

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

Appeal Filed: 3/9/05
Substantial Issue Found 4/15/05
Staff: MCH-V
Staff Report: 11/3/2005
Hearing Date: 11/16/05



STAFF REPORT: APPEAL DE NOVO REVIEW

LOCAL GOVERNMENT: County of Santa Barbara
LOCAL DECISION: Approval with Conditions
APPEAL NO.: A-4-STB-05-037
APPLICANT: Jack Maxwell
APPELLANT: Valerie Olson
PROJECT LOCATION: 4865 Vieja Drive, Goleta Community Plan area, Santa Barbara County.

PROJECT DESCRIPTION: Lot line adjustment between two parcels, consisting of a parcel (Parcel 1) currently developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) will be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) will be decreased in size from 2.33 acres to 1.11 acres. Reconfigured Parcel 1 would then be subdivided into four single-family lots and one common area to remain as open space (.96 acre). No development is proposed on Parcel 2 under this application. The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, removal of an existing septic system, access road, entry gate, drainage swales, and 3,563 cu. yds. of grading (651cu. yds. cut, 2,912 cu. yds. fill)

SUMMARY OF STAFF RECOMMENDATION

The Commission found that this appeal raised substantial issue at its April 2005 hearing. Staff recommends **approval of the proposed project with nine (9) special conditions**, regarding: (1) Compliance with the Santa Barbara County Conditions of Approval; (2) Open space easement; (3) Public access easement; (4) Wetland restoration plan; (5) Tentative tract map; (6) Herbicide use; (7) Future development restriction; (8) Lot line adjustment; (9) Covenants, conditions, and restrictions.

The project is located between the first public road and the sea on Vieja Drive in the Goleta Community, within the unincorporated Santa Barbara County. The project involves two lots, both zoned Design Residential (DR-2) in the certified LCP, which allows two dwelling units per acre. Parcel 1 (APN 065-240-019) is currently developed

with corrals and sheds. Parcel 2 (APN 065-240-020) is currently developed with a single-family residence of approximately 2,600 sq. ft., several horse corrals, sheds, and a horse stable. Adjacent land use to the west, north, and east is single-family residential. South of the property is an approximately 300-acre undeveloped area known as More Mesa, the majority of which is designated as Environmentally Sensitive Habitat (ESH) under the LCP. Several public trails are located on More Mesa in the vicinity of the project.

The subject properties are primarily vegetated with non-native vegetation. A row of eucalyptus trees is located along the eastern property boundaries of the parcels. There is also a row of eucalyptus and coast live oak trees clustered along the southern edge of an existing drainage swale that spans the southern property boundary of Parcel 2. Approximately 0.26 acres of wetlands are located in or adjacent to the drainage swale. These wetlands include willow/Coast Live Oak riparian woodland and non-native perennial grasslands.

The applicant proposes a lot line adjustment between the two parcels described above. Parcel 1 (APN 065-240-019) would be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) would be decreased in size from 2.33 acres to 1.11 acres. Reconfigured Parcel 1 would then be subdivided into four single-family lots and one common area to remain as open space (0.96 acre). The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, entry gate, and 3,563 cu. yds. of grading. The project also includes removal of the horse corral and related structures, restoration of the wetlands onsite, establishment of a 100-foot wetland buffer area, an open space easement including the wetland and buffer area, a 15-foot wide trail access easement on the western property boundaries, removal of an existing septic system, and construction of two bioswales. The majority of this development will occur on reconfigured Parcel 1. The only new development proposed on reconfigured Parcel 2 under this application includes the wetland restoration and associated open space easement, removal of horse corral structures, and the lot line adjustment.

The proposed residential development will be located outside of the 100-foot wetland buffer and the drip lines of any oak trees, and will not require the removal of any large eucalyptus trees. Additionally, no clearance of native vegetation shall be allowed in the wetland and buffer areas. Further, the development meets the standards and densities of the DR-2 Zone as outlined in the LCP and is compatible in character with the residential developments surrounding the project site to the west, north, and east. Due to landscaping and topography of the project site, the project will not significantly impact views of the ocean from any public viewing areas, nor will it result in any significant impacts to views to and from More Mesa and the mountains behind the development.

The standard of review for the project is the Santa Barbara County LCP and the Chapter Three Policies of the Coastal Act, as incorporated in their entirety into the LCP. As conditioned, the proposed project is consistent with all applicable policies of the LCP and the Chapter Three policies of the Coastal Act.

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EXHIBITS

- Exhibit 1.Final Local Action Notice (County Approval With Conditions)
- Exhibit 2.Vicinity Map
- Exhibit 3.Lot Line Adjustment
- Exhibit 4.Vesting Tentative Tract Map
- Exhibit 5.Development Plan
- Exhibit 6.Elevation and Floor Plans
- Exhibit 7.More Mesa Property Line Setbacks in the Vicinity
- Exhibit 8.Aerial Photos of Site
- Exhibit 9.Biological Resources and Wetland Restoration Plan
- Exhibit 10. Site Photos
- Exhibit 11. Olson Appeal w/Visual Simulations Submitted by Appellant
- Exhibit 12. Comment Letter from Appellant (Olson)

SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Local Coastal Program; Santa Barbara County Tentative Tract Map 14,595 (Board of Supervisor Approval dated 2/15/05); Wetland Survey and Delineation Report, 4865 Vieja Drive, Santa Barbara (Watershed Environmental, April 2002); Wetland Restoration Plan, 4864 Vieja Drive, Santa Barbara (Watershed Environmental, February 10, 2004); Telephone

Conversation Martin Johnson, Santa Barbara County Fire Dept., October 2005; and Telephone Conversation with John Craney, CDF, October, 2005.

I. STANDARD OF REVIEW

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of coastal development permits (including any new development which occurs between the first public road and the sea, such as the proposed project sites). In this case, the proposed development was appealed to the Commission, which found during a public hearing on April 13, 2005, that a substantial issue was raised.

As a "de novo" application, the standard of review for the proposed development is, in part, the policies and provisions of the County of Santa Barbara Local Coastal Program. In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project sites), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act with respect to public access and public recreation. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified LCP as guiding policies pursuant to Policy 1-1 of the LUP.

II. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. A-4-STB-05-037 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMITS:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2)

there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

III. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
2. **Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject properties to the terms and conditions.

IV. SPECIAL CONDITIONS

1. **Compliance with the Santa Barbara County Conditions of Approval**

All conditions of approval for Santa Barbara County Board of Supervisors February 15, 2005 decision on Lot Line Adjustment (02LLA-00000-00002), Tentative Vesting Tract Map (02TRM-00000-00002), Development Plan (02DVP-00000-00002), and Coastal Development Permit (04CDP-00000-00087) for the proposed project as shown in Exhibit 1 are hereby incorporated as special conditions of the subject permit unless specifically modified by any special conditions set forth herein. Prior to issuance of this Coastal Development Permit, the Commission must receive notice from Santa Barbara County that it has determined that all applicable conditions of approval imposed in its February 15, 2005 decision (unless specifically modified by any special condition of this permit) have been complied with. None of the conditions of approval imposed by Santa Barbara County shall be modified or eliminated unless authorized by the California

Coastal Commission in a Coastal Development Permit or an amendment to this Coastal Development Permit.

2. Open Space Easement

The open space easement required by Santa Barbara County Condition 8 of approval for the Tentative Vesting Tract Map (02TRM-00000-00002), Development Plan (02DVP-00000-00002), and Coastal Development Permit (04CDP-00000-00087) shall include the wetland and 100-foot wetland buffer areas on Parcel 1 (APN 065-240-019) and Parcel 2 (APN 065-240-020) as reconfigured by the proposed lot line adjustment (02LLA-00000-00002), excluding that portion of the buffer on Parcel 2 occupied by the existing residence, as generally shown on Exhibit 9. The open space easement shall be dedicated to Santa Barbara County and/or may also be dedicated to a non-profit entity acceptable to the Executive Director.

No development, as defined in Section 30106 of the Coastal Act, shall occur within the areas of the proposed open space easement, except for the following activities, if approved through the subject Coastal Development Permit, an amendment to the Coastal Development Permit, or through a separate Coastal Development Permit: removal of horse corral and associated structures; habitat restoration; installation, repair, or upgrading of utilities; construction of water quality management structures; erosion control management; public access trails and associated appurtenances; reconstruction, repair, or maintenance of proposed bioswales; existing easements for roads, trails, and utilities; or maintenance and repair activities pursuant to an approved management and maintenance program.

Prior to recordation of the open space easement, the applicant shall submit to the Executive Director, for review and approval, a proposed grant of easement or offer to dedicate the open space easement to Santa Barbara County and/or a non-profit entity acceptable to the Executive Director in conformance with the requirements specified in Condition 8 of Santa Barbara County's approval, that includes a legal description and graphic depiction of the easement area and the restrictions on development set forth above.

Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the open space easement has been executed and recorded in conformance with the requirements outlined above and specified in Santa Barbara County's conditions of approval.

Prior to occupancy of the residences, the applicant shall install split rail fencing, no greater than 4 feet in height, or other P&D-approved permanent marker, to delineate the open space easement area. Appropriate signage (acceptable to the holder of easement and the Executive Director, such as "Protected Open Space Easement") shall be installed by the applicant to help prevent development not in compliance with the approved wetlands restoration / revegetation plan and prevent harm to the native wetland habitat.

3. Public Access Easement

The 15-foot wide public trail easement required by Santa Barbara County Condition 27 of approval of Tentative Vesting Tract Map (02TRM-00000-00002), Development Plan (02DVP-00000-00002), and Coastal Development Permit (04CDP-00000-00087) shall be dedicated to the County in perpetuity. No development, as defined in Section 30106 of the Coastal Act, including signage, fencing, or new landscaping other than ground cover which will prohibit or otherwise restrict public pedestrian or bicycle access along the identified public access corridor shall be permitted, except where an approved Coastal Development Permit is issued for necessary temporary disruptions such as: construction, reconstruction, or maintenance of the trail; maintenance of underground utilities, drainage devices, erosion control and repair; and maintenance and repair activities. Prior to issuance of the certificates of occupancies for any of the residences, the applicant shall install permanent split rail or equivalent fencing along the perimeter of the wetlands area east of the trail easement so that access from the subject properties is denied to the wetlands. In order to not impede the movement of wildlife through the area, the minimum distance from ground level to any fence's first rung shall be 18 inches.

Prior to recordation of the grant of a public trail easement, the applicant shall submit to the Executive Director, for review and approval, a proposed easement that conforms with the requirements specified in Condition 27 of the County of Santa Barbara's approval and includes the restrictions set forth above and a legal description and graphic depiction of the easement area.

Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the public trail easement reviewed and approved by the Executive Director as specified above has been executed and recorded in conformance with the requirements outlined above and specified in Santa Barbara County's conditions of approval.

4. Wetland Restoration Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final restoration plans and specifications in substantial conformance with the conceptual *Wetland Restoration Plan, 4865 Vieja Drive, Santa Barbara, CA* by Watershed Environmental, dated January 27, 2004, and also including the modifications required in this special condition. Said plans shall be prepared by a qualified biologist, ecologist, or resource specialist who is experienced in the field of restoration ecology, and who has a background knowledge of the various habitats associated with the project site. The final plans shall conform with the following measures:

- A. The existing corral fencing, horse stable/ shed structure, and horse(s) shall be removed from the wetlands and buffer area.
- B. The 100-foot wetlands buffer area shall be fenced during construction with chain-link fence prior to beginning construction or grading. Following construction and grading, the chainlink fence shall be removed and a permanent exclusionary split rail or equivalent permanent fencing shall be erected around the 100-foot

wetlands buffer at the conclusion of construction. In order to not impede the movement of wildlife through the area, the minimum distance from ground level to any fence's first rung shall be 18 inches.

- C. Non-native species, with the exception of the eucalyptus trees, shall be removed from the wetlands.
- D. Removal of native species in the wetlands area shall be prohibited.
- E. Restoration plantings shall be with native wetlands species. Only native plant species that have been obtained from local genetic stock and are consistent with the surrounding native plant community shall be used.
- F. The applicant's consultant shall develop performance criteria consistent with achieving the identified goals and objectives; measures to be implemented if success criteria are not met; and a long-term adaptive management plan of the restored areas for a period of not less than five (5) years.

The applicant shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site in accordance with the performance criteria. This report shall also include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. At the end of the five-year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicants shall be required to submit a revised or supplemental program. The revised or supplemental program shall be processed as an amendment to this permit.

The applicant shall commence implementation of the wetland restoration plan no later than 60 days after the issuance of the certificate of occupancies for any of the residences. The Executive Director for good cause may extend this time limit if necessary. The permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Tentative Tract Map

Recordation of the Tentative and Final Tract Maps for the subdivision authorized herein shall occur following issuance of the coastal development permit. Prior to recordation of the Tentative and Final Tract Maps for the subdivision authorized herein, the applicant shall submit to the Executive Director, for review and approval, a copy of such maps. The Tentative and Final Tract Maps shall show the location and size of the public trail and open space easements required by Conditions 8 and 27 of Santa Barbara County's approval of Tentative Vesting Tract Map (02TM-00000-00002), Development Plan (02DVP-00000-

00002) and Coastal Development Permit (04CDP-00000-00087) and shall state on the maps that these easements may not be modified or eliminated without authorization from the California Coastal Commission. The Tentative and Final Tract Maps shall include an informational sheet to be recorded with the maps that shall include all of the mitigation measures, conditions, agreements, and specific plans required by the Commission and Santa Barbara County for approval of the project.

Prior to implementation of Development Plan 02DVP-00000-00002, the applicant shall submit to the Executive Director, for review and approval, evidence that the Final Tract Map was executed and recorded in conformance with the requirements outlined above and specified in Santa Barbara County's conditions of approval.

6. Herbicide Use

Herbicide use shall be restricted to the use of Aquamaster™ for the elimination of non-native and invasive vegetation for purposes of habitat restoration only. The applicants shall remove non-native or invasive vegetation by hand and the stumps may be painted with Aquamaster™ herbicide. No use of any herbicide shall occur during the rainy season (November 1 – April 15) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after the rain event.

7. Future Development Restriction

This permit is only for the development described in Coastal Development Permit A-4-STB-05-037. Pursuant to title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and/or Section 35-169.2 of the Coastal Zoning Ordinance shall not apply to the development governed by Coastal Development Permit A-4-STB-05-037. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by these permits, including but not limited to, any grading, clearing or other disturbance of vegetation and fencing, other than as provided for in this Coastal Development Permit shall require an amendment to Coastal Development Permit A-4-STB-05-037 from the Commission or shall require additional Coastal Development Permits from the Commission or from the applicable certified local government.

8. Lot Line Adjustment

The recordation of Lot Line Adjustment 02LLA-00000-00002 shall occur following issuance of the coastal development permit. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include a legal description for each adjusted parcel, the Special Conditions of the Coastal Development Permit, and Santa Barbara County Conditions of Approval for the project.

Prior to recordation of the Lot Line Adjustment, the applicant shall submit to the Executive Director, for review and approval, a copy of the map to finalize Lot Line

Adjustment 02LLA-00000-00002 and the above mentioned notice to be recorded with the deed of each property to be adjusted.

