat within the area to be disturbed as part of the proposed project. Animal species that likely traverse the site include bobcat, skunk, snake, deer, coyote, fox and birds. Raptors likely occasionally rest in the trees on various parts of the project parcel. Toro Canyon Creek is located about 90 to 100 feet east of the development envelopes on the other side of Toro Canyon Road. A tributary drainage to Toro Canyon Creek crosses the property to the north of the proposed development envelopes.

Impact Discussion:

The proposed project would involve the demolition of the existing house on the project site and the eventual construction of single family dwellings within the designated Building Envelopes on the two parcels resulting from the lot split. Although only one new lot would be created, the potential new land area to be disturbed as a result of the lot split would include both of the designated Development Envelopes except for the footprint of the existing house. In any case, no sensitive native vegetation is present within the proposed Development Envelopes. Native vegetation that may have been present in the proposed Development Envelopes was removed during past farming operations. County aerial photographs taken in 1938 show the entire development envelope area planted as an orchard with the Eucalyptus trees forming a windrow to the north of the onsite dwelling. Aerial photographs taken in 1970 and 1997 (also available in County archives) document the lack of substantial vegetation (other than the Eucalyptus trees) within the proposed Development Envelopes over the past three decades. Similarly, the Eucalyptus trees are essentially the only

substantial vegetation in the designated Fuel Management Area. Eight isolated Coast Live Oak trees, however, are present in this area. There is also no creek or wetland area in the vicinity of the proposed development area.

Development of the site would involve clearing of fuel below the Eucalyptus trees and trimming of these trees for fire suppression. No eucalyptus or oak trees would be removed. Within the Development Envelopes, only sparse grasses would be disturbed. Given the lack of sensitive habitat or substantial native vegetation within the area to be disturbed (i.e. Development Envelopes, Fuel Management Area) as part of future development of the proposed new lots, impacts on biological resources are considered less than significant.

Mitigation and Residual Impact:

No mitigation required. Residual impacts would be less than significant.

4.5 CULTURAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?				X	
b. Disruption or removal of human remains?				X	
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?				X	
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?			X		
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?				X	
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?				X	
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?				X	

Impact Discussion:

The Toro Canyon area was at one time densely populated by the Chumash because of the natural resources in the area. A number of archeological sites have been located along creek corridors, many of which are clustered along Toro Canyon Creek. A Phase 1 archeological survey of the site discovered no cultural resources on the site and found that no recorded archeological sites exist within a half mile of the property (David Stone and Dustin Kay, March 1999).

The Benon property has been previously graded as part of past agricultural activities. Nevertheless, due to the archeological sensitivity of the area, potentially significant impacts could occur to archeological resources as a result of disturbances to buried artifacts or features that could be

present on site but have not yet been detected. Because of the importance of historic sites to the cultural and spiritual heritage of the Native American community, disturbance of undiscovered sites during construction could constitute significant project-specific impacts.

Cumulative impacts to archeological resources include the regional loss or destruction of archeological sites over time. In many cases, these impacts can be minimized by avoidance, redesign or capping. But the project's contribution to cumulative impacts would be less than significant because the potential discovery of onsite resources is considered low.

Mitigation and Residual Impact:

The following mitigation measure would be required to reduce the potential project-specific impacts to archeological resources:

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

Upon adoption of this mitigation measure, residual impacts would be less than significant.

4.6 ENERGY

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

Impact Discussion:

The proposed project would not create any substantial increase in the demand for electricity or the extension or development of new sources of energy.

Mitigation and Residual Impact:

No mitigation is required, and residual impacts would be less than significant.

4.7 FIRE PROTECTION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?			X		
b. Project-caused high fire hazard?				X	
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?			X		
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	
e. Development of structures beyond safe Fire Dept. response time?			X		

Impact Discussion:

The project site is served by the Carpinteria-Summerland Fire Protection District, but is outside of CSFPD's five-minute response zone. The nearest fire hydrant is located along Toro Canyon Road approximately 550 feet south of the parcel. The proposed Development Envelopes on proposed parcels one and two would be readily accessed by a short driveway off of Toro Canyon Road.

Like much of Toro Canyon, the site is located within a designated high fire hazard area. There is a high probability that any new development on the proposed parcels would be exposed to a major wildfire. The steep topography, high fuel load, and frequency of "sundowner" winds create the potential for major wildfires in an area that has not experienced a major fire in 30 years. The threat to property and human safety would depend on the speed of the fire, location of the ignition point, and amount of traffic congestion during evacuation, as well as whether the fire occurs during a time when most people in the area are at home. During the Painted Cave fire in 1990, many homes---even those constructed of fire-resistant or -retardant materials, with cleared brush, or equipped with sprinkler systems---essentially exploded because of the intense heat created by firestorm conditions. Under the wrong set of environmental conditions, Toro Canyon could also experience a similar firestorm event.

Fire protection in the area is constrained by emergency access and evacuation problems: The main access route to the Benon property, Toro Canyon Road, is narrow and winding, with limited or no shoulder width. The site itself is constrained by the high fuel load on portions of the property and the lack of a nearby hydrant. Because of these factors, the potential introduction of additional development (along with additional residents, personal property and ignition sources) would create a potentially significant fire protection impact.

If they were all to be approved, pending projects served by the CSFPD in the Toro Canyon area would add a maximum of 30 new primary single-family houses to the area. This number includes both pending single-family development projects and subdivision applications. When combined, this number of new houses could create a significant impact to fire protection. But the impacts from this particular project would not be cumulatively considerable because it would add only one new single-family residence and accessory structures to the area. *(Note: The replacement of the existing single family dwelling on the site with a new residence would not cause new effects on fire protection.)* Although the addition of a new house, accessory structures, personal property and ignition sources would cause adverse impacts, the contributions of this project to impacts on fire protection in the Toro Canyon area would not be cumulatively considerable.

The Carpinteria-Summerland Fire Protection District has reviewed the project and requires that the project meet Santa Barbara County standards for driveway/access road, that an adequate firebreak around buildings or structures be maintained and that a new fire hydrant be installed prior to recordation of the parcel map. Additional mitigation includes landscaping with fire resistant species and the use of fire retardant/resistant building materials. In addition, the Proposed Final Environmental Impact Report for the Toro Canyon Plan has identified that the current ratio of one fire fighter per 2,900 residents is within an acceptable level of service, and that buildout of the Plan (831 additional residents) would not adversely affect the service ratio.

