



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

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

January 5, 2018

Christopher Price
Price, Postel & Parma LLP
200 E. Carrillo Street
Santa Barbara, CA 93101

MONTECITO PLANNING COMMISSION
HEARING OF JANUARY 3, 2018

***RE: MacElhenny Appeal of the Lighthouse Trust Demo/Rebuild; 17APL-00000-00013,
17APL-00000-00014***

Hearing on the request of Christopher Price, agent for the appellant, Michael MacElhenny, to consider Case Nos. 17APL-00000-00013 and 17APL-00000-00014 [applications filed on September 5, 2017], to appeal the Montecito Board of Architectural Review's preliminary approval of Case No. 16BAR-00000-00219 and the Director's approval of Case No. 17LUP-00000-00035, in compliance with Chapter 35.492.040 of the Montecito Land Use and Development Code, on property located in the 2-E-1 zone; and to determine that approval of the project is exempt pursuant to State CEQA Guidelines Section 15303. The application involves Assessor Parcel Nos. 007-110-001 and 007-110-002, located at 1948 and 1952 Tollis Avenue, in the Montecito Community Plan area, First Supervisorial District.

Dear Mr. Price:

At the Montecito Planning Commission hearing of January 3, 2018, Commissioner Senauer moved, seconded by Commissioner Newman and carried by a vote of 3 to 0 to 1 (Brown absent, Keller abstained) to:

1. Deny the appeals, Case Nos. 17APL-00000-00013 and 17APL-00000-00014.
2. Make the required findings for approval of the project, Case Nos. 16BAR-00000-00219 and 17LUP-00000-00035, included as Attachment A of the staff report dated December 12, 2017, including CEQA findings;
3. Determine the project is exempt from CEQA pursuant to CEQA Guideline Section 15303 of CEQA, included as Attachment C of the staff report dated December 12, 2017; and
4. Grant *de novo* approval of the project, Case Nos. 17LUP-00000-00035 and 16BAR-00000-00219, subject to the conditions included as Attachment B of the staff report dated December 12, 2017.

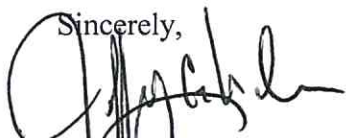
The attached findings and conditions reflect the Montecito Planning Commission's actions of January 3, 2018.

The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Tuesday, January 16, 2018 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$650.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson
Secretary to the Montecito Planning Commission

cc: Case File: 17APL-00000-00013, 17APL-00000-00014
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Owner: Lighthouse Trust, 1212 Avenue of the Americas, New York, NY 10046
Agent: Brian Banks, P.O. Box 591, Summerland, CA 93067
Appellant: Michael MacElhenny, 796 Buena Vista, Santa Barbara, CA 93108
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Das Williams, First District
Commissioner Newman
Commissioner Keller
Commissioner Senauer
Commissioner Cole
Commissioner Brown

Montecito Planning Commission Hearing of January 3, 2018
MacElhenny Appeal of the Lighthouse Trust Demo/Rebuild; 17APL-00000-00013, 17APL-00000-00014
Page 3

Johannah Hartley, Deputy County Counsel
Mark Friedlander, Planner

Attachments: **Attachment A – Findings**
 Attachment B – (de novo) Land Use Permit with Conditions of Approval

DMB/dmv

G:\GROUP\PERMITTING\Case Files\APL\2010s\17 cases\17APL-00000-00013 Lighthouse Trust Appeal\01-03-18actltr.doc

ATTACHMENT A: FINDINGS

1.0

CEQA FINDINGS

1.1

CEQA EXEMPTION

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(l), 15303(a) and 15303(e). Please see Attachment C, Notice of Exemption.