Prior to implementation of Development Plan 02DVP-00000-00002, the applicant shall submit to the Executive Director, for review and approval, evidence that the notice of the lot line adjustment was recorded in conformance with the requirements outlined above.

9. Covenants, Conditions, and Restrictions

The recordation of covenants, conditions, and restrictions (CC&Rs) required by Santa Barbara County Condition 34 of approval of Coastal Development Permit 04CDP-00000-00087 shall include by reference responsibilities for all owners to maintain the property in compliance with all Special Conditions of the Coastal Development Permit, as well as all Santa Barbara County Conditions of Approval for the project. The CC&Rs shall state that the Special Conditions of the Coastal Development Permit and Santa Barbara County Conditions of Approval shall not be eliminated or changed without authorization from the Commission.

V. FINDINGS AND DECLARATIONS

A. BACKGROUND

The proposed project is located on Vieja Drive, approximately 0.5 miles north of the coast and 1.15 miles south of Highway 101 in the Goleta Community, within unincorporated Santa Barbara County (Exhibit 1). The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara shows the project site as located between the first public road and the sea. As such, the subject sites are located within the appeal jurisdiction of the Commission.

The project involves two lots, both zoned Design Residential (DR-2) in the certified LCP for Santa Barbara County. Parcel 1 (APN 065-240-019) is currently developed with corrals and sheds. Parcel 2 (APN 065-240-020) is currently developed with a single-family residence of approximately 2,600 sq. ft., several horse corrals, sheds, and a horse stable (Exhibit 8). Adjacent land use to the west and north is single-family residential. The area to the east is currently being developed with eight new single-family homes known as the Las Brisas project. South of the properties is an approximately 300-acre undeveloped area known as More Mesa. More Mesa is zoned Planned Residential Development (PRD-70; 70 units). In addition, approximately 246 of the 300 acres on More Mesa are designated as Environmentally Sensitive Habitat (ESH) under the LCP.

The subject properties are situated on a coastal terrace at elevations ranging between 60 and 80 feet above mean sea level. From the north portion of Parcel 1, the parcels slope gently downward to the south toward a drainage swale and wetlands area along the southern property boundary of Parcel 2 in its existing configuration. The drainage

swale is approximately 480 feet long and flows in an east-to-west direction. A concrete storm drain discharges water collected from the Diamond Crest Residential development, northeast of the subject parcels, into the drainage swale. At the southern perimeter of Parcel 2, the land slopes upward from the drainage swale as you move south. This topography blocks most of the view from the parcels south toward More Mesa.

Vegetation on the properties includes a variety of non-native landscape vegetation, including a lawn around the perimeter of the existing residence on Parcel 2 (Exhibits 9 and 10). A row of eucalyptus trees is located along the eastern property boundaries of the parcels. There is also a row of eucalyptus and coast live oak trees clustered along the southern edge of the existing drainage swale along the southern property boundary of Parcel 2. A degraded freshwater marsh/arroyo willow riparian wetland habitat is located in and adjacent to the drainage swale area. This wetland is partially on Parcel 2 and partially on the neighboring undeveloped parcel to the south. The applicant has prepared a wetland delineation (Watershed Environmental, April 2002) that used the Commission's criteria for wetland delineation and mapped 0.26-acres of wetlands on the subject property.

According to the staff report for the project prepared on June 25, 2004 by the Santa Barbara County Planning Department, a Phase I archeological report on the subject property was prepared in June 1998. The property was surveyed for cultural resources and no surface indications of cultural material deposits were identified. According to the County staff report, the property does not lie within a demarcated archeologically or historically significant area as designated by County of Santa Barbara cultural resource zone documents. The nearest known previously recorded archeological site is approximately 1,000 feet away from the project area.

B. PROJECT DESCRIPTION

On February 15, 2005, the Santa Barbara County Board of Supervisors undertook final discretionary action to approve the Hacienda Vieja Residences Project. The County's action approved a lot line adjustment between two parcels, a parcel (Parcel 1) developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) will be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) will be decreased in size from 2.33 acres to 1.11 acres. (Exhibit 4)

The County's action also approved a tentative tract map (Tentative TM 14,595) for the division of reconfigured Parcel 1 (2.38 acres) into four single-family lots and one common area to remain as open space (0.96 acre) (Exhibits 5-6). No development is proposed outside of wetland restoration, removal of horse corral structures, and the lot line adjustment on reconfigured Parcel 2 under this application. The existing Land Use Plan / Zoning designation for the subject parcels is Design Residential (DR-2), which allows a maximum density of two units per acre. The maximum allowable units for proposed Parcel 1 (2.38 acres) is four units. The proposed tract map is, therefore, consistent with the LCP designation.

The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, removal of an existing driveway, entry gate, drainage swales, and 3,563 cu. yds. of grading (651 cu. yds. cut, 2,912 cu. yds. fill; 2,266 cu. yds. imported). All four residences will be finished with smooth stucco exteriors and red tile roofs. Each new residence will include a fenced side and rear yard. Fencing will measure a maximum of six feet high and will be constructed of wood screen or ornamental iron. Black vinyl chain link or wood screen fencing will be placed along the perimeter of the proposed residential lots. Detailed project parameters are described in the table below (Exhibits 3-7).

	Proposed Lot Size	Use	Proposed SFR Size (sq. ft.)	Levels	Avg. Mean Height
Parcel 1	2.38 acres	Subdivision	See below	See below	See below
Lot 1	18,894 sq. ft. (.43 ac)	SFR	3200 sq. ft. + 400 sq. ft. garage	One-story	15 ft.
Lot 2	13,781 sq. ft. (.32 ac)	SFR	3386 sq. ft. + 480 sq. ft. garage	Two-story	20.85 ft.
Lot 3	14,059 sq. ft. (.32 ac)	SFR	3200 sq. ft. + 400 sq. ft. garage	One-story	16 ft.
Lot 4	15,703 sq. ft. (.36 ac)	SFR	3190 sq. ft. + 470 sq. ft. garage	Two-story	21 ft.
Lot 5	41,625 sq. ft. (.96 ac)	Common Space/Open Space / Wetland Restoration	N/A	N/A	N/A
Parcel 2	1.11 acres	Existing SFR / Wetland Restoration / Open Space	Approx. 2600 sq. ft.	One-story	Unknown

A 28-foot wide entry-gated private road off Vieja Drive will provide access to the project site, with an access easement for this drive across all four new residential lots. Each new residence will provide two additional off-street parking spaces. Guest parking is proposed along the south side of the private access road. The Goleta Water District will provide water service for the project and the Goleta Sanitary District has installed new sewer line connections to provide sanitary service. The project also includes removal of an existing septic system associated with the existing residence on Parcel 2.

An existing residence of approximately 2,600 sq. ft. on Parcel 2 (APN 065-240-020) will remain. While no development is currently proposed in conjunction with this residence, Santa Barbara County, in its approval of Lot Line Adjustment 02LLA-00000-00002, required the applicant to execute a legal covenant stating that in the future Parcel 2 shall not be divided and the existing residence shall remain single story and shall not exceed 4,000 sq. ft. (excluding garage) in size. The applicant has proposed, though, as part of this application, the removal of existing storage sheds, corrals and a small horse

stable on the parcel. These corral and structures are located in a degraded wetland and wetland buffer area that is proposed to be restored, enhanced, and re-vegetated with native plant species as part of the project. As a condition of approval of the project, the Board of Supervisor's required that the applicant's Wetland Restoration Plan (Watershed Environmental, February 2004) be implemented. This plan includes restoration of a .71-acre area containing the severely disturbed wetland habitat and a 100-foot buffer around the wetland on the subject properties. New wetlands (.06 acre) will be created as a part of the proposed project. The wetland will be located on the lot proposed to be owned in common by the homeowners and on Parcel 2 and, along with a 100-foot buffer area, will be permanently dedicated open space. All proposed new structures will maintain a buffer setback of 100 feet from the outer edge of the wetland.

Additionally, as a condition of approval of the Hacienda Vieja project, a 15-foot wide public access easement will be permanently dedicated to the County along the western boundary of the project area.

C. PERMIT HISTORY

The applicant, Jack Maxwell, requested the County's approval of four items: a Lot Line Adjustment, a Tentative Tract Map (TRM), a Development Plan (DP), and a Coastal Development Permit (CDP). Each of these discretionary actions taken by the County are appealable to the Commission under the County's LCP.

The LCP requires that Development Plans under the jurisdiction of the Planning Commission be considered at a noticed public hearing and that the Planning Commission approve, conditionally approve, approve with modifications of development standards, or deny the plan. On October 6, 2004, the County of Santa Barbara Planning Commission approved the Hacienda Vieja project, a proposal for four new single-family dwellings on 2.39 acres. The proposal as approved consisted of the Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan, and Coastal Development Permit (02LLA-00000-00002; 02TRM-00000-00002; 02DVP-00000-00002; and 04CDP-00000-00087) as well as Planning Commission approval of a proposed final Negative Declaration (04NGD-00000-00011).

The County of Santa Barbara Planning Commission's decision was appealed to the County of Santa Barbara Board of Supervisors by Valerie Olson on behalf of the More Mesa Preservation Coalition. On February 15, 2005, the County of Santa Barbara Board of Supervisors approved Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan, and Coastal Development Permit (02LLA-00000-00002; 02TRM-00000-00002; 02DVP-00000-00002; and 04CDP-00000-00087) as well as Planning Commission approval of a proposed final Negative Declaration (04NGD-00000-00011) for the Hacienda Vieja project. The County's conditions of approval are attached as Exhibit 1.

Commission staff received a Notice of Final Action for the Board of Supervisors' approval of the Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan, and Coastal Development Permit (02LLA-00000-00002; 02TRM-00000-00002; 02DVP-

00000-00002; and 04CDP-00000-00087) on March 7, 2005. A 10 working day appeal period was set and extended to March 21, 2005. An appeal was received from Valerie Olson on behalf of the More Mesa Preservation Coalition on March 9, 2005. The appeal is attached as Exhibit 11. The appeal contended that the project is not compatible with the scale and character of the existing community, and therefore the project is inconsistent with LCP Policy 4-4. In addition, the appeal contended that the two-story structures as proposed would significantly obstruct public views from the heavily used More Mesa coastal recreation and resource area, and therefore the project is inconsistent with Coastal Act Policy 30251, as incorporated by reference to the certified LCP. The appellant also stated their concern with the future potential buildout of the periphery of More Mesa and the cumulative effects of allowing two-story residences in this area. Finally, the appellant requested that the Commission direct the applicant to redesign the project as all one-story units.

On April 13, 2005, the Commission found that the appellant's contentions raised substantial issue with regard to the consistency of the approved projects with the standards of the certified Local Coastal Program. Following these findings, the appellant submitted a letter dated October 26, 2005 to Commission Staff, which further discusses the concerns of the More Mesa Preservation Coalition for the subject project (Exhibit 12). The letter addresses the potential impacts of the project on public views and environmentally sensitive habitats, including white tailed kite nests and wetlands, as well as the potential cumulative impacts of recent developments on More Mesa. In the letter, Valerie Olson, on behalf of More Mesa Preservation Coalition, requests that the Coastal Commission take the following actions:

- *Deny lot line adjustments and the development permit for Hacienda Vieja*
- *Limit development consistent with existing neighborhoods and current zoning, that is, only one house per lot.*
- *Direct any new structure, or remodel be limited to one story and a maximum of 3,600 square feet (including garage).*
- *Insist that landscaping be designed and installed per design and that color schemes must blend with the environment (i.e., dark earth tones).*
- *Direct that the wetland be given over as a conservation easement: bonded, restored, and monitored. This will insure its continuing health in perpetuity.*

These concerns are addressed in the following sections.

D. ENVIRONMENTALLY SENSITIVE HABITAT

LCP Policy 1-1, incorporating Section 30121 of the Coastal Act states:

Wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Section 13577(b) of Title 14 of the California Code of Regulations defines wetlands as follows:

Wetlands are lands where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

LCP Policy 1-1, incorporating Section 30233 of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and

development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

LCP Policy 1-1, incorporating Section 30107.5 of the Coastal Act and Article II, Section 35-58 of the certified LCP state:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

LCP Policy 1-1, incorporating Section 30240 of the Coastal Act states:

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

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

LCP Policy 2-11 states:

All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

LCP Policy 9-1 states in part:

Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designations or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan

LCP Policy 9-9 states:

A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.

The upland limit of wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) In the case of wetlands without vegetation

or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

LCP Policy 9-10 states:

Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.

LCP Policy 9-13 states:

No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.

LCP Policy 9-14 states:

New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

LCP Policies 9-26 and 9-28 concerning White Tailed Kite Habitat on More Mesa state:

There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting...

Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.

LCP Policy 9-35 and 9-36 state in part:

Oak trees, because they are particularly sensitive to environmental conditions, shall be protected...

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Article II, Sec. 35-97.7, Conditions on Coastal Development Permits in ESH, states:

A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.

LCP Policy BIO-GV-2 of the Goleta Community Plan states:

Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors within the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.

LCP Policy BIO-GV-2.4 of the Goleta Community Plan states in part:

Landscaping which includes exotic invasive species shall be prohibited in or near Environmentally Sensitive Habitat (ESH) areas, Riparian corridors and appropriate buffers....

LCP Policy BIO-GV-7 of the Goleta Community Plan states in part:

Riparian vegetation shall be protected...Degraded riparian areas shall be restored.

LCP Policy BIO-GV-8 of the Goleta Community Plan states in part:

ESH areas within urban, inner rural and existing developed rural neighborhoods: a setback of 50 feet from either side of top-of-bank of creeks or existing edge of riparian vegetation, whichever is further, minimizing all ground disturbance and vegetation removal, shall be indicated on all grading plans

The subject properties are contiguous with More Mesa, which is located immediately south of the project site. More Mesa comprises approximately 300 acres and contains a variety of habitat, which individually qualify as environmentally sensitive habitats (ESH) and together function as an interrelated ecosystem. Approximately 246 of the 300 acres of More Mesa are designated as ESH in the certified Santa Barbara County Local Coastal Program. In addition to the designated ESH areas, the majority of the grasslands on the mesa serve as both active foraging grounds and buffer areas for several sensitive species of raptors (Kite, Northern Harrier, red-tailed and red-shouldered hawks, and Burrowing and Short Eared Owls), along with a wide variety of other wildlife. Due to the proximity of the subject properties to More Mesa, sensitive bird species and other common wildlife are expected to use the site occasionally for foraging purposes.

The subject properties are situated on a coastal terrace at elevations ranging between 60 and 80 feet above mean sea level. From the north portion of Parcel 1, the parcels slope gently downward to the south toward a drainage swale (considered waters of the United States) and wetlands area along the southern property boundary of Parcel 2. The drainage swale is approximately 480 feet long and flows in an east-to-west direction. A concrete storm drain discharges water collected from the Diamond Crest Residential Development, northeast of the subject parcels, into the drainage swale. At the southern perimeter of Parcel 2, the land slopes upward from the drainage swale as you move south.