Mitigation and Residual Impact:

The following mitigation measures will be required to mitigate the significant impacts to fire protection:

9. The Carpinteria-Summerland Fire Protection District has reviewed the project plans and has determined that fire safety for the project requires imposition of a number of project conditions prior to final recordation of the proposed parcel map. They include:
- Maintenance of a 100-foot wide fuel management area around the proposed development envelopes except along the south and east sides of the property which front Toro Canyon Road and Vista Linda Lane. Clearance of brush, weeds and tree litter, and the limbing-up of trees would be required in this area. No eucalyptus or oak trees would be removed.
 - Clearance of brush and vegetation 10 feet from both edges of the proposed driveway.
 - Minimum driveway width of 16 feet.
 - Installation of a new fire hydrant in proximity to the proposed development envelopes. The location of this hydrant is to be reviewed and approved by CSFPD staff.
- Plan Requirements:** Prior to map recordation, the applicants shall meet with the Carpinteria-Summerland Fire Protection District to review conformance with each of the above conditions. **Timing:** All road maintenance and improvements and all vegetation clearance shall occur prior to approval of a Land Use Permit for any residence or other structure.

Monitoring: Planning and Development staff will ensure that the Carpinteria-Summerland Fire Protection District has approved all such site improvements prior to approval of an LUP.

10. Individual landscaping plans shall utilize fire resistant native species. **Plan Requirements:** Prior to approval of Land Use Permits, the applicant shall submit landscape plans to P&D and the CSFPD for review and approval. This mitigation shall be incorporated into landscape plans for future development. **Timing:** The applicant shall install the landscaping consistent with the approved plan prior to occupancy clearance.

Monitoring: Permit Compliance shall site inspect to verify landscape installation and once each year to monitor landscape maintenance during the maintenance period.

11. Building materials for all new structures including residences, fences and accessory structures shall be constructed of fire resistant materials.
- a. P&D Building & Safety Class A or B roofing (i.e., non-combustible tile or asphalt composite shakes) shall be required for all future on-site structures.

- b. Spark arresters shall be required for wood burning fireplaces.
- c. Private decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timber.

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

Monitoring: P&D building inspectors shall site inspect during construction.

With incorporation of these mitigation measures, residual impacts to fire protection will be would be adverse but less than significant.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?				X	
c. Permanent changes in topography?				X	
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?			X		
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?			X		
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?				X	
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?				X	

Impact Discussion:

- a. Similar to most of the South Coast of Santa Barbara County, the project site is subject to severe shaking during an earthquake. Such shaking can directly damage a structure, cause liquefaction resulting in rapid building settlement or can indirectly affect a structure through an earthquake-induced slope failure (i.e. landslide).

The shaking hazard is addressed by ordinance required adherence to Seismic Zone 4 building standards. This high standard is considered adequate to address the hazards of seismic shaking and no further mitigation is required.

Liquefaction is not a substantial hazard at this site because the clay-rich soils and sandstone and mudstone bedrock that underlie the site are not generally subject to liquefaction, even if saturated.

Although landslides are present in the Sespe Formation in the vicinity of the project, no landslide deposits have been identified on the slopes uphill from the proposed development envelopes. Although landslides are present in the vicinity, no landslide features are apparent on the slope above the development envelopes in aerial photographs taken in 1938, 1970 and 1997. The geologic report prepared by the applicant's consultant (Coudray, 3-31-99) does not recognize a landslide hazard at the site of the proposed development envelopes. Thus, impacts associated with this potential hazard are considered less than significant.

The project site is underlain by moderately expansive clay soils and clay-rich weathered bedrock. Depending on foundation design, structures built on these materials can suffer damage due to soil shrink-swell and differential settlement. This potential hazard

b, c, d: The project would not involve extensive grading or permanent changes in topography that would create a substantial geologic hazard. In addition, no unique geologic, paleontologic or physical feature would be destroyed. Impacts in these issue areas would be less than significant.

e, f: Construction grading during the winter months would denude the ground surface and could result in a substantial short-term increase in erosion and associated sedimentation in Toro Canyon Creek. This would constitute a potentially significant short-term geologic impact.

g, h, i, j, k, l:

The project would not involve the placement of septic systems in impermeable soils, extraction of ore, excessive grading on slopes above 20%, substantial loss of topsoil, vibrations which could affect adjoining areas or generate excessive spoils or tailings. Drywell performance tests indicate that adequate septic disposal capacity is available within the proposed development envelopes according to Environmental Health Services (P. Jenzen, pers. commun.).

Mitigation and Residual Impact:

11. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within four weeks of grading completion.

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

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
b. The use, storage or distribution of hazardous or toxic materials?				X	
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	
e. The creation of a potential public health hazard?				X	
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
h. The contamination of a public water supply?				X	

Impact Discussion:

Many decades ago, as indicated in the 1938 aerial photographs, the development envelope area was entirely within an orchard. Thus, some fertilizers or other chemicals may have been used on the site. Active farming ceased several decades ago (prior to 1970) and there has been no report of any contamination or public health hazard. The proposed lot split would allow the construction of one additional residence. The volumes of chemicals stored in a single household would not involve regulated quantities of toxic materials. There are no facilities onsite that pose an explosion risk or a risk of release of toxic materials. Thus, impacts would be less than significant.

Mitigation and Residual Impact:

No mitigation is required, and residual impacts would be less than significant.

4.10 HISTORIC RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?				X	
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?				X	

Impact Discussion:

The existing residence on the project site was built in the 1890's on land acquired from the United States as a homestead. This structure was the farmhouse for a 160-acre tract of land in the Toro Canyon area. Although reasonably intact as late as 1974, this old house was substantially altered between 1974 and 1987 by a previous owner of the property. According to the Phase 1 Cultural Historical Resources Report (Architectural Research Consultants, 1999), the structure does not constitute a significant historic resource based on a review of the County Cultural Resource Guidelines, primarily due to the substantial alterations to the building and the loss of its historical farming context on the site. This report recognizes, however, that the core of the house dates from the 1890's and represents an historic resource. The report recommends that in the event of a demolition (as is proposed in this case), the house be photographed and a plan of the house be prepared as an historic record. This measure is included below as a recommended mitigation measure.

Mitigation and Residual Impact:

13. *(Recommended)* In order to compile an historic record of the 1890s farmhouse on the project site, a photographic record and a building plan shall be prepared that documents the design and construction of this structure. **Plan Requirements and Timing:** Prior to issuance of the required Demolition Permit or any Land Use Permit, the applicant shall provide photographs of the interior and exterior of the historic house as well as an accurate design plan (house plan) of the structure pursuant to County Guidelines.

Monitoring: P&D staff shall review and approve (if adequate) the documentation provided prior to issuance of the demolition permit or any Land Use Permit.

No mitigation required. Impacts would be less than significant.

4.11 LAND USE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Impact Discussion:

The project would result in the addition of one new residence in a previously-disturbed area adjacent to the site of an existing house. Conflicts with applicable land use plans or policies have not been identified. No substantial change in area land use would be anticipated. Impacts on land use would be less than significant.

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant.