2.0

ADMINISTRATIVE FINDINGS

2.1

DESIGN REVIEW FINDINGS

Findings required for all Design Review applications. In compliance with Subsection 35.472.070.F.1 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for Design Review the review authority shall first make all of the following findings:

1. *Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.*

Floor Area studies (Please see Attachment H of the staff report dated December 12, 2017 which is incorporated herein by reference) submitted by the applicant show that at least 10 of the 17 surrounding properties, including that of the appellant, exceed Floor Area guidelines by an average of 20% (homes measure between 108 % to 179.16% of allowable Floor Area under the guidelines). The proposed structure is 109% of Floor Area guidelines. The relationship between structures on the site is appropriate in respect to their sizes, locations, and uses. The residence's siting is broken up to reduce impression of mass, with articulated elements on the rear to soften the north elevation. The finished floor of the proposed residence is approximately 3 feet below the finished floor of the existing residence located on the northern Parcel 1, and the structure will have a maximum roof ridge height approximately 1 foot lower than the maximum roof ridge of the existing residence. Additionally, the proposed residence roof ridge will be lower than the finished floor of the appellant's deck, protecting neighboring private views over the roof to the ocean beyond. Finally, the residence directly to the west of the project site is sited similarly to the proposed project - towards the rear of the lot in a linear east-west orientation and has no break in its primary ridgeline. This finding can be made.

2. *Electrical and mechanical equipment will be well integrated into the total design concept.*

Electrical and mechanical equipment, including the generator, the pool equipment, and the water tanks, is designed to be unobtrusive and well integrated into the design of the home and gardens.

3. *There will be a harmony of color, composition, and material on all sides of a structure.*

Project plans show a consistency of materials and composition on all sides of the structures. Additionally, the preliminary material board for the project (see Attachment J of the staff report dated December 12, 2017 which is incorporated herein by reference) shows a limited number of materials and colors reflecting the care put into the design, and the style and context of the home and accessory structures.

4. *There will be a limited number of materials on the exterior face of the structure.*

The residence will be clad in stone and have consistent fenestration in balanced compositions on all side of the structure. The preliminary material board includes grey stone veneer on the main house, natural light stucco siding on the accessory structures, natural douglas fir timber trellis and headers, copper gutters, bronze with zinc grey patina trim, and green stone slate for the roofs. This color and materials board represents a limited number of materials allowing the composition to blend into the surrounding estate development.

5. *There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.*

The project design is compatible with area development in respect to size, bulk, scale and height. The structure measures approximately 20'-4 $\frac{3}{4}$ " in height from finished floor, and is lowered into the site through excavation of up to three feet from existing grade. The massing respects views and the setbacks ensure privacy for the properties immediately adjacent to the subject lot. "The project site is large enough to present its own style", according to the MBAR, however, it is designed to a Mediterranean architectural style consistent with other estates in the Montecito planning area.

6. *Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).*

The project site has supported two residences and accessory structures since the 1980s. The proposed project represents a decrease in the overall intensity of use of the site insofar as only one family will occupy the site. The main residence and accessory structures step down the hillside and are appropriately oriented around a central garden including a swimming pool. There are no public views of the site.

7. *Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.*

The proposed landscape plan comprehensively addresses the entire site. Species have been preliminarily determined appropriate for private view protection as well as for low water use. However, the planting design will be refined for final review

and approval by the MBAR and the MBAR directed the applicant to restudy the choice and locations of proposed olives and stone pines (see Sheet L1.0 of Attachment G of the staff report dated December 12, 2017 which is incorporated herein by reference).

8. *Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.*

The existing site is already graded to support two homes and a swimming pool. Proposed grading of the site, equal to 4,800 c.y. of earth movement, will step down the hillside in a manicured landscape plan consistent with the aesthetic of surrounding estate development.

9. *Signs including their lighting are well designed and will be appropriate in size and location.*

The proposed project includes no signage.

10. *The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection 35.472.070.G. (Local design standards).*

As discussed throughout section 6.1 and in 6.5 of the staff report, incorporated herein by reference, the project is consistent with the Montecito Design Guidelines, including with respect to view protection and consideration of existing neighborhood development.

2.2 LAND USE PERMIT FINDINGS

A.

Finding required for all Land Use Permits. *In compliance with Section 35.430.100.A of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.*

As discussed in Section 6.3 of this staff report dated December 12, 2017 and incorporated herein by reference, adequate public services are available to serve the project. Therefore, this finding can be made.

B.

Findings required for all Land Use Permits. *In compliance with Subsection 35.472.110.E.1 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:*

1. *The proposed development conforms:*
 - a. *To the applicable provisions of the Comprehensive Plan, including the Montecito Community Plan.*

- b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).*

As discussed in Sections 6.3 and 6.4 of this Staff Report, dated December 12, 2017, and herein incorporated by reference, the proposed project is in compliance with all applicable provisions of the County Comprehensive Plan, including the Montecito Community Plan, and with applicable zoning requirements of the Montecito LUDC, respectively. Therefore, this finding can be made.