The applicant has submitted several biological studies of the project site prepared by Watershed Environmental including: *Biological Resource Report, 487654 Vieja Drive, Santa Barbara, CA, October 2001; Wetland Survey and Delineation Report, 4865 Vieja Drive, Santa Barbara, CA, April 2002; and Wetland Restoration Plan, 4865 Vieja Drive, Santa Barbara, CA, February 2004.* These reports describe the vegetation on the properties as including a variety of non-native landscape vegetation, including a lawn around the perimeter of the existing residence. A row of eucalyptus trees is located

along the eastern property boundaries of the parcels. There is also a row of eucalyptus and coast live oak trees clustered along the southern edge of the existing drainage swale along the southern property boundary of Parcel 2. A total of nine oaks exist on the property; six of which are located on the southern edge of the drainage swale and three of which are located near the southwest corner of the lawn surrounding the residence. According to the Mitigated Negative Declaration (04NGD-00000-00011) for the project approved by the County, one of the eucalyptus trees in the southwest corner of the property recently supported a raptor nest. The occupants of the existing house on the parcel have observed chicks in the nest and an adult Red-tailed Hawk was observed roosting near the nest by County Planning and Development (P&D) staff during a site visit in 2003.

The subject parcels contain approximately 0.23 acres of vegetated palustrine (wet or marshy) wetlands and approximately 0.03 acres of unvegetated palustrine wetlands (in the drainage swale) that meet the California Coastal Commission and Santa Barbara County definitions for wetlands. These wetlands include willow/Coast Live Oak riparian woodland and non-native perennial grasslands that are partially located on Parcel 2 in its existing configuration and partially located on the neighboring undeveloped parcel to the south. The California Coastal Commission and Santa Barbara County criteria for determination of wetlands status are similar in that only one diagnostic wetland parameter (vegetation, hydrology, or soils) must be present for an area to be considered a wetland. In the areas of the subject property that are dominated by invasive exotic species, the presence of wetland soils and/or wetland hydrology was used by Watershed Environmental (Wetlands Delineation Report, April 2002) to determine wetlands boundaries. According to the wetland delineation report prepared for the property, there are several areas within the delineated wetlands where standing water can often be observed. The wetlands on the property are predominantly vegetated by invasive exotic species. There is currently a horse corral and a small stable/shed structure in the wetland and buffer area with at least one horse on site.

The applicant proposes a lot line adjustment between two parcels, consisting of a parcel (Parcel 1) currently developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) will be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) will be decreased in size from 2.33 acres to 1.11 acres. Reconfigured Parcel 1 will then be subdivided into four single-family lots and one common area lot to remain as open space (.96 acre). No development, besides the wetland restoration, removal of the corral structures, and the lot line adjustment is proposed on Parcel 2 under this application. The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, entry gate, and 3,563 cu. yds. of grading (651 cu. yds. cut, 2,912 cu. yds. fill). Each new residence will include a fenced side and rear yard. Fencing will measure a maximum of six feet high and would be constructed of wood screen or ornamental iron. Black vinyl chain link or wood screen fencing will be placed along the project perimeter. The project also includes removal of an existing septic system.

The proposed residences, access driveway, yards, and removal of the existing driveway will be located in an area currently vegetated with non-native grasses, over 100 feet away from the drainage and wetlands onsite and outside of the drip lines of any oak trees present in the project vicinity. Additionally, the California Department of Forestry and Fire Protection has indicated to staff that the project is not within very high fire severity zones designated by the State that require 100 feet of clearance around any proposed structures (Telephone conversation with John Craney, California Department of Forestry and Fire Protection, October 2005). According to Santa Barbara County Fire Department staff, no other County ordinances will require clearance of vegetation in the wetland or buffer zones due to construction of the residences, although the development will have to adhere to codes concerning building materials, landscaping, and access, among others (Telephone conversation with Martin Johnson, Santa Barbara County Fire Department, October 2005). The existing residence on Parcel 2 is partially located within the 100-foot buffer zone for the wetland and drainage. As stated previously, no development is proposed on the existing residence under this application.

Santa Barbara County Board of Supervisor's Condition 12 of approval of Tentative Vesting Tract Map (02TRM-00000-00002), Development Plan (02DVP-00000-00002), and Coastal Development Permit 04CDP-00000-00087, as incorporated in the subject de novo review through **Special Condition One (1)** of the permit application, and **Special Condition Four (4)** require the applicant to implement a wetland restoration plan in substantial conformance with the conceptual *Wetland Restoration Plan, 4865 Vieja Drive, Santa Barbara, CA.* by Watershed Environmental, dated January 27, 2004. This plan includes restoration of a .71-acre area containing the severely disturbed wetland habitat and buffer on the subject properties. The restoration will include removal of existing corral fencing, horse stable/shed structure, and horses from the wetlands and buffer areas. It will also include removal of vegetation using a combination of: hand removal; cutting and mowing; and application of chemical herbicides (AquaMaster) at recommended concentrations. Desirable native species (e.g. arroyo willow and oak tree) and the large eucalyptus trees on the site will be marked by a County-approved biologist and avoided during the weed removal process. All other non-native trees and shrubs (excluding large eucalyptus trees) will be removed from the restoration area. The restoration area will then be planted with native species found in nearby freshwater wetlands and coastal riparian habitats. A temporary irrigation system will be installed until plants are established. Additionally, two bioswales will be constructed that will control and treat runoff from the proposed residential development into the drainage wetland. **Special Condition Four (4)** further requires monitoring of the wetland for a five-year period of time or until established performance goals approved by the Executive Director are met. Restoration of the wetland and buffer area and construction of the bioswales will not involve any fill of wetland habitat.

There is a potential for direct impacts to the existing wetlands during construction and operation if encroachment into and/or disturbance to the wetlands or its 100-foot buffer occurs. **Santa Barbara County Condition 12 and 13** of approval of the Tentative Vesting Tract Map (02TRM-00000-00002), Development Plan (02DVP-00000-00002), and Coastal Development Permit 04CDP-00000-00087, therefore, prohibit any development or vegetative clearance within the wetland and 100-foot buffer area, with

the exception of activities associated with the restoration as outlined above. **Santa Barbara County Condition 12 and Special Condition Four (4)** of the subject application require installation of temporary fencing around the wetland and 100 foot buffer area during construction. Further, these conditions require permanent exclusionary split rail or equivalent fencing around the wetland and buffer to keep people from entering the wetland area, while not impeding the movement of wildlife through the area.

Special Condition Two (2) and Santa Barbara County Condition 8 of approval of the tracts map, development plan, and CDP further require the applicant to record an open space easement that shall include the wetland and 100-foot buffer areas. Special Condition Two (2) outlines that this easement shall include those portions of the wetland and 100-foot buffer on the proposed configurations of Parcel 1 and 2, but will not include that portion of the 100-foot buffer currently occupied by the existing residence on Parcel 2. No development, as defined in Section 30106 of the Coastal Act shall occur within the areas of the proposed open space easement, except for the following activities, if approved through the subject Coastal Development Permit or through a separate Coastal Development Permit: removal of horse corral and associated structures; habitat restoration; installation, repair, or upgrading of utilities; construction of water quality management structures; erosion control management; public access trails and associated appurtenances; reconstruction, repair, or maintenance of proposed bioswales; existing easements for roads, trails, and utilities; or maintenance and repair activities pursuant to an approved management and maintenance program. In order to ensure that the open space easement is dedicated to a responsible party, Special Condition Two (2) requires the Executive Director's review and approval of the grant of easement or offer to dedicate.

The Commission notes that the applicant may use herbicides to conduct weeding operations in the restoration area proposed by the project. Staff notes that there is a certain amount of overspray that will result from the application of the herbicide that cannot be avoided even with the proper application. There is a potential for the herbicide to be introduced to the aquatic environment and there is a potential for other non-targeted vegetation to receive overspray. During the County's scoping process, the public expressed concern with the use of Aquamaster in the wetlands area and the use of herbicides and fertilizers by the future homeowners of the proposed single-family residences. The County in its July 22, 2004 Memorandum to the Planning Commission addressed this issue with the following analysis:

Pure glyphosate herbicides such as the Aquamaster that would be approved for minimal use by hand in the latter phases of the wetland restoration maintenance plan works by interrupting plant biochemistry but is non-toxic to other living organisms. It lacks the surfactant ingredient in household herbicides such as Roundup which penetrates leaf structures and creates toxicity for living organisms.

Available household herbicides such as Roundup are not persistent in their toxic effects, however: they break down within 1-2 weeks of application. Further, the ability of available household herbicides and pesticides to migrate offsite is limited: when applied, they bond to soil particles and remain there for the 1-2 weeks it takes for them to become inert.

The nitrogen and urea in lawn fertilizers are very efficiently removed by grassy bioswales such as those that are proposed for the wetland buffer area. In sum, little or no residual pesticides or herbicides from the household uses generated by the four proposed new homes are likely to migrate to the wetland onsite. However, in order to mitigate for concerns over the introduction of new substances into the general area, the applicant has agreed to the requirement of a Notice To Property Owner (NTPO) to run with the deed of each residence that will contain an informational document about wetland biology, the wetland and buffer area on the project site and responsible use, storage and disposal of household chemicals.

In order to maximize viability and to ensure that native seed and plant specimens installed on the project site be obtained as locally as possible, the project would be conditioned so as to specify that plantings be sourced from coastal slopes from Carpinteria Bluffs to Ellwood Mesa.

Given that the wetland is environmentally sensitive habitat and that other methods of removal may be implemented, the Commission requires **Special Condition Six (6)** and **Santa Barbara County Condition 16** for approval of the tract map, development plan, and CDP, as incorporated in Special Condition One (1), to minimize adverse effect to habitats from the implementation of weeding in the restoration area. Herbicide use shall be restricted to the use of Aquamaster. Native vegetation shall be clearly delineated at the project site with fencing or survey flags and protected. Special Condition Six (6) further stipulates that herbicide use shall not occur during times of high winds or rain.

The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the More Mesa area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. Therefore, in order to minimize adverse effects to the indigenous plant communities of More Mesa, **Santa Barbara County Condition 15** for approval of the tract map, development plan, and CDP, requires the applicant to submit and execute a landscaping plan approved by the County that requires that, with the exception of the proposed lawns, new plants installed on the project site shall primarily include native plant materials and seed stock from locally obtained sources, ie. from coastal slopes between the Carpinteria Bluffs and Ellwood Mesa. **Santa Barbara County Condition 34** for approval of the proposed development plan (02DVP-00000-00002) also requires the applicant provide the county with performance securities in order to ensure installation of landscaping and irrigation in accordance with the approved landscape plan.

Regular wildlife use of the project site is expected to be limited to common, generalist species. The mature trees on and surrounding the property may continue to provide roosting or possible nesting habitat for a number of birds. The County of Santa Barbara *Environmental Thresholds and Guidelines Manual* prohibits disturbance of raptor nest sites and recommends that a minimum distance of ¼ mile be maintained between construction and an active raptor nest site. While no known trees supporting raptor

nests are proposed for removal, the four proposed new single-family dwelling sites are less than ¼ mile from potential raptor nesting habitat, and construction activity during the breeding season could potentially affect nesting activity. The proposed development, although located within ¼ mile of known raptor nest, will be separated from the nest by other existing residential development on adjacent properties. While a hawk has nested on trees on the property in previous years, no nests have been observed in the last two years. Increased human activity and noise associated with site preparation and construction may also potentially affect habitat use and foraging patterns of birds in the vicinity of the project site and such disruption would be a potentially significant impact. In order to protect nesting raptors from disruptions caused by site preparation and construction, **Santa Barbara County Condition 14** of approval of the tract map, development plan, and CDP requires that the applicant pay for a County approved biologist to inspect the project site and any areas within 500 feet of proposed construction activity for raptor nesting activity once a week during construction. The condition also requires the biologist to conduct pre-construction raptor nesting surveys not more than one week prior to the beginning of construction activity. If raptors are determined to be nesting on the project site or in any areas within 500 feet of the proposed construction activity, the condition provides that construction shall be stopped and that no construction, grading, or heavy equipment operation shall take place within 500 feet of the raptor nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by the County. Other than those activities that are allowed by the County, the condition specifies that no construction activities shall take place within a 500-foot radius of any raptor nests until it can be verified that all fledglings have left the nest(s).

Santa Barbara County Staff "consulted five different biologists (one from UCSB and two from California Department of Fish and Game in addition to staff biologists) in order to evaluate whether the proposed project would have significant impacts to kite and raptor habitat. According to these biologists, kites and other raptors "make regular forays into established residential areas near their open-space habitats and are accustomed to ongoing human activity" (Santa Barbara County Staff Memorandum to Planning Commission, July, 22, 2004). The addition of four residences to the Vieja neighborhood would, therefore, not significantly increase human activity with relation to these raptors once the project is built.

There would be a potentially long term significant impact on wildlife habitat, though, if any of the mature native trees on the property and the mature existing eucalyptus in the wetlands and buffer, were to be removed. **Santa Barbara County Condition 13** of approval of the tracts map, development plan, and CDP therefore provides that no trees shall be removed within the 100-foot wetlands buffer, except for dead trees and non-native species (excluding large eucalyptus) as specifically approved by the County and verified by a County approved biologist to not be currently supporting nesting raptors.

In addition, the Commission finds that excessive night lighting of areas adjacent to open space and Environmentally Sensitive Habitat may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. **Santa Barbara County Condition 3** of approval of the tract map, development plan, and CDP, therefore, provides that any new exterior night lighting installed on the project site shall be of low intensity, low height, and low glare design, and shall be hooded to direct light downward onto the subject parcel and

prevent spill-over onto adjacent parcels. The condition requires the applicant to submit a lighting plan for the review of County staff that must be approved prior to the issuance of a coastal development permit. County staff is also required to inspect the development upon completion of construction to ensure that the proposed development conforms with the approved lighting plan.

Furthermore, fencing of the site would adversely impact the movement of wildlife through the wetland and environmentally sensitive habitat buffer on the project site. Therefore, as outlined in **Santa Barbara County Condition 12** of approval of the tract map, development plan, and CDP requires that the wetland and buffer area be fenced with wildlife permeable split rail or equivalent fencing. The condition specifies that the minimum distance from ground level to any fence's first rung will be 18 inches. This effectively limits all other fencing to the immediate area of the four residences, the access driveway, and their yards.

The Commission further finds that construction activities associated with the project has the potential to impact silvery legless lizards that can inhabit the sandy loam soils found on the property and bats, which could make their homes in the abandoned outbuildings on the project site. **Santa Barbara County Condition 9** of approval of the tract map, development plan, and CDP requires that a qualified biologist rake the sandy loam soils found in the northwestern corner of the subject parcel during times when the lizards are most likely to be active near the surface (December-March). Any silvery legless lizards found will be relocated to similarly-textures soils along the margin of the subject parcel. The condition also requires that the biologist should be present when the northwestern portion of the subject parcel is graded during site preparation. **Santa Barbara County Condition 10** of approval for the tract map, development plan, and CDP also requires that a qualified biologist thoroughly inspect the abandoned outbuildings on the project site for bats prior to demolition. Any bats found will be displaced by hand and the building demolished as soon as possible.

Further, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject sites is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, to ensure that any future structures, additions, and changes in landscaping or intensity of use at the project site, that may otherwise be exempt from Coastal Permit requirements are reviewed for consistency with the resource protection policies of the Santa Barbara County Local Coastal Program and Coastal Act as incorporated into the LCP, **Special Condition Seven (7)**, the future development restriction, has been required. Further, **Santa Barbara County Condition 3** of approval of the lot line adjustment (02LLA-00000-00002) requires that the applicant execute a legal covenant stating that there shall be no future division of Parcel 2 (APN 065-240-020) and that the existing residence shall remain one story and shall not exceed a maximum square footage of 4,000 sq. ft. excluding the garage.