4.12 NOISE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
an airport)?					
b. Short-term exposure of people to noise levels exceeding County thresholds?			X		
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	

Impact Discussion:

The County Noise Element includes residential uses within its categories of noise-sensitive land uses. County thresholds say that significant impacts can occur when (a) short-term construction noise would occur within 1600 feet of residential receptors; (b) noise sensitive uses would be exposed to exterior noise levels of 65 dBA CNEL or greater; (c) the proposed development would generate long-term noise levels in excess of 65 dBA CNEL and affect sensitive receptors; or (d) ambient noise levels of a noise sensitive receptor area would be substantially increased.

The project site is located in a semi-rural area well beyond any noise generators that exceed the 65-dBA threshold for noise exposure. The proposed project would not generate long-term noise levels in excess of that threshold or substantially increase ambient noise levels within the neighborhood. But adjacent residences in the neighborhood, located within 1,600 feet of the project site, could be exposed to short-term noise impacts caused by future grading and construction activities on the project site. Those potentially significant impacts could be reduced to less than significant levels by adoption of mitigation measures regulating the hours of that construction activity.

Mitigation and Residual Impact:

14. 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:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** The sign shall be in place prior to the 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.

Upon implementation of this mitigation measure, residual impacts would be adverse but less than significant.

4.13 PUBLIC FACILITIES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	

Impact Discussion:

Buildout of the new parcel to be created by this lot split would not result in any project-specific or cumulatively significant increase in demand for police or health care services or add students to the Carpinteria-Summerland Unified School District beyond County student-generation thresholds. According to the County's Solid Waste Thresholds, future buildout of the project site would generate about 2.86 tons of solid waste annually, considerably less than the 196-ton threshold for project specific impacts or the 40-ton threshold for cumulative impacts. *(The 2.86 tons/year figure is based on 3.01 people per dwelling unit times 0.95 tons/year/person.)* Because the proposed project would utilize a private wastewater disposal system, it would not result in any demand on existing sewer system facilities.

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant.

4.14 RECREATION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Impact Discussion:

The proposed subdivision would not conflict with established recreational uses of the area or with any existing or proposed biking, equestrian or hiking trails. The Toro Canyon area has one large regional park, but it has no neighborhood parks and it is comparatively underserved by public recreational facilities. Nevertheless, the addition of one additional building site with the proposed lot split would not substantially affect recreational opportunities in the area.

If they were all to be approved, pending projects in the Toro Canyon area would add a maximum of 30 new primary single-family houses to the area. This number includes both pending single-family development projects and subdivision applications. When combined, this number of new houses could create a significant impact to recreational needs. But the impacts from this particular project would not be cumulatively considerable because it would add only one new single-family residence and about three additional residents to the area. In addition, the project's contribution to cumulative impacts on recreational resources in Toro Canyon would be offset by payment of standard Park Department fees levied under the Quimby Act (Cal. Govt. Code §66477).

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant.

4.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?				X	
b. A need for private or public road maintenance, or need for new road(s)?				X	
c. Effects on existing parking facilities, or demand for new parking?				X	
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?				X	
g. Inadequate sight distance?				X	
ingress/egress?				X	
general road capacity?				X	
emergency access?				X	
h. Impacts to Congestion Management Plan system?				X	

Impact Discussion:

The one additional building site created by the proposed project would add about 10 additional average daily trips (ADTs) and one peak hour trip (PHTs) to traffic on Toro Canyon Road. According to the most recent traffic study of the Toro Canyon area, all area roadways are operating below their capacities and all area intersections are operating at level of service (LOS) B or better (Associated Transportation Engineers, 18 June 1999). As a result, no significant traffic impacts are anticipated as a result of the proposed project.

The proposed project would have no effect on parking, transit systems or non-vehicular traffic and is not expected to result in any significant impacts to roadway design (sight distance, ingress/egress, capacity) or to the Congestion Management Plan system. In addition, the proposed project would

make only an adverse but less than significant contribution to cumulative impacts on transportation and circulation in the Toro Canyon area: the incremental effects on traffic from the addition of another single-family residence would not be cumulatively considerable.

Access to both the Parcel 1 and Parcel 2 Building Envelopes would be provided by a single driveway off of Toro Canyon Road at the location of the existing driveway for the existing house on the project site. The Public Works Department, Roads Division (B. Stewart, pers. comm.) recommends the use of this existing driveway location for the new access road to the proposed development envelopes. This recommendation is based on the determination that this location has adequate sight distance along Toro Canyon Road and that this design would not represent a substantial change from existing conditions. Parking for the one new dwelling would be provided onsite pursuant to Article III Zoning Ordinance standards. Thus, no substantial new impacts related to ingress and egress at Toro Canyon Road are anticipated.

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant.

4.16 WATER RESOURCES/FLOODING

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?				X	
c. Change in the amount of surface water in any water body?				X	
d. Discharge into surface waters, or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?			X		
e. Alterations to the course or flow of flood water or need for private or public flood control projects?				X	
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?				X	
g. Alteration of the direction or rate of flow of groundwater?				X	
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?				X	
j. The substantial degradation of groundwater quality including saltwater intrusion?				X	
k. Substantial reduction in the amount of water otherwise available for public water supplies?				X	

Impact Discussion:

d: The project could involve sedimentation into Toro Canyon Creek as a result of construction-related grading activities. This issue is addressed in Section 4.8 of this Initial Study.

a,b,c,e,f,g,h,i,j,k:

The project is not located in any mapped flood plain or floodway. The development envelopes would be 90 to 100 feet from Toro Canyon Creek. Any structures on the site would be located at elevations more than 25 feet above the lowpoint (thalweg) of the creek. Flood hazards would be less than significant.

In addition, buildout of the site could adversely impact the vegetation, habitat and water quality of the creek by increasing the impervious surfaces on a site that now has little or no impervious land coverage. Development could cover a significant portion of the site with rooftops, driveways, parking areas and other impervious surfaces. The resulting increase in impervious surfaces would increase the rate and amount of surface water runoff across the site and into the creek, accelerating erosion along the stream channel and potentially reducing habitat and other stream values. Stormwater runoff could collect and transport non-point source pollutants (such as oil and grease, organic materials, and other urban contaminants) into the creek and the downstream intertidal zone. The potential impacts from the increase in impervious surfaces on a site the size of proposed Parcel 1 would be adverse, but less than significant, however.

Impacts to water quality in the Toro Canyon area associated with the addition of one new single family dwelling and accessory structures here would not be cumulatively considerable.

Water service to the proposed new parcel would be provided by the Montecito Water District, which is currently serving the existing parcel. The Montecito Water District obtains water from several sources including the Montecito Groundwater Basin and the State Water Project. The Montecito Groundwater Basin is currently in state of surplus and the MWD has a surplus water supply available to support new development. Thus, project specific and cumulative impacts associated with future water demand would be less than significant.

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant.

PUBLIC COMMENT:

The Draft Negative Declaration (01-ND-11) for the Benon Lot Split, TPM 14,534, was released for public review on April 9, 2001. The public review period closed on May 1, 2001. No comments on this document were received.