- 2. The proposed development is located on a legally created lot.*

The project site comprises two legal parcels which will be merged through a voluntary lot merger. Parcel 1 (APN 007-110-001) was created by deed to Edith Donny Lomping, recorded November 22, 1946 as Instrument No. 17555 in Book 710, Page 46 of Official Records. Parcel 2 (APN 007-110-002) was created by deed to Edith Donny Lomping, Recorded October 17, 1945 as Instrument No. 11470 in Book 656, Page 311 of Official Records. Additionally, County Building Permits have been obtained for the construction of single family residences on both lots. Therefore, this finding can be made.

- 3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).*

As discussed in Section 6.1 and 6.4 of this staff report, dated December 12, 2017 and incorporated herein by reference, the proposed project would be in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the Montecito LUDC. The existing attached garage on Parcel 2 encroaches approximately 2'-6" into required interior setback but the structure would be demolished to correct the non-conforming portion of the structure. Therefore, this finding can be made.



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

LAND USE PERMIT NO.: 17LUP-00000-00035

Project Name: LIGHTHOUSE TRUST DEMO/REBUILD
Project Address: 1948 TOLLIS AVE, SANTA BARBARA, CA 93108
A.P.N.: 007-110-001, 007-110-002
Zone: 2-E-1

The Montecito Planning Commission hereby approves this Land Use Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

APPROVAL DATE: 12/20/2017
LOCAL APPEAL PERIOD BEGINS: 12/21/2017
LOCAL APPEAL PERIOD ENDS: 1/2/2018
DATE OF PERMIT ISSUANCE (if no appeal filed): 1/3/2018

APPEALS:

1. The approval of this Land Use Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (CLUDC Chapter 35.102 Appeals).
2. Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

PROJECT DESCRIPTION SUMMARY: Voluntary merger of two existing lots into one lot. Demolition of two existing residences to allow for construction of a new two-story single family residence with underground basement and attached garage, guesthouse, cabana, swimming pool/spa and new detached garage (See Project Description for more detail). To receive additional information regarding this project and/or to view the application and/or plans, please contact Mark Friedlander at 123 East Anapamu Street, Santa Barbara, by email (mfriedlander@co.santa-barbara.ca.us) or by phone ((805) 568-2046).

PROJECT SPECIFIC CONDITIONS: See Attachment "A"

ASSOCIATED CASE NUMBERS: 16BAR-00000-00219; 17APL-00000-00013

PERMIT ISSUANCE: This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (MLUDC Chapter 35.496 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review

(BAR), and an appeal of that final approval has not been filed.

4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Land Use Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the MLUDC and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (MLUDC: Section 35.472.110).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (MLUDC: Section 35.472.110).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (MLUDC: Section 35.472.020).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name

Signature

Date

Land Use Approval By:

Chair, Montecito Planning Commission

Date

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Land Use Permit 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 project is for a Land Use Permit to allow the construction of a new two-story 7,037 square foot (net) single family residence with a 4,947 square foot (net) underground basement and 577 square foot (net) detached garage, a 754 square foot (net) guesthouse, a 782 square foot (net) pool cabana, a 570 square foot (net) detached garage, a new swimming pool and new spa with associated equipment, two new water tanks, a new generator and new landscaping and hardscaping on two existing lots to be merged. Two existing single family residences and associated accessory structures would be demolished prior to construction of the new residence. The proposed residence would measure a maximum of 19'-0" from existing grade. Grading would include 4,800 cubic yards of cut and 3,900 cubic yards of fill. No native trees or vegetation are proposed for removal. The parcel would continue to be served by the Montecito Water District, an existing private water well and the Montecito Fire Protection District. The existing onsite septic system will be abandoned and the proposed project will tie into the Montecito Sanitary District sewer system. Access would be provided via a private driveway off of Tollis Avenue. The property comprises a 1.12 and 1.0 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Numbers 007-110-001 & 007-110-002, located at 1948 & 1952 Tollis Avenue in the Montecito Area, 1st 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.

Conditions By Issue Area

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 and shall conform in all respects to BAR Case No. 16BAR-00000-00219.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Land Use Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the

project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Aest-10 Lighting:** 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. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.