Finally, **Special Condition Five (5)** and **Santa Barbara County Condition 36** of approval of the tentative tract map requires the applicant to include the Special Conditions of this permit, as well as the Santa Barbara County Conditions of Approval on the Tract Map to be recorded for the project. **Santa Barbara County Condition 45**

of approval of the tract map, development plan, and coastal development permit also requires the applicant to record a Notice to Property Owner (NTPO) document to ensure that prospective property owners have information about the biology of the wetland and buffer areas on the project site and responsible management of household chemicals. **Santa Barbara County Condition 34** of approval of the coastal development permit (04CDP-00000-00087) and **Special Condition Nine (9)** also require the applicant to record CC&Rs which require shared responsibility of site improvement by all owners. The owners shall share maintenance responsibilities for the drainage facilities, landscaping, revegetation, fencing and access. The CC&R;s shall also include, by reference, responsibilities for all owners to maintain the properties in compliance with all conditions of approval for the project. Further **Santa Barbara County Condition 7** of approval of the lot line adjustment and **Special Condition Eight (8)** require the applicant to record with the deed of each property the statement of findings and conditions approving the lot line adjustment from Santa Barbara County and the California Coastal Commission.

The Commission, therefore, finds that, as conditioned, the proposed development will meet the environmentally sensitive habitat policies of the County's LCP and Sections 30121, 30233, and 30240 of the Coastal Act.

E. WATER QUALITY

LCP Policy 1-1, incorporating Section 30231 of the Coastal Act states:

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

LCP Policy 3-14 states:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparations is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

LCP Policy 3-16 states:

Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.

LCP Policy 3-17 states:

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 immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.

LCP Policy 3-18 states:

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 on-site whenever possible to facilitate groundwater recharge.

LCP Policy 3-19 states:

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

The Commission recognizes that new development adjacent to coastal streams and drainages has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alternation of natural streams, and by maintaining natural vegetation buffer areas. Policies 3-14, 3-16, 3-17, 3-18, and 3-19 of the LCP further require minimization of erosion and runoff for development projects.

The applicant proposes construction of four new single family residences, access road, yards, and hardscape, which will be located over 100 feet away from drainages and wetlands onsite. While this development is proposed over 100 feet away from drainages and wetlands onsite, this development will involve construction related activities near the wetland buffer area. Additionally, the development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paints and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alternation of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity

which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In order to protect water, wetland, and marine resources in the vicinity of the project, the applicant proposes removal of existing horse corral structures, construction of two bioswales, and wetlands restoration within the wetland and 100-foot buffer area. Removal of the existing horse, corral fencing, and stable/shed structure as proposed would reduce an existing source of pollution and ground disturbance in the wetlands and buffer area. Likewise, construction of the bioswales and restoration of the wetlands and buffer area will decrease flows and provide a level of infiltration for stormwater runoff from the proposed residences and existing neighboring developments flowing into the drainage swale and wetlands onsite. Additionally, the proposed project includes removal of an existing septic system associated with the existing residence on Parcel 2 and placement of a sewer line to the proposed development under the proposed access road, over 50 feet from the wetlands buffer area.

In addition to these measures, the County of Santa Barbara, in their approval of the tract map, development plan, and CDP required several conditions related to protection of water quality and wetlands onsite during project construction and operation. The following are best management practices required by Santa Barbara County in their approval of these permits:

- **Santa Barbara County Condition 4** prevents construction and/or employee trash from blowing offsite;
- **Santa Barbara County Condition 5** requires dust control measures including use of water trucks and sprinkler systems, covering of stockpiled soils, and monitoring;
- **Santa Barbara County Condition 6** requires the applicant to employ longer term dust control measures such as revegetation and use of soil binders if the construction site is graded and left undeveloped for over four weeks;
- **Santa Barbara County Condition 7** requires the use of best available erosion and sediment control measures, including sediment basins, and development of an erosion and sediment control plan to be approved by County staff;
- **Santa Barbara County Condition 11** requires removal of polluted water and materials from the site and washing of equipment away from the wetland buffer area;
- **Santa Barbara County Condition 21** limits excavation and grading to the dry season (April 15 to November 1);
- **Santa Barbara County Condition 23** requires removal of the existing septic system according to Environmental Health Service codes;
- **Santa Barbara County Condition 28** requires all construction staging areas to be located outside the wetland buffer area;

- **Santa Barbara Condition 30** requires storm drain inlets within the project site to be covered/blocked when applying seal coat, tack coat, slurry seal, fog seal, etc.
- **Santa Barbara Condition 22** requires that positive drainage be provided away from all structures and manufactured slopes and that the top 18-36 inches of soil be recompact; and
- **Santa Barbara Condition 29** requires a final drainage plan for the development utilizing best available control technologies;

These measures, which have been incorporated into **Special Condition 1**, in addition to the conditions concerning herbicide use described in the previous Section V.D. Environmentally Sensitive Habitat, will ensure the propose development will not adversely impact water quality and wetland and riparian habitats onsite. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act and the applicable water quality policies of the LCP.

F. GEOLOGY AND HAZARDS

LCP Policy 1-1, incorporating Section 30253 of the Coastal Act states, in part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and nelther create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would*

LCP Policy 3-8 states:

Applications for grading and bulding permits, and applicatlons for subdivlson shall be reviewed for adjacency to threats from, and impacts on geologic hazards arising from seismic events, tsunaml runup, landslides, beach eroslon, or other geologic hazards such as expansive solls and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.

LCP Policy 3-10 states:

Major structures, i.e., residential, commercial, and industrial, shall be sited a minimum of 50 feet from a potentially active, historically active, or active fault. Greater setbacks may be required if local geological conditions warrant.

LCP Policy GEO-GV-5.2 and GEO-GV-5.3 of the Goleta community Plan state in part:

Erosion control measures including the use of drought-tolerant landscaping shall be established in all site drainages.

All surface water runoff shall be culverted and diverted to avoid exposed slopes and directed to the nearest natural drainage channel with an energy-dissiplating outfall installed.

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in a areas of high geologic, flood, and fire hazard. LCP policies 3-8 and 3-

10 require that new subdivisions and structures be reviewed for adjacency to threats from and impacts on geologic hazards arising from seismic events, active faults, tsunami run up, landslides, beach erosion, expansive soils, and subsidence areas. LCP policies GEO-GV-5.2 and GEO-GV-5.3 from the Goleta Community Plan further stipulate the use of erosion control measures for new development.

The subject properties are situated on a coastal terrace at elevations ranging between 60 and 80 feet above mean sea level. From the north portion of Parcel 1, the parcels slope gently downward to the south toward a drainage swale (considered waters of the United States) and wetlands area along the southern property boundary. The drainage swale is approximately 480 feet long and flows in an east-to-west direction. A concrete storm drain discharges water collected from the Diamond Crest Residential development, northeast of the subject parcels, into the drainage swale. At the southern perimeter of Parcel 2, the land slopes upward from the drainage swale as you move south. Soil types are predominantly silty sand, fine to medium sands, and silty moist loam.

The Santa Barbara County staff addressed geologic site conditions in the Mitigated Negative Declaration dated June 25, 2004 approved for the project as follows:

A soils testing report prepared for the proposed project by Coast-Valley Testing, Inc. dated June 5, 2001 describes field testing of soil types and characteristics at the project site and provides recommendations for grading and foundation specifications that would ensure suitable design for the project. The proposed building sites have maximum slopes of 5-10%, and the surface soils were found to be slightly to moderately expansive. While the top 24 to 36 inches of existing surface soils were found to be loose and porous, the soil is moderately firm to firm below this depth. The report recommends that the top 18-36 inches of soil be recompacted to a minimum of 90-95% relative compaction for foundation and roadway areas on the site, and that positive drainage be provided away from all structures. Cut and/or fill slopes would not exceed 2 horizontal to 1 vertical, and cut and fill volumes are expected to balance.

The grading and soil compaction recommendations made by Coast-Valley Testing Inc. have been incorporated into the project. Additionally, the County found in the approved Negative Declaration that "there are no steep slopes or highly unstable soils in the project vicinity that would be impacted by construction-generated vibrations or long-term general uses of the site." Further, the project is not in the immediate vicinity of ocean dunes, beach sands, or active faults. The closest active fault, the More Ranch Fault, is located approximately $\frac{3}{4}$ of a mile north of the project site. Additionally, the proposed development, including the existing single family dwelling, will be connected to the Goleta Sanitary District sewer line, so there are no concerns regarding the suitability of the soil on the site for septic disposal services.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed, impervious surfaces, and building pads will also add to the geologic stability of the project site. The applicant has submitted drainage plans that include the use of two bioswales to divert runoff from the proposed development. Additionally,

Santa Barbara County has required the following erosion control measures in their approval of the tract map, development plan, and CDP for the project:

- **Santa Barbara County Condition 7** requires the use of best available erosion and sediment control measures, including sediment basins, and development of an erosion and sediment control plan to be approved by County staff;
- **Santa Barbara County Condition 21** limits excavation and grading to the dry season (April 15 to November 1);
- **Santa Barbara Condition 22** requires that positive drainage be provided away from all structures and manufactured slopes and that the top 18-36 inches of soil be recompacted; and
- **Santa Barbara Condition 29** requires a final drainage plan for the development utilizing best available control technologies;

Further, the Commission find that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Additionally, the use of native species, which tend to have a deeper root structure than non-native and invasive species, aids in preventing erosion. Therefore, **Santa Barbara County Condition 15** of approval of the tract map, development plan, and coastal development permit, as incorporated by **Special Condition One (1)**, requires the applicant to submit landscaping plans that utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

The subject lot is located within the County designated "High Fire Hazard" area. The project, however, is not located within a state designated "very high fire intensity" area. Intensified use of the site as proposed would introduce new potential ignition sources in the area, increase use of flammable devices such as matches, lighters, and barbecues, and increase the potential for utility line arcing. The Santa Barbara County Fire Department has reviewed the proposed project and recommended several fire protection measures for the project regarding site access, building materials, parking, landscaping materials, and water supply. No vegetative management plan has been required by the Fire Department for the property. The fire department requirements are incorporated into the **Santa Barbara County Conditions 18, 19, and 32** of approval for the tract map, development plan, and CDP. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act and the applicable geologic and hazard policies of the LCP.

G. VISUAL RESOURCES

LCP Policy 1-1, incorporating Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in

visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LCP Policy 3-13 states:

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

LCP Policy 3-14 states:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

LCP Policy 4-4 states:

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.

LCP Policy 2-12 states in part that:

The densities specified in the land use plan are maximum and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes.

....

Sec. 35-53. Overlay District Designations and Applicability. (in relevant part):

...If any of the provisions of the overlay district conflict with provisions of the zoning district regulations, the provisions which are most restrictive shall govern...

Sec. 35-74.7 D-2 Design Residential

The maximum density for each lot zoned DR shall be specified by a number following the DR on the lot on the applicable Santa Barbara County Zoning Map and said number represent the number of dwelling units per gross acre permitted on such lot as follows.....DR-2, 2 dwelling units per gross acre and 21,780 sq. ft. gross land area per dwelling unit...

Sec. 35.74.10 and Sec. 35.74.13 Lot Coverage

Not to exceed thirty (30) percent of the net area of the property shall be covered by buildings containing dwelling units

- 1. Not less than forty (40) percent of the net area of the property shall be devoted to common and/or public open space.*
- 3. Title to the common open space shall be held by a non-profit association of homeowners or by any other individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe which may include conveying to the County of Santa Barbara the rights to develop such property with anything except open space or noncommercial recreation.*

Sec. 34.74.11 Height Limits

No building or structure shall exceed a height of thirty-five (35) feet.

Coastal Act Section 30251, incorporated into the certified LCP, requires protection of visual qualities of coastal areas. The LCP policies as described above require that the proposed development be sited and designed to protect views to and along the ocean and scenic coastal areas and be visually compatible with the character of surrounding areas. The LCP policies also require minimization of landform alteration and grading and clustering of residences where possible.

The project involves two lots, both zoned Design Residential (DR-2) in the certified LCP for Santa Barbara County. Parcel 1 (APN 065-240-019) is currently developed with corrals and sheds. Parcel 2 (APN 065-240-020) is currently developed with a single-family residence of approximately 2,600 sq. ft., several horse corrals, sheds, and a horse stable. Adjacent land use to the west and north is single-family residential. The area to the east is currently being developed with eight new single-family homes known as the Las Brisas project. South of the property is an approximately 300-acre undeveloped area known as More Mesa. More Mesa is zoned Planned Residential Development (PRD-70; 70 units). In addition, approximately 246 of the 300 More Mesa acres are designated as Environmental Sensitive Habitat (ESH) under the LCP.

The subject properties are situated on a coastal terrace at elevations ranging between 60 and 80 feet above mean sea level. From the north portion of Parcel 1, the parcels slope gently downward to the south toward a drainage swale and wetlands area along the southern property boundary. At the southern perimeter of Parcel 2, the land slopes upward from the drainage swale as you move south. This topography blocks most of the view from the parcels south toward More Mesa.

As stated previously, the applicant proposes a lot line adjustment between two parcels, consisting of a parcel (Parcel 1) currently developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) would be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) would be decreased in size from 2.33 acres to 1.11 acres. Reconfigured Parcel 1 would then be subdivided into four single-family lots and one common area to remain as open space (.96 acre). No development, aside from wetland restoration, is proposed on Parcel 2 under this application. The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, entry gate, and 3,563 cu. yds. of grading (651cu. yds. cut, 2,912 cu. yds. fill). Additionally, the applicant proposes restoration of the wetland areas on the property, removal of horse corral structures, and two bioswales.

Public Views

LCP Policies 3-13 and 3-14 require new development to be designed to fit the topography of the site and minimize grading onsite. Section 30251 of the Coastal Act,

which is included in the certified LCP as a guiding policy, requires that visual qualities of coastal areas shall be considered and protected and, where feasible, enhanced and restored.

The appellant contends that the two-story structures as proposed would significantly obstruct public views from the heavily used More Mesa coastal recreation and resource area. The appellant has submitted visual simulations of the project and project area (Exhibit 2). From these simulations, the appellant argues that "Lots 2, 3, and 4 are obtrusive and clearly visible from the heavily used east-west trail, even with current vegetation in place." The appellant has identified other existing residences in the area which the appellant asserts result in adverse impacts to public views. The County staff did consider this information during the local permit process, but determined that the other existing residences identified by the appellant have very different specifications and greater public visibility than the Hacienda Vieja proposal. According to the information provided in the administrative record, the other structures in question are as close as 30 feet from More Mesa, whereas the closest proposed residence in the Hacienda Vieja project is greater than 200 feet from the Mesa and screened by vegetation (Exhibit 8). Existing trails used by the public are setback even farther since they do not abut the property boundary.