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Police, Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts, Regional Programs, Carpinteria-Summerland Fire Protection District

5.2 Comprehensive Plan

- | | |
|--|-----------------------------------|
| <u> X </u> Seismic Safety/Safety Element | <u> X </u> Conservation Element |
| <u> </u> Open Space Element | <u> X </u> Noise Element |
| <u> </u> Coastal Plan and Maps | <u> X </u> Circulation Element |
| <u> X </u> ERME | <u> </u> |

5.3 Other Sources

- | | |
|---|--|
| <u> X </u> Field work | <u> </u> Ag Preserve maps |
| <u> X </u> Calculations | <u> X </u> Flood Control maps |
| <u> X </u> Project plans | <u> X </u> Other technical references |
| <u> </u> Traffic studies | (reports, survey, etc.) |
| <u> X </u> Records | <u> X </u> Planning files, maps, reports |
| <u> X </u> Grading plans | <u> X </u> Zoning maps |
| <u> </u> Elevation, architectural renderings | <u> X </u> Soils maps/reports |
| <u> X </u> Published geological map/reports | <u> </u> Plant maps |
| <u> X </u> Topographical maps | <u> X </u> Archaeological maps and reports |
| | <u> </u> Other |

6.0 PROJECT SPECIFIC (short- and long-term) AND CUMULATIVE IMPACT SUMMARY

Potentially Significant but subject to feasible mitigation (Class II):

- a. **Long-term:**
 - Acsthetic/Visual Resources
 - Cultural Resources
 - Fire Protection
 - Geologic Processes
- b. **Short-term:**
 - Air Quality
 - Geologic Processes
 - Noise

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?				X	
3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)				X	
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?				X	

8.0 PROJECT ALTERNATIVES

No potentially significant and unmitigable impacts would result from the proposed project. Therefore, no alternatives to the proposal have been developed or analyzed.

9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

The project will be subject to all applicable requirements and policies under the Article III Inland Zoning Ordinance and the County's Comprehensive Plan.

Those policies will include those dealing with:

- Minimization of grading and cut and fill: Comprehensive Plan Land Use Element, Hillside and Watershed Protection Policies 1 and 2.
- Protection of natural features, landforms and native vegetation: Comprehensive Plan Land Use Element, Hillside and Watershed Protection Policy 2.
- Erosion control during site construction. Comprehensive Plan Land Use Element, Hillside and Watershed Protection Policies 3, 4 and 5
- Protection of visual resources: Article III Inland Zoning Ordinance, Hillside and Ridgeline Development Guidelines (§35-292b)
- Adequacy of Services to support new development: Comprehensive Plan Land Use Development Policy #4

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

- Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.
- Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.
- Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.
- Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

With Public Hearing Without Public Hearing

PREVIOUS DOCUMENT: None

PROJECT EVALUATOR: Brian R. Baca

DATE: March 27, 2001

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

- I agree with staff conclusions. Preparation of the appropriate document may proceed.
- I DO NOT agree with staff conclusions. The following actions will be taken:
- I require consultation and further information prior to making my determination.

SIGNATURE: J. Campbell

INITIAL STUDY DATE: 4.2.01

SIGNATURE: Patricia S. Miller

NEGATIVE DECLARATION DATE: 6 April 2001

SIGNATURE: _____

REVISION DATE: _____

SIGNATURE: Patricia S. Miller

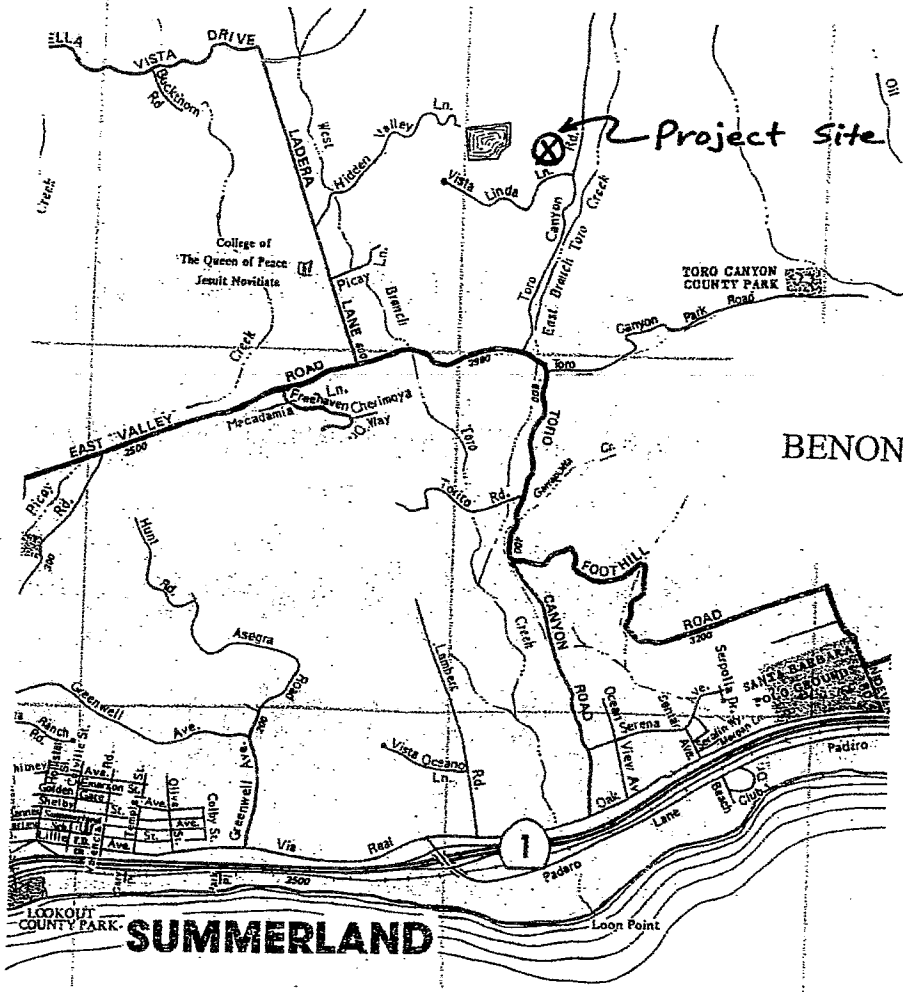
FINAL NEGATIVE DECLARATION DATE: 3 May 2001