PLAN REQUIREMENTS: The Owner/Applicant shall develop a Lighting Plan for BAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture.

TIMING: Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.

MONITORING: P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit or Coastal Development Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. **Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

6. **Bio-01a Tree Protection Plan-Site Plan Component:** The Owner/Applicant shall comply with the Tree Protection Plan (TPP) prepared by a Peter Winn, dated August 4, 2017. The Owner/Applicant shall comply with and specify Peter Winn's Recommendations for Tree Protection During Construction (as appropriate) as notes on the TPPP and Grading and Building plans:

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) Submit the TPP; (2) Include all applicable components in Tree Replacement Plan and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all plan components listed in Winn's report, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

TIMING: The Owner/Applicant shall comply with this measure prior to issuance of Land Use Permit. Plan components shall be included on all plans prior to the issuance of grading and building permits. The Owner/Applicant shall install tree protection measures onsite prior to issuance of grading and building permits and pre-construction meeting.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed as required by the TPP prior to Final Building Inspection Clearance.

7. **Bio-01c Tree Protection Plan-Unexpected Damage and Mitigation:** In the event of unexpected damage or removal, this mitigation shall include but is not limited to posting of a performance security and hiring an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation and maintenance.

Damaged trees shall be mitigated on a minimum 10:1 ratio unless otherwise approved by P&D. If it becomes necessary to remove a tree not planned for removal, if feasible, the tree shall be boxed and replanted. If a P&D approved arborist certifies that it is not feasible to replant the tree, it shall be replaced on a 10:1 basis with trees with 10-gallon or larger size saplings grown from locally obtained seed, unless otherwise approved by P&D. If replacement trees cannot all be accommodated on site, a plan must be approved by P&D for replacement trees to be planted off site.

8. **Bio-02 Tree Replacement:** The Owner/Applicant shall follow the measures of the Tree Replacement Plan prepared Steve Hanson Landscaping (Sheet L1.0) including the following components:

1. The planting of six 24" box Coast Live Oak trees for encroachment into the Critical Root Zone (CRZ) of existing Oaks onsite.
2. The trees shall be gopher fenced.
3. The trees shall be irrigated with drip irrigation on a timer until established (a period to be established by the P&D approved arborist).
4. The trees shall be weaned off of irrigation over a period of two to three years.

5. No permanent irrigation shall occur within the dripline of any oak trees.

6. If replacement trees cannot all be accommodated on site, the Owner/Applicant shall submit a plan for P&D approval for replacement trees to be planted off site.

PLAN REQUIREMENTS: Include the components of the plan in Landscape and Irrigation Plans.

TIMING: Plans shall be submitted prior to issuance of Land Use Permit.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

9. **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 retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.

10. **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 7:00 a.m. and 4:30 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.

11. **Parking-02 Onsite Construction Parking:** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

PLAN REQUIREMENTS: Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Land Use Permit.

TIMING: This restriction shall be maintained throughout construction.

MONITORING: P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated

notices and/or refer complaints regarding offsite parking to appropriate agencies.

- 12. WatCons-03 Water Conservation in Landscaping:** The project is subject to the Water Efficient Landscaping Ordinance (WELO) requirements. Prior to issuance of the Land Use Permit, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Efficient Landscape Ordinance application.
TIMING: The WELO application shall be completed, stamped, signed, and submitted to P&D prior to issuance of the Land Use Permit. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance.
MONITORING: Permit Compliance shall check in the field prior to Final Building Inspection Clearance.
PLAN REQUIREMENTS: The Owner/Applicant shall depict the WELO information and landscape plans on building plans.
- 13. WatCons-05 Reclaimed Water for Dust Suppression:** Reclaimed water shall be used for all dust suppression activities during grading and construction.
PLAN REQUIREMENTS: This measure shall be included as a note on the grading plan.
TIMING: Prior to the commencement of earth movement, the Owner/Applicant shall submit to P&D permit processing planner and Building & Safety an agreement/contract with a company providing reclaimed water stating that reclaimed water shall be supplied to the project site during all ground disturbances when dust suppression is required.
MONITORING: P&D compliance monitoring staff shall inspect activities in the field to ensure non-potable water is being used in water trucks.
- 14. 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 necessary. 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 Land Use Permit, grading and building 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.