The County staff analyzed the potential view impacts within the negative declaration and subsequent staff reports to the Planning Commission and the Board of Supervisors. In the staff report dated February 1, 2005, the County concluded the following with regard to obstruction of views:

The proposed four new dwellings would be too low and too distant to obstruct public views of the mountains from More Mesa, as analyzed and discussed in the proposed final Negative Declaration. In addition, the proposed final Negative Declaration was revised to include discussion of potential impacts on private views (see Attachment C of this letter: PC memo dated July 22, 2004). As mitigated by project conditions of approval, impacts on private views would be less than significant. Overall visibility of the project from public areas would be minimal and less than significant due to:

Distance of the proposed structures from the perimeter of More Mesa. The closest point of proposed structural development on Hacienda Vieja is approximately 220 feet away from the edge of More Mesa. By comparison, other projects in the vicinity that the appellant has expressed concerns about (Las Brisas and Gallego/ Mockingbird) are within 30-90 feet from the edge of More Mesa.

Design Residential (DR) Site Design: The subject 2.39 acre parcel is Design Residential (DR) zoned, and the purpose and intent of DR zoning (Article II Sec. 35-74.1) is to provide areas for residential development in a wide range of densities, housing types, and design, and to create open space within new residential developments. DR zoning requires that at least 40% of the net area of a property shall be devoted to common open space. The approximately one-acre area of the project site to be left in perpetuity as open space is the portion of the site that borders More Mesa. The proposed four new single-family residences are clustered in the northern portion of the 2.39 acre parcel on four residential lots, and project conditions require that the approximately one-acre common area next to More Mesa shall be dedicated to the County of Santa Barbara and/ or an applicable non-profit entity and shall remain as open space.

Topographic elevation of the proposed structures. Due to the rolling terrain of the project neighborhood, the two-story elements of the Hacienda Vieja homes will sit lower on the horizon as seen from the More Mesa viewshed than one-story dwellings on the adjacent Las Brisas, Diamond Crest and Gallego/Mockingbird developments. Finished grade for the Hacienda Vieja homes would be at 76-foot elevations, compared to an approximate 100-foot elevation for Las Brisas, 92-foot elevation for Diamond Crest, and 115 feet for Gallego/ Mockingbird.

Existing and proposed landscaping would offer substantial screening of the project from all public areas. There is significant existing screening of the project site, consisting of a variety of trees and other vegetation on the common open space lot that lies between More Mesa and the proposed homes, as well as a proposed landscape plan as approved by the Planning Commission that will include specimen-size trees and other screening vegetation on all four residential lots. Any future tree removal would be subject to P&D review and approval.

The second-story floor areas are less than half the areas of the first floors, and significantly stepped back from every vantage point. The maximum 21-foot heights of the homes on Lots 2 and 4 would not appear as long, unbroken massing from any vantage point.

Required colors would substantially mitigate visual impacts. Project conditions would require all exterior materials on the four homes to be dark, natural-tone, non-reflective colors designed to blend with the colors of the surrounding terrain, and to be given final review and approval by the Board of Architectural Review. It is easily demonstrated by viewing existing development from More Mesa that dark, natural, blend-in colors make a very significant difference as to which structures are more prominent in the public viewshed.

Regarding cumulative visual impacts, the proposed project is consistent with the land use and zone designations considered in the Goleta Community Plan EIR (91-EIR-13) for future cumulative impacts to aesthetics and visual resources due to buildout of the More Mesa area. As discussed in the proposed final ND, with the incorporation of mitigation measures as identified in the GCP EIR, cumulative aesthetic impacts would be less than significant.

The proposed residences will be visible from More Mesa. However, much of More Mesa is surrounded by residences to the east, west, and north. Additionally, landscape screening of the proposed development is required in the open space lot between the public area and the residences, pursuant to the approved landscape plan required by Santa Barbara County Condition 15 of approval of the tract map, development plan, and coastal development permit, as incorporated by Special Condition One (1). Santa Barbara County Conditions 34 and 35 of approval of the development plan also require the applicant to provide the County with performance securities to ensure installation of landscaping in accordance with the approved landscape plan and require all landscaping be maintained for the life of the project. While the proposed wetland restoration plan would require removal of a few non-native trees in the wetland and wetland buffer areas, the landscaping plan provides for planting of native specimen size trees and other screening vegetation on all four residential lots. Additionally, trees and landscape elements on the area of More Mesa adjacent to the property partially blocks views of the proposed residences from public trails on More Mesa.

The project also complies with the required height restrictions and setbacks that reduce any negative visual impact to the public. There was some controversy between the applicant and appellant over the height of the houses in regard to the visual simulations. County staff has confirmed that the story poles that were erected to depict the project height represent the very highest point of the roof pitch, not merely the second floor plate level. The heights were calculated pursuant to County requirements to determine the average mean height. The heights of the proposed structures are below the maximum 35-foot height restriction in the Design Residential zone district.

The appellant has also suggested that the impact of public views can be mitigated by reducing the two-story residences to one-story heights. As proposed, two of the four residences would be two-stories with a maximum average mean height of 21 feet. The average mean height of the one-story residences is 15 and 16 feet. In this case, the proposed development, although located between the first public road and the sea, will not block any views of the ocean from any public viewing locations. Further, the proposed residences are consistent in scale, size, and height with the other existing residential development in the surrounding community. As such, the proposed structures will not result in any significant impacts to public views of the mountains as view from More Mesa. The Commission finds that a reduction in height of approximately 6 feet would not represent a substantial modification of the structure and its corresponding impacts to public views for the reasons discussed above.

Although the proposed development is consistent with the character of the surrounding residential development, it will still be visible from portions of More Mesa and existing hiking trails. The Commission notes that the visual impact of the proposed structures can be minimized by requiring the residences to be finished in a color consistent with the surround natural landscape. **Santa Barbara County Condition 2** of approval of the tract map, development plan, and coastal development permit, therefore, requires the use of natural building materials and colors compatible with surrounding terrain (darker earthen tones) on exterior surfaces of all structures. This condition further requires County inspection of the residence prior to occupancy clearance in order to assess compliance with these requirements.

In addition, the Commission has found that night lighting adjacent to open space areas creates a visual impact to nearby scenic roads and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. **Santa Barbara County Condition 3** of approval of the tract map, development plan, and CDP, therefore, provides that any new exterior night lighting installed on the project site shall be of low intensity, low height, and low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The applicant is required to submit a lighting plan for the review of County staff that must be approved prior to the issuance of a coastal development permit. County staff is also required to inspect the development upon completion of construction to ensure that the proposed development conforms to the approved lighting plan.

Further, the four single family residences are proposed on a relatively flat portion of the parcels and will require minimal grading for construction, thereby minimizing alteration of landform and grading.

For the reasons above, the Commission finds that there are no significant impacts to public views as a result of the proposed project.

Community Character

LCP Policy 4-4 requires new structures to conform to the existing scale and character of the surrounding community. Policy 4-4 also encourages diverse housing types. The appellant has argued that the proposed development is not compatible with the scale and character of the existing community, and therefore the project is inconsistent with LCP Policy 4-4. The appellant maintains that the proposed residences are not similar in either size or design to nearby semi rural ranch style homes. Specifically, the appellant contends that the Hacienda Vieja Project is not in conformance with the scale and character of the immediate existing community of Vieja Drive and that the bulk, scale, and height are not compatible with the neighborhood that can be defined by those structures that are on the edge of the greater More Mesa area. The appellant has stated that all of the homes on Vieja Drive are on approximately one-acre lots, whereas the Hacienda Vieja Project is equivalent to four houses on 1.3 acres.

The County staff addressed the compatibility of the proposed project with the Vieja Drive neighborhood character in its analysis. In the staff report dated February 1, 2005, the County concluded the following with regard to community character:

The question of neighborhood compatibility and size and scale received considerable attention throughout P&D review and the public hearing process.

The project as originally proposed consisted of four two-story dwellings of approximately 4,000-4,100 square feet (including garages). Existing development in the neighborhood consists of both one-story and two-story homes built in a variety of styles and ranging in size from approximately 2,100 square feet to 4,100 square feet. As originally proposed (even prior to revisions that downsized the project), the project was consistent with DR-2 zone height and density requirements and was recommended by P&D for approval.

In response to concerns expressed by the public (including the appellant) and by members of the Planning Commission during the hearing process, the applicant scaled back his project to its current configuration. The project as now proposed—two one-story homes and two two-story homes ranging from approximately 3,600 to 3,800 square feet (including garages)—is completely within the midrange of existing neighborhood development (for specific comparative statistics, please see page 4 of Attachment C of this letter). [see Table reproduced below]

More than a third of the dwellings within a quarter mile of the proposed project have two stories. Many of the existing two-story homes that can be seen from More Mesa and in the immediate neighborhood were approved in the 1980s and 1990s, and a variety of architectural styles (such as Modern and Mediterranean) are represented in the neighborhood mix. None of the designated zone districts of parcels bordering More Mesa (including DR, R-1 and EX-1 zoned properties) contain specific prohibitions on two-story structures.

As stated above, the Hacienda Vieja project is located on the perimeter of More Mesa. The County reviewed the size of projects in the area and presented the following

information comparing the proposed project with other residences in the immediate neighborhood adjacent to and near More Mesa:

Project or Address (no. of houses)	Size (square feet incl. garage)	Two Stories?
Hacienda Vieja (4 houses)	3,600 - 3,866	1 (2 units) and 2 (2 units)
Rainbolt (2)	4,294	Yes
4876 Vieja Dr.	4,100	Yes
4864 Vieja Dr.	3,649	Yes
4870 Vieja Dr.	3,900	Yes
Diamond Crest (25)	3,100 – 3,400	1 (14 units) and 2 (10 units)
1095 Mockingbird (2)	4,183 and 3,771	Yes
Sandpiper	2,900 – 3,600	Yes
Vista LaCumbre (25)	2,860 – 3,000	1 (17 units) and 2 (8 units)
Las Brisas (8)	3,610	No

The above information indicates that the proposed project is comparable to existing residential development in the project vicinity and that the surrounding area is developed with similar single-family residences. With regard to density, the County determined that all of Vieja Drive bordering More Mesa is either zoned DR-2 (two residences per acre) or DR-3.5 (3.5 residences per acre). The Hacienda Vieja Project is zoned DR-2, and would result in 4 residences on 2.39 acres. In this case, the development is clustered, which County staff notes is typical of DR site design, to allow for one acre of the project site closest to More Mesa to remain as open space, to locate structures outside of the 100-foot wetland buffer, and to allow the wetland restoration project to be implemented. The County's analysis determined that Hacienda Vieja is not proposed at a scale that would be of a higher density than the adjacent Las Brisas or Diamond Crest developments. As a result, the Commission finds that the subject site's development is consistent with the scale and density of other sites in the area.

Additionally, as noted above, the County determined that the proposed Hacienda Vieja structure closest to the perimeter of More Mesa would be approximately 220 feet away from More Mesa. By comparison, Lot 4 of the Las Brisas project to the east is 40 feet from the More Mesa perimeter and Las Brisas Lot 8 is 90 feet away (see Exhibit 8). The recently approved Gallego/Mockingbird new residence is 40 feet from More Mesa. Because of its greater distance from public viewing areas, lower elevations, existing and proposed landscape screening and the requirement for dark, natural exterior colors, the proposed project would be visually subordinate to other residential development as seen from the public trails of More Mesa.

In addition, the County staff analyzed the proposed development in order to determine that it conforms with the requirements set forth under Section 35-74 of the Zoning Ordinance of the LCP, listing specific standards for the Design Residential zone district in consideration of the surrounding. The subject site is zoned as DR-2, Design Residential, which allows for a range of densities, housing types, and design. The DR zone district allows for a maximum of coverage of the property for dwellings and allows a maximum 35-foot height limit. Additionally, the DR zone district requires that not less than 40% of the net area of the property be devoted to common and/or public open

space. Lot 5 of the subdivision would be dedicated to permanent open space and help buffer the new residences from the More Mesa perimeter. The Commission finds that the proposed development conforms to these standards.

Because the community along the perimeter of More Mesa is residential in character, and the project is setback and required to have landscape screening and blend in with the surrounding terrain, the Commission finds that the proposed project is consistent with the character of the surrounding community. Further, the County's analysis shows that the scale meets the requirements of the zone district as well as demonstrating the comparability of the scale to the existing development.

The Commission finds that the amount and location of any new development that may be proposed in the future on the subject sites, though, is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from Coastal Permit requirements are reviewed for consistency with the resource protection policies of the Santa Barbara County Local Coastal Program and Coastal Act as incorporated into the LCP, **Special Condition Seven (7)**, the future development restriction, has been required. Further, **Santa Barbara County Condition 3** of approval of the lot line adjustment (02LLA-00000-00002) requires that the applicant execute a legal covenant stating that there shall be no future division of Parcel 2 (APN 065-240-020) and that the existing residence shall remain one story and shall not exceed a maximum square footage of 4,000 sq. ft. excluding the garage.

Finally, **Special Condition Five (5)** and **Santa Barbara County Condition 36** of approval of the tentative tract map requires the applicant to include the Special Conditions of this permit, as well as the Santa Barbara County Conditions of Approval on the Tract Map to be recorded for the project. **Santa Barbara County Condition 34** of approval of the coastal development permit (04CDP-00000-00087) and **Special Condition Nine (9)** also require the applicant to record CC&Rs which require shared responsibility of site improvement by all owners. The CC&R;s shall include, by reference, responsibilities for all owners to maintain the properties in compliance with all conditions of approval for the project. Further **Santa Barbara County Condition 7** of approval of the lot line adjustment and **Special Condition Eight (8)** require the applicant to record with the deed of each property the conditions approving the lot line adjustment from Santa Barbara County and the California Coastal Commission.

The Commission, therefore, finds that, as conditioned, the proposed development will meet the visual resources and community compatibility policies of the County's LCP and Section 30251 of the Coastal Act.

H. PUBLIC ACCESS AND RECREATION

LCP Policy 1-1, incorporating Section 30210 of the Coastal Act states:

In carrying out the requirements of Section 4 of Article X of the California constitution, maximum access, which shall be conspicuously posted, and

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

LCP Policy 1-1, incorporating Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

LCP Policy 1-1, incorporating Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway...

LCP Policy 7-1 states, in part:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. . . .

LCP Policy 7-2 states:

For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:

(a) Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline,

(b) Access at the site would result in immitigable adverse impacts on areas designated as "Habitat Areas" by the land use plan,

LCP Policy PRT-GV-2 of the Goleta Community Plan states:

In compliance with applicable requirements, all opportunities for public recreational trails within those general corridors adopted by the Board of Supervisors as part of the Parks, Recreation and Trails (PRT) maps of the County Comprehensive Plan (and this Community Plan) shall be protected, preserved and provided for during and upon the approval of any development, subdivision and/ or permit requiring any discretionary review or approval, except as referenced in Agricultural Element Policy 1A.

LCP Policy PRT-GV-4 of the Goleta Community Plan states:

Trail corridors formally designated on the PRT maps shall be kept clear from encroachment by new uses or development, to the extent reasonably feasible.

LCP Policy PRT-GV-8 of the Goleta Community Plan states:

New trails shall be limited to non-motorized vehicle use. Trails shall be designed to keep hikers, bikes and equestrians on the cleared pathways, and shall be designed to minimize impacts to the maximum extent feasible to any sensitive habitat area. Trails

shall be sited to avoid significant environmental constraints and to minimize user conflicts and conflicts with surrounding land uses, to the maximum extent feasible.