12.0 ATTACHMENTS

1. Vicinity Map
2. Tentative Parcel Map TM 14,535

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ATTACHMENT D



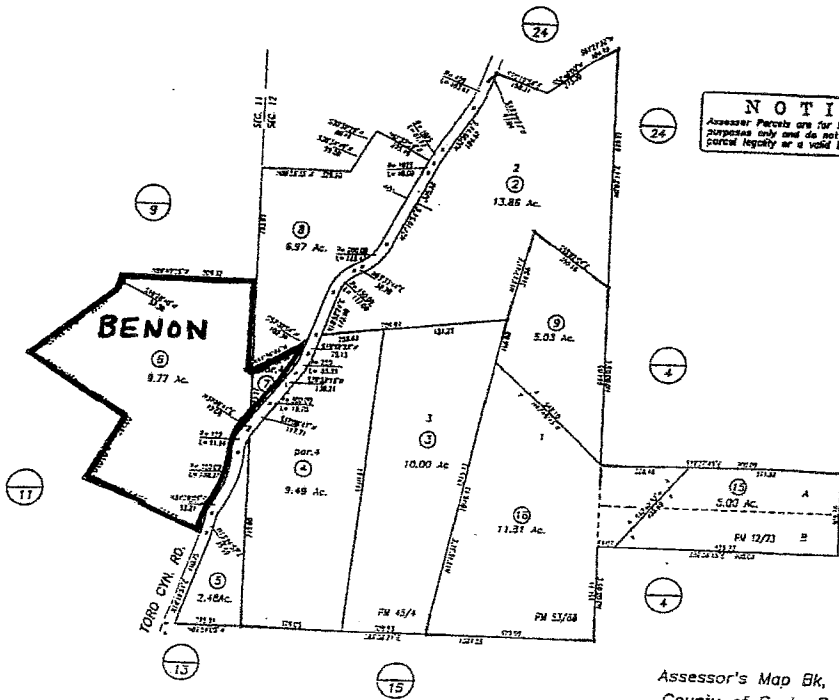
01-ND-11

BENON LOT SPLIT, TPM 14,534

Vicinity Map

POR. SEC. 11 & 12 T4N R26W SBB&M

155-23



NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either partial legality or a valid building site.

Assessor's Map Bk, 155-Pg. 23
County of Santa Barbara, Calif.

01-ND-11-1525
01-ND-11-28-29 Plan 23.13-18
CORRECT RECORDING 3/19/99

TENTATIVE PARCEL MAP NO. 14,534

785 TORO CANYON ROAD APN 159-230-06 & 07

PROJECT DATA

OWNER:
 LISA B. SHERMAN
 159-230-06 & 07
 785 TORO CANYON ROAD
 SAN ANTONIO, TEXAS 78203
 (214) 343-1111

SURVEYOR:
 DAVID L. LANG
 159-230-06 & 07
 785 TORO CANYON ROAD
 SAN ANTONIO, TEXAS 78203
 (214) 343-1111

AGENT:
 LISA B. SHERMAN
 159-230-06 & 07
 785 TORO CANYON ROAD
 SAN ANTONIO, TEXAS 78203
 (214) 343-1111

DEVELOPMENT ENVELOPE AREAS:

APPLICABLE TO THIS MAP:
 FEDERAL, STATE, COUNTY, CITY, AND LOCAL ORDINANCES.

BUILDING ENVELOPE AREAS:

APPLICABLE TO THIS MAP:
 FEDERAL, STATE, COUNTY, CITY, AND LOCAL ORDINANCES.

PARCEL AREAS:

APPLICABLE TO THIS MAP:
 FEDERAL, STATE, COUNTY, CITY, AND LOCAL ORDINANCES.

WATERS:

APPLICABLE TO THIS MAP:
 FEDERAL, STATE, COUNTY, CITY, AND LOCAL ORDINANCES.

SEWER:

APPLICABLE TO THIS MAP:
 FEDERAL, STATE, COUNTY, CITY, AND LOCAL ORDINANCES.

SURVEY NOTES:

1. THIS PARCEL MAP IS A TENTATIVE PARCEL MAP AND IS NOT A FINAL PARCEL MAP. IT IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE LAND OFFICE OF THE STATE OF TEXAS. THE COMMISSIONERS OF THE LAND OFFICE OF THE STATE OF TEXAS SHALL HAVE THE FINAL SAY AS TO WHETHER THIS PARCEL MAP IS TO BE RECORDED OR NOT.

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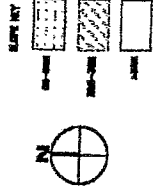
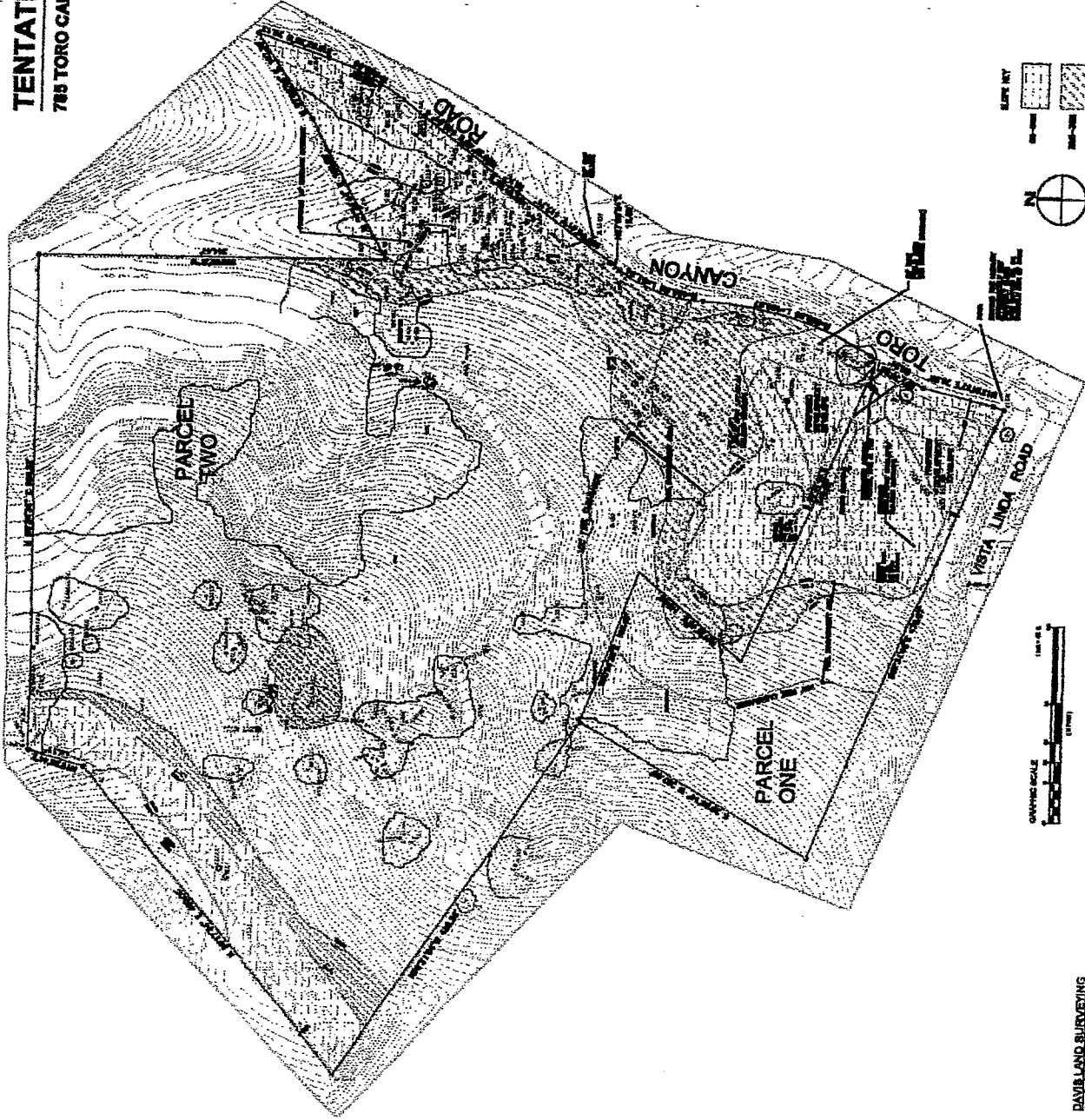
3. THIS PARCEL MAP IS A TENTATIVE PARCEL MAP AND IS NOT A FINAL PARCEL MAP. IT IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE LAND OFFICE OF THE STATE OF TEXAS. THE COMMISSIONERS OF THE LAND OFFICE OF THE STATE OF TEXAS SHALL HAVE THE FINAL SAY AS TO WHETHER THIS PARCEL MAP IS TO BE RECORDED OR NOT.