Permit Specific Conditions

- 15. Voluntary Lot Merger:** The Owner / Applicant shall obtain a certificate of merger from the County Surveyor Office and file the record of merger of existing adjoining parcels of real property with the Santa Barbara County Clerk-Recorders office prior to issuance of Land Use Permit.

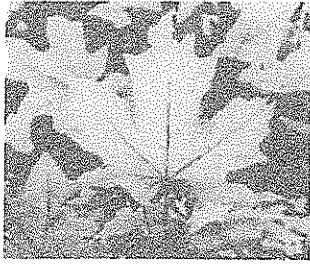
County Rules and Regulations

- 16. Rules-01 Effective Date-Not Appealable to CCC:** This Land Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [MLUDC §35.472.020].

17. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
18. **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.
19. **Rules-23 Processing Fees Required:** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
20. **Rules-28 NTPO Condition:** A recorded Notice to Property Owner document is necessary to ensure that the proposed guesthouse and pool cabana shall be used only for its permitted uses. The property owner shall sign and record the document prior to issuance of Land Use Permit.
21. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
22. **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 (Permit Compliance - Minor) and remit a security deposit prior to issuance of Land Use Permit as authorized by ordinance and fee schedules. 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;
 - d. 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.
23. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold

harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

- 24. Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



W E S T R E E

Peter Winn
P.O. Box 22702
Santa Barbara
CA 93121

805-966-3239
Cont. Lic. #772299

August 4, 2017

Karen McConaghy
Landscape Architect
Steve Hanson Landscaping
PO Box 4547
Santa Barbara, CA 93140

RE: Lighthouse Trust, 1948 & 1952 Tollis Avenue, Montecito.

Dear Karen,

Thank you for meeting with me to review the preliminary landscape plans for the Lighthouse Trust property and to establish the best plan to protect the existing Coast Live Oaks (*Quercus agrifolia*) impacted by the development.

There are two areas of the development that can impact the Oaks. First, the south east portion of the property has a garage and water tank that is in the approximate same location as the original structure. These Oaks are all in good to fair health and condition, though topping has occurred for views, presumably by the neighbors. The Oaks in this area will not be impacted provided all of the attached tree protection recommendations are strictly adhered to. There are numerous large boulders that have been placed near the Oaks in the distant past; these are serving to help protect the trees at this point so they should be left in place.

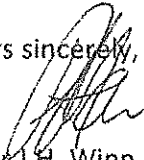
The other area of concern is in the northwest portion of the property adjacent to the original garage and driveway. These three Oak trees are in average condition for their age and size. The one 36" dbh (diameter at breast height) Oak located on the eastern edge of the existing driveway and the 24" & 12" dbh located along the west property line above the existing driveway will be heavily impacted due to the fire department requirements for a hammerhead turnaround. Rather than removing them now, I would mitigate for their loss but retain them and hope they survive for awhile longer. During the grading process, a judgment call will need to be made to assess whether their structural integrity has been compromised. The third 24" dbh Oak in the upper corner will not be impacted by any root damage but due to its low growing canopy, pruning will be necessary.

RECOMMENDATIONS FOR TREE PROTECTION DURING CONSTRUCTION.

- Fence off all trees from construction 10ft outside the drip-line with 6' chain link or orange construction fence with metal stakes.
- No activities or storage of construction materials shall be allowed within the fenced areas unless approved by the project arborist.
- Any root disturbance to any of the protected trees shall be done by hand and the project arborist alerted.
- All roots encountered shall be cut cleanly with a sharp saw to allow for new root regeneration, backfilled immediately or kept moist to prevent drying out and dying.
- Any tree affected by the construction process shall be deep-root fertilized to promote better health and vigor.
- Compaction of the root zone shall be avoided by spreading 3-4" of mulch.
- During hot, dry periods the foliage may need to be washed with high pressure water to remove construction dust.
- Project arborist shall be notified prior to any activities within the critical root zone.
- All trenching of utilities, irrigation and lighting shall not encroach within the critical root zone unless approved by the project Biologist or Arborist.
- Native or Specimen trees removed or damaged shall be mitigated, utilizing the current County recommendations of either 10:1-1gallon, or 5:1- 15gallon or 3:1 24"boxed trees.

Should you have any further questions or comments please do not hesitate to call my office at 805 966 3239.

Yours sincerely,



Peter J.H. Winn

I.S.A. Certified Arborist #921