In addition to any applicable policies of the LCP, all projects located between the first public road and the sea requiring a coastal development permit, such as the proposed project, must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act. Coastal Act Section 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. LCP Policy PRT-GV-2, 4, and 8 of the Goleta Community Plan outline requirements for trails in the Goleta area.

The project sites are located between the first public road to the shoreline and More Mesa, which has direct access to the sea via several public trails. There are no established public recreational uses on the project site. However, the area from the end of Vieja Drive along the western perimeter of the subject properties and continuing south to More Mesa is mapped as one of the general corridors adopted by the Santa Barbara County Board of Supervisors as part of the Parks, Recreation, and Trails (PRT) maps of the Goleta Community Plan. More Mesa contains numerous well established trails which receive extensive public passive recreational use from hikers, cyclists, equestrians, and beach users. Public pedestrian and equestrian access from eastern Goleta to More Mesa is taken along an established easement across nearby Mockingbird Lane.

The proposed project would have no effect on established trails or easements and would not conflict with established public recreational uses of the area. As discussed in Section V..G. Visual Resources above, special conditions and mitigation measures concerning visual resources would ensure minimization of impacts to public view of, around and over the site from existing recreational trails on More Mesa. In addition, the **Santa Barbara County Condition 27** of approval of the tract map, development plan, and coastal development permit and **Special Condition 3** requires the applicant to dedicate to the County in perpetuity a 15-foot wide trail easement along the western border of the subject property, which will serve as access to the trail system of More Mesa, which leads to the sea. These conditions further stipulate that upon development of the future trail, the perimeter of the wetlands buffer area east of the trail easement shall be permanently fenced with split rail fencing so that pedestrian access is denied to the wetlands. This fencing is required to be split rail fencing in order to allow movement of wildlife through the wetlands. Establishment of the trail, therefore, will not impact environmentally sensitive habitat on the project site.

Therefore, the Commission finds that, as conditioned, the proposed development will meet the public access and recreation policies of the County's LCP and Section 30210 and 30211 of the Coastal Act.

I. CUMULATIVE DEVELOPMENT

LCP Policy 1-1, incorporating Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

LCP Policy 1-1, incorporating Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

The incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

LCP Policy 1-1, incorporating Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

LCP Policy 2-1 states:

In order to obtain approval for a division of land, the applicant shall demonstrate that adequate water is available to serve the newly created parcels except for parcels designated as "Not a Building Site" on the recorded final or parcel map.

LCP Policy 2-6 states in part:

Prior to issuance of a development permit, the county shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development...

LCP Policy 2-12 states in part:

The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes.

Sec. 35-74.7 D-2 Design Residential

The maximum density for each lot zoned DR shall be specified by a number following the DR on the lot on the applicable Santa Barbara County Zoning Map and said number represent the number of dwelling units per gross acre permitted on such lot as follows:.....DR-2, 2 dwelling units per gross acre and 21,780 sq. ft. gross land area per dwelling unit...

The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas. The Commission has required that all new or reconfigured lots have adequate public services and maintain and enhance public access to the coast. Policies 2-1 and 2-6 of the LCP further require new developments have adequate water supplies and public or private services. Policy 2-12 of the LCP allow development densities to a maximum level outlined in the LCP, unless a reduction is warranted due to topography, geologic or flood hazards, habitat areas, or steep slopes.

As stated previously, the applicant proposes a lot line adjustment between two parcels, consisting of a parcel (Parcel 1) currently developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) would be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) would be decreased in size from 2.33 acres to 1.11 acres. Reconfigured Parcel 1 would then be subdivided into four single-family lots and one common area to remain as open space (.96 acre). No development, aside from wetlands restoration, is proposed on Parcel 2 under this application. The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, entry gate, and 3,563 cu. yds. of grading (651 cu. yds. cut, 2,912 cu. yds. fill). Additionally, the applicant proposes restoration of the wetland areas on the property, removal of horse corral structures, and two bioswales.

The proposed project would cluster development in an area surrounded to the west, north, and east by existing residential development with adequate public services. The Goleta Water District will provide water to the project and the Goleta Sanitary District will supply a sewer connection and services to the project. The County, in their June 25, 2004 staff report to the Planning Commission also analyzed the potential project impact on parking, traffic, and recreation facilities as follows:

The proposed project includes adequate parking opportunities on site for resident and their visitors resulting in no long term parking impacts to the existing neighborhood. The proposed lots are large enough to allow for the parking of all construction equipment and personal vehicles on site during construction activities, keeping equipment and vehicles off surrounding roadway and resulting in no parking impacts to the surrounding neighborhood. The project would not affect existing transit system or circulation patterns in the surrounding area. The project's anticipated traffic generation (40 ADTs and 4 PHTs) is well below the 500 ADTs and 50 PHTs

threshold requiring analysis for impacts to the Congestion Management Program system. The project would not cause any significant effects on air, waterborne, or trail traffic...

There are no established public recreational uses on the project site...The proposed project would have no effect on established trails or easement and would not conflict with established public recreational uses of the area...Goleta has roughly half of the active park land needed to provide adequate recreational services for its residents. The contribution of the proposed project to these cumulative impacts is considered less than significant.

The Commission finds that the project would not substantially impact traffic, transit services, parking, or use of recreational facilities in the vicinity of the project area. Additionally, the applicant has proposed dedication of a 15-foot wide trail easement along the western border of the subject property that would enhance public access to local trails and the ocean. Finally, the project would be located in an area with adequate public services and adjacent to existing developed areas.

The project site is zoned DR-2 Design Residential in the Santa Barbara County LCP. The County, in their June 25, 2004 staff report to the Planning Commission analyzed the projects conformance with the DR-2 zoning as follows:

The purpose of the DR zone district is to provide standards for traditional multiple residences as well as to allow flexibility and encourage innovation and diversity in the design of residential developments by allowing a wide range of densities and housing types while requiring the provision of a substantial amount of open space within new residential developments, The intent is to ensure comprehensively planned, well designed residential projects.

The DR zone district is applied to parcels intended for residential use where design flexibility is necessary to achieve desired densities. The tools necessary to effectuate innovative and successful site designs for these DR parcels are specifically provided for in the zoning ordinance and include not only the 40% open space requirement and the permissible clustering and/or attaching of residential units but also allowances for modifications to other zone district standards.

The proposed open space lot (lot 5) is designed for accessible common use. Building are optimally sited for privacy, community aesthetics and energy efficiency. In addition, the proposed open space configuration is intended to ensure protection and consistent maintenance of onsite resources, including a wetland area, trees and landscaping. Additionally, title to the open space lot would be held jointly by future homeowners. Hence, the proposed project meets the purpose and intent of the DR zone district...

Modifications to the DR zone district requirements would be required in order to approve the project as the proposed site configuration does not comply with the following requirements: Setbacks for buildings and structures....and parking area setbacks and design....Approval of the modifications discussed above is consistent with good site design for DR zoned project.

As stated above, the project meets the purpose and intent of the DR zone district. The DR-2 zone district allows for two residences per acre and allows for clustering to protect resources. The proposed project would result in four residences clustered on 2.39 acres, which meets these requirements. As discussed above in Section V.G. Visual

Resources and Community Compatibility, the project also meets the heights, open space, and lot coverage standards of the DR-2 zone.

LCP Policy 2-12 allows for the reduction in maximum density standards for zoning districts if warranted due to a site's topography, geologic or flood hazards, habitat areas, or steep slopes. Additionally, the appellant has asked the Commission to deny the lot line adjustment and limit the density of development on the site due to concerns over visual and biological impacts of the project. As discussed in Section V.F. Geology and Hazards, the proposed building sites are located on a relatively flat area with topography amenable to residential development. Further, the project will not require the removal of native vegetation, and will be located 100 feet from wetlands onsite and outside of the drip lines of any oak trees. As stated in Section V.D. Environmentally Sensitive Habitat and Section V.E. Water Quality, the project will not significantly impact biological resources and water quality in the area. Finally, the Commission found in Section V.G. Visual Resources that the project will not significantly impact visual resources in the area and is compatible with neighboring residential development. The Commission, therefore, finds that the project, as proposed, will not cumulatively impact coastal resources and does not warrant reductions in development densities.

The Commission finds that the amount and location of any new development that may be proposed in the future on the subject sites, though, is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from Coastal Permit requirements are reviewed for consistency with the resource protection policies of the Santa Barbara County Local Coastal Program and Coastal Act as incorporated into the LCP, **Special Condition Seven (7)**, the future development restriction, has been required. Further, **Santa Barbara County Condition 3** of approval of the lot line adjustment (02LLA-00000-00002) requires that the applicant execute a legal covenant stating that there shall be no future division of Parcel 2 (APN 065-240-020); that the existing residence shall remain one story and shall not exceed a maximum square footage of 4,000 sq. ft. excluding the garage. The appellant has requested that Commission staff reduce the maximum square footage allowed for the existing residence on Parcel 2 from 4,000 sq. ft., as required by Santa Barbara County Condition 3, to 3,600 sq. ft (including garage) due to cumulative impacts onsite. The Commission finds that the proposed maximum 4,000 sq. ft. build out area is compatible with the size of neighboring residences, which average 2,100 sq. ft. to 4,100 sq. ft. in size. Additionally, due to Special Condition Seven (7), any future development of Parcel 2 will require review by the Commission or Santa Barbara County with respect to consistency with the Coastal Act and the LCP. The maximum buildout area of 4,000 sq. ft. for the existing residence on Parcel 2 is, therefore, consistent with the provisions of the LCP and Coastal Act.

For the reasons stated above, the Commission finds that the project is consistent with Sections 30250, 30105.5, and 30252 of the Coastal Act, as well as the policies of the LCP with respect to cumulative development.

J. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

4- STB-05-040

Appeal period Sat March 8, 2005



County of Santa Barbara Planning and Development

Valentin Alexeeff, Director
Dianne Meester, Assistant Director

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MAR 07 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

NOTICE OF FINAL ACTION

March 1, 2005

TO: California Coastal Commission
Shana Gray
89 South California Street, Suite 200
Ventura, California 93001

On February 15, 2005, Santa Barbara County took final action on the appealable development described below:

- Appealable Coastal Development Permit
- Appealable Coastal Development Permit Case No. 04CDP-00000-00087 following discretionary case nos. 02LLA-00000-00002, 02TRM-00000-00002 and 02DVP-00000-00002
- Discretionary action on a case

Project Applicant:
Jack Maxwell
1253 Coast Village Road
Santa Barbara, CA 93108
(805) 969-0178

Property Owner:
Same as applicant.

Project Description: Hearing on the request of owner, Jack Maxwell, to consider the following [application filed on January 18, 2002]:

- a) **02LLA-00000-00002** for approval of a Lot Line Adjustment under the provisions of County Code Chapter 21, to adjust lines between two parcels of 1.16 acres (Parcel 1) and 2.33 (Parcel 2) to reconfigure into two parcels of 2.38 acres (Proposed Parcel 1) and 1.11 acres (Proposed Parcel 2) in the DR-2 Zone District under Article II;
- b) **02TRM-00000-00002** for approval under County Code Chapter 21 to divide 2.38 acres (Proposed Parcel 1) into 5 parcels (four lots for single family residences ranging from 13,781 square feet to 18,894 square feet and one common area of 1.01 acres to be left as open space) in the DR-2 Zone District under Article II;
- c) **02DVP-00000-00002** for approval of a Final Development Plan and modification of zone district requirements to setbacks for building and structures and parking area setbacks design and landscape under the provisions of Article II of the DR-2 Zone District, to develop two, two-story detached single family dwellings and two one-story single family dwellings;
- d) **04CDP-00000-00087** for approval of an appealable Coastal Development Permit under Section 35-169.5 of Article II to allow the subdivision of land pursuant to 02TRM-00000-00002 and TM 14,595 in the Coastal Zone.

and to approve the Negative Declaration, 04NGD-00000-00011, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics/Visual Resources, Biological Resources, Fire Protection, Water Resources/Flooding, Air Quality (short-term), Geologic Processes (short-term) and Noise (short-term).

123 East Anapamu Street · Santa Barbara, CA 93101-2058
Phone: (805) 568-2000 Fax: (805) 568-2030

EXHIBIT 1
A-4-STB-05-037
Local Action Notice

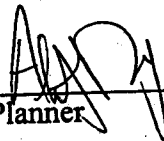
Ex. 1

1 of 48

Location: The application involves AP Nos. 065-240-019, -020, located at 4865 Vieja Drive in More Mesa in the Goleta Community Plan area, Second Supervisorial District.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Alice Daly, the case planner at (805) 568-2059 if you have any questions regarding the County's action or this notice.


Alice Daly, Project Planner

3/2/05
Date

Attachment: Final Action Letter dated February 28, 2005

cc: Case File: 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087
Appellant: Valerie F. Olsen, 960 Vista de la Mesa Drive, Santa Barbara, CA 93110
Cintia Mendoza, Hearing Support

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County of Santa Barbara Planning and Development

Valentin Alexeeff, Director

Dianne Meester, Assistant Director

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MAR 07 2005

February 28, 2005

Valerie F. Olsen
960 Vista del la Mesa Drive
Santa Barbara, CA 93110

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
BOARD OF SUPERVISORS
HEARING OF FEBRUARY 15, 2005

RE: *Olsen Appeal of the Hacienda Vieja Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan and Coastal Development Permit, 04APL-00000-00030*

Hearing to consider the Olsen Appeal of the Planning Commission Approval on October 6, 2004 of the Hacienda Vieja Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan and Coastal Development Permit under case numbers 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087, [Appeal Case No. 04APL-00000-00030] located at 4865 Vieja Drive, Goleta Community Plan area, Second Supervisorial District.

Dear Ms. Olsen:

At the Board of Supervisors' hearing of February 15, 2005, the Board took the following action:

Supervisor Rose moved, seconded by Supervisor Carbajal and failed by a vote of 2-3 (Firestone, Gray, Centeno no) to:

1. Direct the applicant/developer to review the possibility of modifying the two story homes into single story homes, and to meet with Second District staff and a representative of the coalition and return to the Board in two to three weeks with a compromise alternative.

Supervisor Centeno moved, seconded by Supervisor Gray and carried by a vote of 4-1 (Rose no) to:

1. Adopt the required findings for the project specified as Attachment A of the Planning Commission action letter dated October 6, 2004;
2. Deny the appeal, 04APL-00000-00030, upholding the decision of the Planning Commission's October 6, 2005 approval; and
3. Approve the project, 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087, subject to the conditions included as Attachments C, D, E, and F of the action letter dated October 6, 2004, as revised at the hearing of February 15, 2005.

The time within which judicial review of this decision must be sought is governed by Section 65009 (c) of the California Government Code and Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

REVISIONS TO THE CONDITIONS OF APPROVAL, 02LLA-00000-00002

Condition 2, Departmental Compliance Letters, EHS letter is added:

g. Environmental Health Services dated July 6, 2005.