OWNER'S CERTIFICATE:

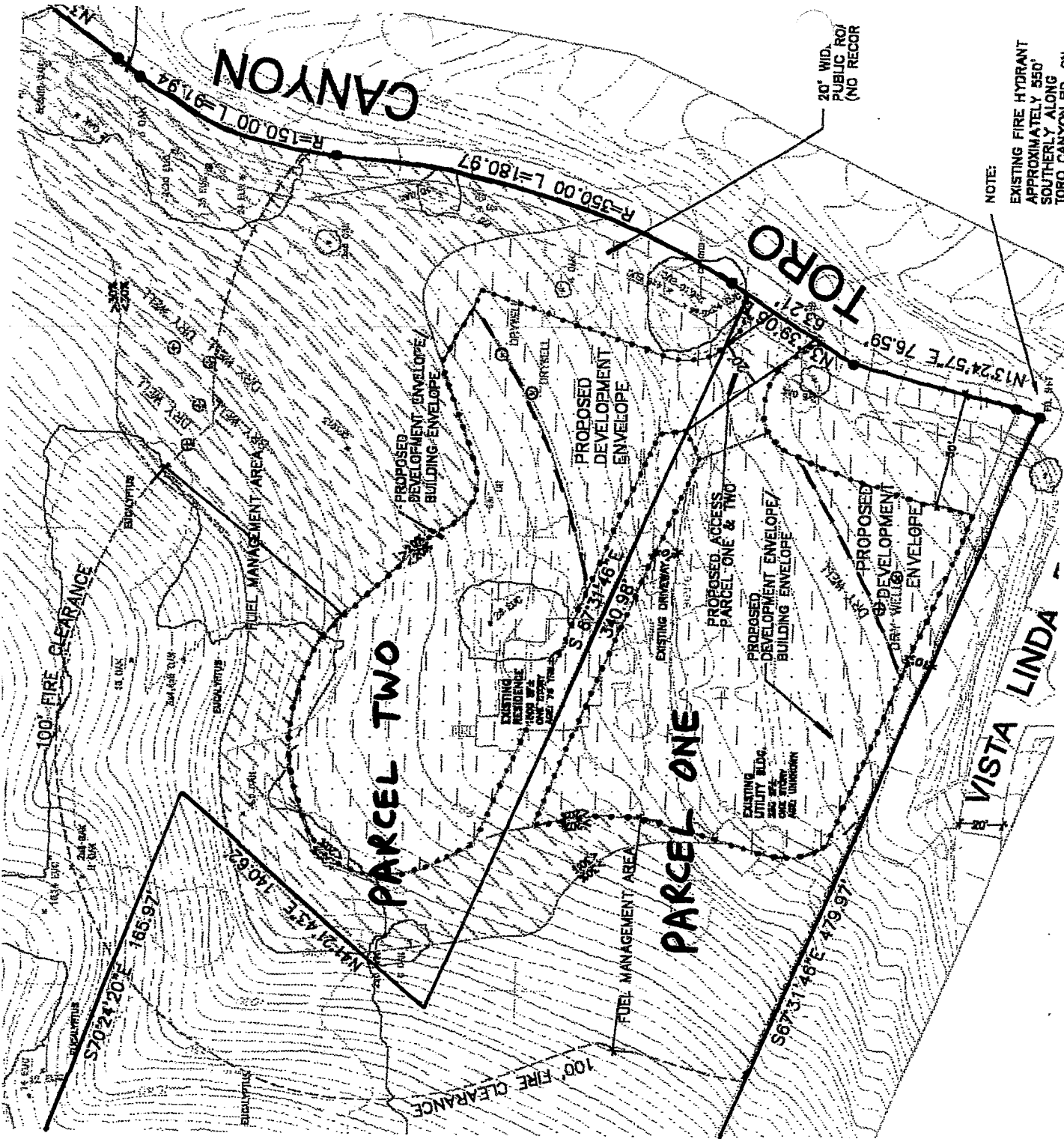
I, the undersigned, being the owner of the property described herein, do hereby certify that the information furnished to me by the surveyor is true and correct, and that I have no objection to the recording of this tentative parcel map.

DATE: _____

VICINITY MAP



DAVID L. LANG
 SURVEYOR
 159-230-06 & 07
 785 TORO CANYON ROAD
 SAN ANTONIO, TEXAS 78203
 (214) 343-1111



20' WID.
PUBLIC ROJ/
(NO RECORD)

NOTE:
EXISTING FIRE HYDRANT
APPROXIMATELY 550'
SOUTHERLY ALONG
TORO CANYON RD. ON

TM 14,534

Glenn Alger
3030 Vista Linda Lane
Santa Barbara, CA 93108
Tel: M (425) 785-2684
Email: Glenn.Alger@gmail.com

July 21, 2017

Glenn S. Russell, Ph.D.
Director, Planning & Development
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Violations at 785 & 805 Toro Canyon Road, Carpinteria, California

Dear Dr. Russell:

I am directing this letter to you because I am increasingly frustrated by having to witness on-going habitat destruction and un-permitted grading on neighboring property with steep slopes and sensitive vegetation, with no meaningful response from County staff. I have brought much of this activity to staff's attention but no mitigation has been undertaken and apparently no enforcement action.

Enclosed is an aerial photograph of the property in question. My home is directly adjacent.

I also enclose a report from botanist Tamara Klug of Cardno, recounting the habitat destruction that has occurred. Please read it through. It provides an expert's analysis of the damage caused to date, plus the introduction of invasive species into what was an environmentally sensitive habitat area before the damage occurred.

Finally, I enclose correspondence that I have submitted to County staff concerning this habitat destruction.