REVISIONS TO THE CONDITIONS OF APPROVAL, 02TRM-00000-00002

Condition No. 2, language is added:

2. Natural building materials and colors compatible with surrounding terrain (darker earthtones and non-reflective paints), subject to BAR review and approval, shall be used on exterior surfaces of all structures. The BAR shall review treatment of the concrete swales (if concrete is needed) allowing them to look as natural as possible. The landscape plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa. **Plan Requirement:** Materials shall be denoted on plans receiving BAR "final approval" and on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

Condition 32, Departmental Compliance Letters, EHS letter is added:

g. Environmental Health Services dated July 6, 2005.

REVISIONS TO THE CONDITIONS OF APPROVAL, 02DVP-00000-00002

Condition 1, Project Description, first paragraph, first sentence is amended:

The proposed project is the construction of ~~four~~ two two-story detached single-family dwellings with smooth stucco exteriors and red tile roofs, after final recordation of Lot Line Adjustment 02LLA-00000-00002 and Vesting Tentative Tract Map 02TRM-00000-00002.

Condition No. 2, language is added:

2. Natural building materials and colors compatible with surrounding terrain (darker earthtones and non-reflective paints), subject to BAR review and approval, shall be used on exterior surfaces of all structures. The BAR shall review treatment of the concrete swales (if concrete is needed) allowing them to look as natural as possible. The landscape plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa. **Plan Requirement:** Materials shall be denoted on plans receiving BAR "final approval" and on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

Condition 32, Departmental Compliance Letters, EHS letter is added:

g. Environmental Health Services dated July 6, 2005.

REVISIONS TO THE CONDITIONS OF APPROVAL, 04CDP-00000-00087

Condition No. 2, language is added:

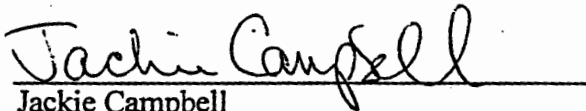
2. Natural building materials and colors compatible with surrounding terrain (darker earthtones and non-reflective paints), subject to BAR review and approval, shall be used on exterior surfaces of all structures. The BAR shall review treatment of the concrete swales (if concrete is needed) allowing them to look as natural as possible. The landscape plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa. **Plan Requirement:** Materials shall be denoted on plans receiving BAR "final approval" and on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

Condition 32, Departmental Compliance Letters, EHS letter is added:

g. Environmental Health Services dated July 6, 2005.

The attached findings and conditions reflect the Board of Supervisors' action of February 15, 2005.

Sincerely,



Jackie Campbell
Deputy Director, Development Review
FOR VAL ALEXEEFF, DIRECTOR

cc: Case File: 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087,
04APL-00000-00030
Planning Commission File
Records Management
Shana Gray, California Coastal Commission, 89 S. California St., Suite 200, Ventura, CA 93001 ✓
Owner: Jack Maxwell, 1253 Coast Village Road, Santa Barbara, CA 93108
Architect: Pacific Architect, 1117 Coast Village Road, Montecito, CA 93108
Engineer: DTR Engineering, Inc. 868 E. Santa Clara Street, Ventura, CA 93001
Address File: 4865 Vieja Drive, Santa Barbara, CA 93110
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
David Allen, Deputy County Counsel
Alice Daly, Planner

Board of Supervisors Hearing of February 15, 2005
Olsen Appeal of the Hacienda Vieja Lot Line Adjustment,
Tentative Vesting Tract Map, Development Plan and Coastal Development Permit, 04APL-00000-00030
Page 4

Attachments: **Board of Supervisors' Minute Order dated February 15, 2005**
 Attachment A - Findings
 Attachment C – Conditions of Approval, 02LLA-00000-00002
 Attachment D – Conditions of Approval, 02TRM-00000-00002
 Attachment E – Conditions of Approval, 02DVP-00000-00002
 Attachment F – Conditions of Approval, 04CDP-00000-00087

JC:cnm

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**County of Santa Barbara
BOARD OF SUPERVISORS**

Minute Order

February 15, 2005

Present: Supervisor Carbajal, Supervisor Rose, Supervisor Firestone, Supervisor
Gray and Supervisor Centeno

PLANNING AND DEVELOPMENT

File Reference No. 05-00011

RE: HEARING - Consider recommendations regarding the Olsen Appeal of the Planning Commission Approval of the Hacienda Vieja Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan and Coastal Development Permit under case numbers 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087, [Appeal Case No. 04APL-00000-00030] located at 4865 Vieja Drive, Goleta Community Plan area, Second District, as follows: (EST. TIME: 1 HR. 30 MIN.)

a) Adopt the required findings for the project specified in the Planning Commission Action Letter dated October 22, 2004;

b) Deny the appeal, upholding the decision of the Planning Commission to approve 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087, subject to the conditions set forth in the Action Letter dated October 22, 2004.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

Acted on as follows:

February 15, 2005

Present: Supervisor Carbajal, Supervisor Rose, Supervisor Firestone, Supervisor
Gray and Supervisor Centeno

Received and filed staff report and conducted public hearing.

A motion was made by Supervisor Rose, seconded by Supervisor Carbajal as follows:

Directed the Applicant/Developer to review the possibility of modifying the two story homes into single story homes, and to meet with Second District staff and a representative of the coalition and return to the Board in two to three weeks with a compromise alternative.

The motion failed by the following vote:

Ayes: Supervisor Rose, Supervisor Carbajal
Noes: Supervisor Firestone, Supervisor Gray, and Supervisor Centeno

A motion was made by Supervisor Centeno, seconded by Supervisor Gray as follows:

a) Adopted the required findings.

b) Denied the appeal, upholding the decision of the Planning Commission and approved 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087, subject to the conditions set forth in the Action Letter dated October 22, 2004 and added additional language to condition #2 of the map (02TRM-00000-00002), Development Plan (02DVP-00000-00002) and CDP (04CDP-00000-00087) as follows: "The Landscape Plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa."

The motion carried by the following vote:

Ayes: Supervisor Carbajal, Supervisor Firestone, Supervisor Gray and Supervisor Centeno
Noes: Supervisor Rose

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated. The Board of Supervisors also finds that the project is subject to the provisions of PRC 21083.3, as impacts have previously been addressed in the Goleta Community Plan EIR (91-EIR-13) and can be substantially mitigated. Although there is no evidence of silvery legless lizards or pallid bats on the project site, recommended mitigation measures addressing possible impacts to these species of concern have been incorporated into the project conditions of approval.
- 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 Clerk of the Board at 123 E. 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 which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Lot Line Adjustment Findings

Pursuant to Article IV, Section 35-465, and Chapter 21, Section 21-93, a Lot Line Adjustment shall only be approved provided the following findings are made:

2.1.1 The Lot Line Adjustment is in conformity with the Coastal Land Use Plan and purposes and policies of Chapter 35 of this code, the Zoning Ordinance of the County of Santa Barbara.

The lot line adjustment is in conformity with the Coastal Land Use Plan, including the Goleta Community Plan, and as conditioned with the purposes and all applicable policies of the Article II Zoning Ordinance. Therefore, this finding can be made.

2.1.2 No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.

Approval of the proposed Lot Line Adjustment would not result in any parcel that would be nonconforming as to parcel size as required by the DR-2 zone district, therefore, this finding can be made.

2.1.3 *The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.*

There are no existing zoning violations on the subject property and the proposed lot line line adjustment would not result in any new violations. Therefore, this finding can be made.

2.1.4 *The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid.*

The proposed Lot Line Adjustment has been conditioned to require compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks, and other applicable provisions of Article II. There are no existing zoning violations on the subject property and the proposed lot line adjustment would not result in any new violations. Therefore, this finding can be made.

2.1.5 *Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.*

No relocation of existing easements will be necessary for this lot line adjustment. Conditions have been imposed upon the project that will facilitate the potential future development of a public trail on the project site by the granting of a public trail easement to County Parks, and to facilitate the completion of the annexation process of the Goleta Sanitary District sewer line that has already been installed in the sewer easement in the project site. Therefore, this finding can be made.

B. *A Lot Line Adjustment proposed on agricultural zoned parcels which are under Agricultural Preserve Contract pursuant to the County Agricultural Preserve Program Uniform Rules shall only be approved provided the following findings are made.*

The property is not located on agriculturally zoned land and therefore this finding does not apply.

2.2 Tentative Tract Map Findings

Pursuant to the Subdivision Map Act and Chapter 21 of the County Code, a Tentative Tract Map is required for all proposed subdivisions of five or more lots in any zone district. The following Subdivision Map Act Findings support approval of the project:

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

There is ample southern and western exposure as well as ample area for planting to allow for passive heating or cooling systems to be provided on site for all future as well as existing residential development. Solar array panels or photo voltaic cells may be feasible subject to obtaining the necessary permits.

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

2.2.3 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.*

As discussed in Section 6.3 of this Staff Report dated June 25, 2004 and incorporated herein by reference and as discussed in proposed Final Negative Declaration 04NGD-00000-00011 included as Attachment B of this Staff Report and incorporated herein by reference, the proposed tentative tract map is consistent with all applicable Coastal Land Use Plan and Goleta Community Plan policies including those related to services, water resources, earth movement, biological resources, aesthetic resources, noise, solid waste, air quality and cultural resources.

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

The design and improvements set forth in 02TRM-00000-00002 (TM 14,595), and as conditioned, are consistent with the Coastal Land Use Plan and Goleta Community Plan with respect to lot width, depth and size as well as provision of access and availability of services. The site design is consistent with the purpose and intent of the Design Residential (DR) zone district in that it allows for maximization of open space within new residential development.

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

The project site is physically suited to accommodate the proposed subdivision which would include four residential lots and one common open space lot supporting a shared landscaped recreational area. The proposed residential development can be accommodated on the project site while avoiding or mitigating all potentially significant environmental impacts and conforming to applicable zoning and policy requirements with only minor modifications. The proposed four new homes on 2.38 acres are in conformance with DR-2 maximum density requirements of 2 dwelling units per acre. While the parcel borders More Mesa, all structural development would be situated a minimum of 220 feet from the edge of More Mesa, and the proposed development would be lower on the landscape and less visually prominent than much residential development in the vicinity.

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

The project as proposed and as conditioned provides adequate protection of significant natural resources on the adjacent More Mesa property while at the same time allowing ample area for development and screening of new residences commensurate in size with existing residential development in the vicinity. The physical characteristic of the site allow for adequate and well-placed driveway access to each lot and an adequate drainage plan. As conditioned, surface runoff would be controlled to County standards, including those associated with the mandates of Project Clean Water. Thus, the site is physically suited for the proposed density of development.

2.2.3.5 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.

The proposed Final Negative Declaration 04NGD-00000-00011 prepared in association with the project and included as Attachment B of this Staff Report determined that, through feasible conditions placed upon the project, all potentially significant impacts on the environment have been mitigated to a less than significant level. The wetland and buffer area on the project site is currently in a degraded state and is in use as a horse corral. Proposed restoration and revegetation of this area would greatly enhance its habitat value and eradicate the debris and invasive non-native vegetation that are the current habitat characteristics. Thus, the design of the tract map and its proposed improvements would neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

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

The proposed project, as conditioned, ensures that future residential development would be served by the GSD. Additionally, water for domestic purposes would be supplied by the Goleta Water District. Finally, as conditioned, storm water drainage facilities serving the lots would include best available control technologies to remove pollutants (such as brake fluid, oil, etc.) from site runoff thereby protecting water quality in both groundwater and the Pacific Ocean. Thus, the design of the subdivision including improvements will not cause serious public health problems.

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

No current public access exists through the subject property. A 15-foot wide easement along the western border of the project site will be dedicated to the County Parks Department for possible future development as a trail access linking to existing trails within More Mesa. Therefore, there would be no conflict with access through or use by the public of the subject property.

2.2.4 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.

As conditioned, future development of the proposed project will be served by the GSD: receipt of can and will serve letters from the District would be a prerequisite of said service. Since District operation is consistent with the requirements of the Regional Water Quality Control Board, issuance of can and will serve letters by the District would substantiate that discharge of waste into the existing public sewer system would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board.

3.0 Development Plan Findings

Pursuant to Section 35-174.7.1, a Development Plan shall only be approved if all of the following findings are made:

3.1 02DVP-00000-00002

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

The 2.38 acre project site is adequate in size, shape, location and physical characteristics to accommodate the proposed four unit residential project. The site was determined to be an appropriate location for DR-2 zoning which allows for a density of two units per acre for a maximum total of four units on site. The proposed project does not represent full buildout under current zoning. Additionally, the design of the tract map provides for continuous common open space throughout the site with adequate access from both prospective units and protection of offsite sensitive biological resources.

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

With inclusion of all of the mitigation measures enumerated in proposed Final Negative Declaration 04NGD-00000-00011, including the recommended mitigation measures as conditions of approval for the proposed project, adverse impacts associated with the project have been mitigated to the maximum extent feasible. The Board of Supervisors adopted Statements of Overriding Consideration for significant impacts associated with buildout under the Goleta Community Plan which could not be reduced to less than significant levels through incorporation of mitigation measures identified in the Community Plan Program Environmental Impact Report.

3.1.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The street system surrounding the project site is adequate to accommodate the additional average daily trips and peak hour trips that would be generated by the proposed development. As discussed in Section 4.15 of the Proposed Final Mitigated ND (04-NGD-00000-00011), the addition of project-generated traffic to area roadways would not trigger adopted thresholds for a significant traffic impact.

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

As discussed in Section 6.2 of the staff report dated June 25, 2004 and incorporated herein by reference, adequate public services exist to serve the proposed development. The property will be provided service through the Goleta Water District.

The project site lies within the service area boundary of the Goleta Sanitary District and sewer line infrastructure has already been constructed and installed at the project site. Following annexation of the project parcels to the Goleta Sanitary District as required by the project conditions of approval (TRM and DP Condition # 23), the proposed development would receive sewer service from the District.

The project site is located within the five-minute response zone for Santa Barbara Fire Protection District Station 13 and, as conditioned, the proposed new private access road would provide adequate emergency access to the site. Existing police protection services in the Goleta area would be adequate to serve the proposed project.

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

The proposed project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. The project site was determined to be an appropriate location for residential development, specifically Design Residential development, during the Goleta Community Plan Update. All of the existing surrounding residential land uses and biological resources were present at the time this determination was made. The proposed project would allow a total of four residential units on the project site. Residential uses on the site would be compatible with surrounding residential land uses. Traffic generated by the proposed project would not significantly affect roadways used by residents of the surrounding area. The proposed residential development does not have the potential to generate factors such as smoke, odors or noise, which would be incompatible with the surrounding area or could affect the comfort and convenience of residents in the surrounding area.

3.1.6 *That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.*

The proposed development plan conforms to all requirements of the site's Article II, Design Residential zoning as discussed in Section 6.3 of the staff report dated June 25, 2004, and incorporated herein by reference. The proposed development plan would also be consistent with all applicable requirements of the Coastal Land Use Plan and the Goleta Community Plan as discussed in Sections 6.2 and 6.3 (Policy and Ordinance Consistency) of the staff report and incorporated herein by reference.

3.1.7 *That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.*

The project site is not located in a rural area.

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

No current public access exists through the subject property. A 15-foot wide easement along the western border of the project site will be dedicated to the County Parks Department for possible future development as a trail access linking to existing trails within More Mesa. Therefore there would be no conflict with access through or use by the public of the subject property.