There is no agriculture occurring on this property – it is purely residential and open space in nature. I have lived on my (adjacent) property since June 2009 and there was no sign of any agriculture on 785 and 805 Toro Canyon Road at the time, nor has there been any agriculture since. It is, and for decades has been, vacant land with residential development potential, but the residential building area is confined to two modest envelopes close to Toro Canyon Road – the “flat land.” No residential use was to occur outside those envelopes, and certainly not up on the steep slopes where the native vegetation was located, much of which remains.

The County Staff Report and Conditions for the Parcel Map for 785 and 805 Toro Canyon Road

In May 2001, the County approved TPM 14,534, dividing the original 12.72-acre parcel into a parcel of 2.0 acres (Parcel 1) and 10.72 acres (Parcel 2), based upon a Negative Declaration 01-ND-11. The applicant proposed that development be confined to a Development Envelope on each of the proposed parcels, located adjacent to Toro Canyon Road. This approval pre-dated the Toro Canyon Plan adoption by approximately 3 ½ years, the Plan having been adopted in December 2004. Nonetheless, many of the concepts later incorporated into the Plan were applied to this lot split.

When the County approved this lot split, the land was zoned E-1 Residential and was vacant except for a 19th Century house and unpermitted storage shed, both of which were slated for demolition or relocation. The staff report for the lot split states that aerial photographs taken in 1970 and 1997 show no substantial vegetation within the proposed Development Envelopes or the adjacent Fuel Management area, except for eucalyptus trees.

The project description states that “Development on each proposed parcel would be limited to a designated Development Envelope approximately 22,000 square feet in size. All construction, grading and other site disturbance associated with development of the proposed lots would be limited to these designated envelopes. . . . Access to the Development Envelopes on proposed parcels 1 and 2 would be provided by a single driveway extending off of Toro Canyon Road. Building Envelopes would also be designated on each of the two proposed parcels within the area of the Development Envelopes. All residential structures would be located within the designated Building Envelopes. Extending 100 feet from the northern and western limits of the Development Envelopes would be a designated Fuel Management Area in which vegetation would be modified for fire protection purposes.”

Except for the land adjacent to Toro Canyon Road (at the southerly part of the property) and a small plateau at the far northwest part of the property, the lots have very steep topography. Aerial photographs reveal that, until recently, there was only a narrow dirt road up the steep slope – what may have been a jeep trail or overgrown track. Because the Development Envelopes are confined to the southerly portion of the site, the staff report concludes that the project doesn’t conflict with the Hillside and Watershed Protection policies of the Comprehensive Plan, citing those applicable policies, all of which now appear to have been violated by recent grading and clearing. The Negative Declaration concludes that *the “project is designed to limit development to the gently sloping area in the southeast corner of the property. Grading and other site disturbance on the steep slopes that characterize most of the property would be avoided.”*

Because site disturbance was to be confined to the Development Envelopes, the Negative Declaration only addresses one biological policy from the Conservation Element¹ and states, *“Development envelopes are designated for the proposed lots to minimize the area of*

¹ **“Conservation Element – Chaparral and Scrub Habitats:** To insure the preservation of all species associated with the variety of chaparral and scrub habitat in the County, it will be necessary to restrict use of several areas. In undisturbed areas, productive educational and research programs could be conducted. We recommend low-use chaparral preserves to perpetuate the present high diversity of habitats and communities to be found in the County.”

disturbance and preserve the majority of the property in open space consistent with the goal of the Conservation Element [addressing preservation of chaparral and scrub habitat].”

The findings include the following in regard to the Subdivision Map Act required finding for denial that, “The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat,”: *“To minimize potential impact to biological resources from any future development, the applicant has designated development envelopes on both Parcel 1 and Parcel 2. The development envelopes have been specifically designed to avoid areas of steep slopes and substantial native vegetation. No trees are anticipated to be removed as part of future development.”*

The project description is the first project condition and includes the following statement:

“The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, 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 portion thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.”

Condition No. 11 requires that landscaping plans shall utilize fire resistant native species.

Condition No. 24 states that prior to using any land or structures, or commencing any work pertaining to any improvement, the applicant shall obtain a Land Use **and** Building Permit from Planning and Development, explaining that *“These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission.”*

Condition No. 26 requires that the applicant ensure that the project complies with all approved plans and all project conditions and, to accomplish that, the applicant agrees to contact P&D compliance staff at least 2 weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting between compliance staff and key construction personnel.

The Negative Declaration (ND)

The ND contains little discussion of the chaparral and scrub vegetation on the slopes above the Development Envelopes, confining its biological discussion to the area within and abutting the Development Envelopes where the disturbance was required to be confined. However, that is explained by stating the obvious – there was no designated Environmentally Sensitive Habitat within the area proposed to be disturbed – the Development Envelopes in the area where the old house stood. If that were not true, the ND could not have concluded that there was no potentially significant impact when answering the question, *“Will the proposal result in: f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat? h. A reduction in the diversity or numbers of animals onsite? i. A deterioration of existing fish or wildlife habitat?”*

The ND mentions the landslide area on the slopes above the Development Envelopes, it finds no landslide hazard within the Development Envelopes, so it concludes there is no significant impact. Because the project description provides for this area to remain undisturbed, that approach would appear to have been sound. For example, the ND states (P. 13) that *“The project would not involve extensive grading or permanent changes to the topography that would create a substantial geologic hazard. In addition, no unique geologic, paleontologic or physical feature would be destroyed.”*

In the Land Use section, the ND reflects a finding of “Not Significant” in response to Section h – The loss of a substantial amount of open space. Clearly, the ND adopted the project description commitment not to allow the clearing of habitat outside the Development Envelopes, explaining the conclusion as follows: *“The project would result in the addition of one new residence in a previously-disturbed area adjacent to the size of an existing house.”*

The Toro Canyon Plan

The County adopted the Toro Canyon Plan in 2004. Attached are Toro Canyon Plan provisions that I believe apply to the recent unpermitted grading and habitat destruction on this property. I’m sure that you are more familiar than I am with the Plan’s contents, but there are a few provisions that bear emphasis:

- Goal LUG-TC: Ensure That Residential And Agricultural Development Occurs In Balance With The Existing Natural Environment To Protect Natural Resources And Public Safety.
- Goal BIO-TC: Recognize That The Biological Resources Of The Toro Canyon Plan Are An Important Regional Asset Meriting Protection And Enhancement.
- Policy BIO-TC-1: Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.
- DevStd BIO-TC-1.5: Where documented zoning violations result in the degradation of an ESH, the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption.
- Policy BIO-TC-2 (INLAND): Landscaping for development shall use appropriate plant species to ensure compatibility with and preservation of ESH.
- Policy BIO-TC-7 (INLAND): Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.
- Goal GEO-TC: Protect The Public Health, Safety And Welfare By Preserving Hillside And Watershed Areas In The Most Natural State Feasible.

Recent Events

As my attached emails and letter to County staff attest, the owner of 785 and 805 graded a road up the hillside, roughly following the route of a once-narrow jeep trail, in January and February 2017, and, in the Spring of 2017, cleared vegetation on the small plateau at the top of the hill, removing sensitive species. I advised County staff when I discovered the grading and clearing and sent them photographs. As I understand it, no one is allowed to grade on this significant a slope without a Grading Permit (conditioned to prevent erosion), and in no event should grading occur during the winter season without special conditioning.

In response to my expressions of concern, the staff issued to the owner an “after the fact” Grading Permit rather than a zoning violation for violating the Parcel Map conditions!

My Complaint

I believe that my neighbor has committed a series of zoning and grading violations. Sensitive native habitat, protected by the conditions imposed on the Parcel Map, has been unnecessarily stripped from much of the property so that only bare ground remains, creating a sediment and erosion risk. More importantly, the native habitat that the County and the original lot split applicant worked so diligently to preserve when reviewing and conditioning the project has been severely compromised, which will allow weeds and invasive species to become established. There is now a wide, gravel-paved roadway where only a narrow track used to be, and that roadway is lined with invasive trees so it resembles a residential driveway. None of this work appears to have occurred in the designated Development Envelopes and the driveway is not accessing that area of the property.

Botanist Tamara Klug conducted a biological survey of the denuded areas and the remaining vegetation and concluded the following:

- Most of the cleared area was adjacent to the existing road, but some areas are clearly new roads or 50 or more feet from roads.
- The vast majority of the newly cleared area had been dominated by native woody (shrub or tree) vegetation.
- The habitat that was impacted by the clearing consisted of coastal scrub, chaparral, and transitional habitats between these types. In addition, the understory and individual eucalyptus trees were removed.
- The reconnaissance survey revealed that special-status plant species (Nuttall’s scrub oak [*Quercus dumosa*] and Santa Barbara honeysuckle [*Lonicera subspicata*]) occur on my property and on the 785 and 805 'Toro Canyon Road property and were impacted by grading activities (see Attachment A for location).

- Up to three additional special-status plant species may have been impacted by grading and vegetation clearing, but this impact and/or the degree of impact cannot be determined because surveys were not conducted prior to grading.
- In addition to cleared native vegetation, the neighbor's property has newly planted nonnative vegetation consisting of Peruvian pepper trees (*Schinus molle*) and myoporum (*Myoporum laetum*) in areas that previously had contained native vegetation. Both of these species are considered invasive by the California Invasive Plant Council.

You doubtless can tell from the trouble and expense that I have taken to document this destruction that I am extremely concerned at the blatant habitat destruction that has occurred. I would ask that you immediately launch an investigation into this matter, that you take immediate action to revoke the erroneously-issued Grading Permit, that you cite the neighbor for as many violations as you can identify from the information that I enclose as well as information you may discover as part of further investigation, that you require that the destroyed and damaged vegetation be replaced through an appropriate mitigation and monitoring program to ensure complete restoration, and that you require the removal of the gravel-paved road and of the invasive trees that line it, thereby restoring the hillside and the native vegetation that once populated the recently-disturbed area. Given the requirement that all development and disturbance occur within the Development Envelopes, this truly is a "road to nowhere" that serves only to provide a route for dirt bikers and other trespassers and an opportunity for weeds to become established in the midst of native habitat.

Sincerely,

Glenn Alger

CC: Dianne Black, County of Santa Barbara

Enclosures:

Aerial photograph of 785 and 805 Toro Canyon Road
Tamara Klug report of habitat destruction
My communications with County staff
My photos of the grading and vegetation removal activity (provided to County staff)
Toro Canyon Plan excerpts
After the fact Grading Permit (including to clean up the erosion mess)



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

August 31, 2017

Mr. Glenn Alger
3030 Vista Linda Lane
Santa Barbara, CA 93108

RE: Grading and Vegetation Clearing at 785 and 805 Toro Canyon Road

Dear Mr. Alger:

Dr. Russell forwarded a copy of your letter and email requesting that I, as the Code Enforcement Supervisor respond to your concerns regarding activities at 785 and 805 Toro Canyon Road. Planning & Development understands your concerns and appreciates the level of effort you expended to thoroughly research the biological aspects of the referenced properties. You are correct that these parcels contain designated development envelopes that were established during the processing, approval (2001) of the parcel map that created these lots and all construction, grading and other site disturbance associated with development of the proposed lots would be limited to the designated envelopes. However, when the Toro Canyon Community Plan was adopted (2004) these properties were not designated to be within the newly established Environmentally Sensitive Habitat Area Overlay Zone (ESH-TCP).

As you have been advised by Ms. Kimberley McCarthy of my staff, the activities (brushing, scraping, vegetation and tree removal) do not require zoning or building permits and therefore the property is not in violation of Chapter 35 (Zoning) of the Santa Barbara County Code. Grading Inspector, Tony Bohnett conducted a site investigation and determined that the scraping/vegetation removal did not result in grading exceeding 50 cubic yards of cut or 50 cubic yards of fill and a Grading Permit under Chapter 14 (Grading) of the County Code was not required. Pursuant to §35.20.040.B.9.a of the Land Use & Development Code (LUDC) grading which is not required to obtain a permit under Chapter 14 of the County Code is exempt from the requirement to obtain a Land Use & Development Code.

The onsite activities do not constitute development as defined within the LUDC and therefore do not require zoning permits. Activities that fall outside or are exempt from permit requirements are not and cannot be analyzed under policies of the Comprehensive Plan, including the Toro Canyon Community Plan. Furthermore, the project description adopted under TPM 14,534 specifically limits: "All construction, grading and other site disturbance **associated with the development** of the proposed lots..." (emphasis added)

If or when a permit for development is submitted, the entire parcel for the proposed development will be evaluated under all applicable policies of the Comprehensive Plan/Toro Community Plan and the development will be subject to all of the conditions adopted with the Parcel Map.

Please feel free to contact me (805 568-2071 or petra@countyofsb.org) if you have questions regarding this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Petra Leyva".

Petra Leyva, Code Enforcement Supervisor
Building & Safety Division
Planning & Development Department

C: Dr. Glenn Russell, Director of Planning & Development



785 & 805 Toro Canyon Road, Montecito 93108

Montecito Ocean View Legacy Property

Enjoy spectacular 360 degree sunrise to sunset views of the Pacific Ocean, Channel Islands, and majestic Santa Ynez mountains. Located at the corner of Vista Linda Lane and Toro Canyon Road, the two legal parcels encompass roughly 12.67 acres (2 & 10.67 acres respectively, of magical grounds, featuring unrivaled privacy combined with easy access. Surrounded by prestigious estate properties, each parcel has it's own water meter with utilities at the street. Few untouched properties of this caliber remain available in Santa Barbara County and this property offers a rare opportunity to build a trophy estate compound.



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