**ATTACHMENT C
CONDITIONS OF APPROVAL**

02LLA-00000-00002

PROJECT DESCRIPTION

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, Planning Commission Hearing Exhibits A-H dated September 24, 2004, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project site consists of two legal parcels. Parcel 1 is 1.16 acres (APN 065-240-019), and Parcel 2 is 2.33 acres (APN 065-240-020). The Lot Line Adjustment (02LLA-00000-00002) would adjust the boundaries between the two parcels so that Parcel 1 would increase in size to 2.38 acres and Parcel 2 would decrease in size to 1.11 acres. As described in Vesting Tentative Tract Map request 02TRM-00000-00002, Parcel 1 would then be subdivided into four residential lots and one open space lot. Parcel 2 would not be part of Vesting Tentative Tract Map 02TRM-00000-00002 or Development Plan 02DVP-00000-00002. The recordation of Lot Line Adjustment 02LLA-00000-00002 shall occur concurrent with or prior to the recordation of Vesting Tentative Tract Map 02TRM-00000-00002 and prior to issuance of permits for development, including grading, under 02DVP-00000-00002.

PROJECT SPECIFIC CONDITIONS

2. Compliance with Departmental letters required as follows:
 - a. Air Pollution Control District dated January 29, 2002.
 - b. County Fire Department dated June 23, 2004.
 - c. Flood Control dated June 10, 2004.
 - d. Road Division (Public Works) dated June 10, 2004.
 - e. County Parks Department dated June 9, 2004.
 - f. County Surveyor dated June 16, 2004.
 - g. Environmental Health Services dated July 6, 2004.
3. The applicant shall execute a legal covenant acceptable in form and content to County Counsel stating:
 - a. A prohibition on future division of Parcel 2 (APN 065-240-020).
 - b. A prohibition on second story elements (a single-story residence only).
 - c. A maximum square footage of 4,000, excluding the garage.

The approved covenant shall be recorded prior to/concurrent with the Lot Line Adjustment/Map.

4. Future structural or landscape development proposed on remainder Parcel 2 (APN 065-240-020) shall require noticed review and approval by the County Board of Architectural Review. Natural building materials and colors compatible with surrounding terrain

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(darker earthtones and non-reflective paint), subject to BAR review and approval, shall be used on exterior surfaces of all structures. Any new exterior night lighting installed on the project site shall be of low intensity, low height and low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spillover onto adjacent parcels. P&D and BAR shall review a Lighting Plan for compliance on this measure.

5. The following language shall be included on the deeds arising from the lot line adjustment:

This deed arises from the lot line adjustment 02LLA-00000-00002 and defines a single parcel within the meaning of California Civil Code Section 1093.

Any document used to record the lot line adjustment shall include a statement that the document arises from a lot line adjustment that is intended to identify 2 legal parcels.

6. The recordation of Lot Line Adjustment 02LLA-00000-00002 shall occur concurrent with or prior to the recordation of Vesting Tentative Tract Map 02TRM-00000-00002 and prior to issuance of permits for development, including grading, under 02DVP-00000-00002 unless the applicant obtains approval from the Board of Supervisors to grade prior to recordation.
7. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
1. Legal description for each adjusted parcel; and
 2. Statement of the findings and conditions approving the Lot Line Adjustment
8. Three copies of the map to finalize Lot Line Adjustment 02LLA-00000-00002 and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final 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.
9. Prior to filing of a Record of Survey or other document used to record the Lot Line Adjustment and subject to P&D approval as to form and content, the applicant shall include all of the project conditions associated with or required by this project approval on a separate informational sheet to be recorded with the deed for the newly configured lots.
10. The lot line adjustment, 02LLA-00000-00002, 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.
11. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.
12. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's

approval of the Lot Line Adjustment. 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.

13. 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.

**ATTACHMENT D
CONDITIONS OF APPROVAL**

**02TRM-00000-00002
(TM 14,595)**

PROJECT DESCRIPTION

1. This Tentative Tract Map is based upon and limited to compliance with the project description, Planning Commission Hearing Exhibits A-H dated September 24, 2004 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed Vesting Tentative Tract Map 02TRM-00000-00002 would subdivide Parcel 1, APN 065-240-019, as reconfigured by Lot Line Adjustment 02LLA-00000-00002 into five lots, including four residential lots intended for private ownership and one lot owned in common by all prospective property owners. The common lot would include two landscaped drainage swales leading to a wetland area and open space. The proposed residential lots would range in size from 13,781 square feet to 18,894 square feet. The common lot would measure 0.96 acres. All future development shall be consistent with approved Lot Line Adjustment 02LLA-00000-00002 and Development Plan 02DVP-00000-00002.

A 28-foot wide gated private access road off Vieja Drive would provide access to the project site, with access easements for this drive across all four new residential lots. The sewer line that has been installed beneath the proposed private access road for connection to the proposed residential development on the project site shall be annexed into the Goleta Sanitary District. Guest parking would be allowed along one side of the proposed private access road. Dedication to the County Parks Department of a 15-foot wide trail easement is proposed along the westerly property line.

MITIGATION MEASURES FROM 04NGD-00000-00011

2. Natural building materials and colors compatible with surrounding terrain (darker earthtones and non-reflective paints), subject to BAR review and approval, shall be used on exterior surfaces of all structures. The BAR shall review treatment of the concrete swales (if concrete is needed) allowing them to look as natural as possible. The landscape plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa. **Plan Requirement:** Materials shall be denoted on plans receiving BAR "final approval" and on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

3. Any new exterior night lighting installed on the project site shall be of low intensity, low height and low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements. **Plan Requirements & Timing:** 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 prior to approval of a Coastal Development Permit for structures.

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Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure. 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.

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

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

5. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below.
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

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

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

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

- c. any other methods deemed appropriate by the Air Pollution Control District and/or Planning and Development.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on all grading plans. **Timing:** The final grading plan shall be submitted for review prior to Coastal Development Permit approval.

Monitoring: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

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

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

8. An open space easement reviewed and approved by P&D and County Counsel for the Hacienda Vieja (four lot) site wetland and 100-foot buffer area shall be dedicated to Santa Barbara County and/or may also be dedicated to an applicable non-profit entity and shall remain in open space and be insured as such by conditions of approval. Split rail fencing, no greater than 4 feet in height, or other P&D-approved permanent marker shall be used to delineate the open space easement area. Appropriate signage (acceptable to the holder of easement, such as "Protected Open Space Easement") shall be required to help prevent development not in compliance with the approved wetlands restoration / revegetation plan. The CDP for physical development shall not be issued until the easement is recorded on the property title and fencing and signage is installed. **Plan Requirements and Timing:** Prior to recordation, an agreement to dedicate shall be submitted for review and approval by P&D and County Counsel. The easement shall be recorded concurrently with recordation of the tentative map. Fencing and signage shall be installed prior to the first occupancy clearance.

MONITORING: Upon approval, provisions of the easement shall be monitored every two years through site inspections and/or photo documentation by P&D staff.

9. A qualified biologist should thoroughly rake the sandy loam soils found in the northwestern corner of the subject parcel. This work should be conducted when silvery legless lizards, if present, are most likely to be active near the surface (December-March). The biologist should also be present when this portion of the subject parcel is graded during site preparation. Any silvery legless lizards found should be relocated to similarly-textured soils along the margin of the subject parcel.

10. A qualified biologist should thoroughly inspect the abandoned outbuildings on the project site for bats prior to demolition. Any bats found should be displaced by hand and the buildings demolished as soon as possible after displacement.
11. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction.

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

12. The applicant shall implement a wetlands restoration/ revegetation plan. The plan shall include, but not be limited to the following measures:
 - a. Removal of the existing corral fencing, horse stable/ shed structure, and horse(s) from the wetlands and buffer area.
 - b. The 100-foot wetlands buffer area shall be fenced during construction with chain-link fence prior to beginning construction or grading. A permanent exclusionary split rail or equivalent permanent fencing shall be erected around the 100-foot wetlands buffer at the conclusion of construction. In order to not impede the movement of wildlife through the area, the minimum distance from ground level to any fence's first rung shall be 18 inches.
 - c. Non-native species, with the exception of the eucalyptus trees, shall be removed from the wetlands.
 - d. Removal of native species in the wetlands area shall be prohibited.
 - e. Landscaping shall be with native wetlands species. Species shall be from locally obtained plants and seed stock.

Plan Requirements/Timing: Prior to approval of Coastal Development Permits for landscaping and structures, the applicant shall submit four copies of a final wetlands restoration/ revegetation plan to P&D and to Flood Control for review and approval. The applicant shall show this condition and the permanent exclusionary fencing on all plans.

Monitoring: Following installation of landscaping, the landscape architect or arborist shall verify to P&D, in writing, the primary use of native seed stock for new plantings throughout the site.

13. Except for the above County-approved wetlands restoration/ revegetation plan which will include two lightly-contoured bioswales, there shall be no development and no tree removal, except for dead trees and non-native species as specifically approved by P&D that are verified by a P&D-approved biologist to not be currently supporting nesting raptors, within the 100-foot wetlands area buffer (see Attachment F: Site Plan). There shall be no removal of any live trees

that may serve to screen the proposed development from More Mesa. **Plan Requirements:** The applicant shall show this condition on all plans.

Monitoring: P&D staff shall perform site inspections upon completion of construction.

14. Between December 15 and September 15, the developer shall pay for a P&D approved biologist to inspect the project site and any areas within 500 feet of proposed construction activity for raptor nesting activity once a week during construction. The biologist shall also conduct a pre-construction raptor nesting inspection not more than one week prior to the proposed beginning of construction activity. If raptors are determined to be nesting on the project site or in any areas within 500 feet of proposed construction activity, no construction, grading or heavy equipment operation shall take place within 500 feet of the raptor nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within a 500-foot radius of any raptor nests until it can be verified that all fledglings have left the nest. **Plan Requirements/ Timing:** This condition shall be printed on all construction, grading, and building plans.

Monitoring: P&D staff shall perform site inspections throughout the construction phase and receive the weekly reports of the P&D approved biologist.

15. Except for proposed lawn areas (which shall be planted in drought tolerant species only), new plants installed on the project site shall primarily include native plant materials, in logical associations and shall specify native specimen plants and seed stock from locally obtained sources, i.e., from coastal slopes between Carpinteria Bluffs and Ellwood Mesa. An irrigation plan shall accompany the landscape plan. **Plan Requirements/Timing:** Prior to approval of Coastal Development Permits and Grading Permits for landscaping and structures, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.

Monitoring: Following installation of landscaping, the landscape architect or arborist shall verify to P&D, in writing, the primary use of native seed stock for new plantings throughout the site. Permit Compliance staff shall verify installation of landscaping prior to occupancy clearance.

16. Herbicides shall not be used during the site preparation phase of the wetland and wetland buffer restoration/ revegetation plan implementation. Spot application by hand-held spray bottle of a glyphosate herbicide designed for use in wetland areas may be used during the wetland restoration plan maintenance period to treat stubborn weeds. **Plan Requirements:** The applicant shall show this condition on all plans.

Monitoring: P&D Compliance Monitoring staff shall perform spot checks during the restoration plan maintenance period.

17. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological

Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

Monitoring: P&D shall check plans prior to approval of a Coastal Development Permit and shall spot check in the field.

18. Access shall be constructed to Fire Department standards and project conditions, including adequate width, compaction, surfacing, and appropriate grade. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to map recordation and/ or approval of a Coastal Development Permit for the proposed residences, whichever occurs first.

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

19. Future construction shall conform to the requirements of development in a high fire hazard area, including but not limited to, the following:
- a. building materials for all structures including residences, fences, and accessory buildings shall be constructed of fire resistant materials;
 - b. Fire Department Class A or B roofing (i.e., non-combustible tile or asphalt composite shakes) shall be required for all future onsite structures;
 - c. spark arrestors shall be required for wood burning fireplaces;
 - d. decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timbers;
 - e. landscaping shall be primarily drought tolerant and fire resistant.

Plan Requirements and Timing: Measures shall be graphically depicted on building/landscape plans which shall be reviewed and approved by the Fire Department and P&D prior to approval of the Coastal Development Permit for structures.

Monitoring: P&D shall site inspect during construction for conformance to approved plans.

20. Utilities provided to future development shall be installed underground. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to approval of a Coastal Development Permit for utility connection to future development on each parcel.

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

21. 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.

22. Positive drainage shall be provided away from all structures and away from all manufactured slopes, and the top 18-36 inches of soil be recompact to a minimum of 90-95% relative compaction for foundation and roadway areas on the site. **Plan Requirements:** This requirement shall be noted on all grading and building plans.

Monitoring: P&D shall site inspect during grading to monitor drainage, slope formation and soil compaction practices.

23. The existing septic system serving 4865 Vieja Drive shall be abandoned under permitted inspection by Environmental Health Service concurrent with connection to the Goleta Sanitary District (GSD) of all residential development proposed in association with the Hacienda Vieja project and the completion of annexation of the project parcels into the GSD. **Plan Requirements and Timing:** Prior to issuance of a Coastal Development Permit, the applicant shall complete annexation to the GSD. Prior to issuance of any occupancy permits for residences on the Hacienda Vieja site, the applicant shall submit proof to EHS staff of connection of all development on site to the District mainline.

Monitoring: EHS shall receive written notification from the GSD that the existing single family dwelling and the four new residences have all been connected to the sanitary system and that it has been installed according to plans.

24. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

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

Monitoring: Permit Compliance shall perform site inspections to ensure compliance. With the incorporation of the mitigation measure above, residual noise impacts would be less than significant.

26. A recorded Notice to Property Owner (NTPO) document is necessary to ensure that prospective property owners are aware that overflights by airplanes using the SBMA will continue for the foreseeable future. There shall also be a notification of aircraft overflights and associated noise levels included within the project CC&Rs (Codes, Covenants, and Restrictions) for the proposed development. **Plan Requirements & Timing:** The property owner shall sign, record and cross reference the document prior to approval of a Coastal Development Permit.

Monitoring: P&D shall confirm recordation of the NTPO, and the notification language in project CC&Rs.

27. The applicant shall dedicate a 15-foot wide trail easement along the western border of the subject property to the County in perpetuity. No fencing or new landscaping other than ground cover shall encumber this 15-foot wide easement. Upon development of the future trail, the perimeter of the wetlands area east of the trail easement shall be permanently fenced so that pedestrian access is denied to the wetlands. **Plan Requirements:** The easement document and landscape plan shall be reviewed and approved by P&D, County Counsel, and the Park Department prior to recordation of the Tentative Tract Map and/ or prior to approval of the Coastal Development Permit for the proposed development, whichever occurs first.
28. A construction staging area shall be established on the project site outside of the wetland buffer area and graphically depicted on all project site plans. All construction equipment and construction employee vehicles shall be stored and parked in this area. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permits, all project plans shall graphically indicate the location of the construction staging area.

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

29. Drainage shall be consistent with approved drainage plans and shall employ Best Available Control Technologies. **Plan Requirements:** Prior to approval of Coastal Development Permits, a final drainage plan shall be submitted to P&D, Flood Control and Project Clear Water staff for review and approval. **Timing:** The components of the drainage plan shall be implemented prior to occupancy clearance.

Monitoring: P&D shall site inspect during grading.

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

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

31. The applicant shall secure Can and Will Serve letters from the Goleta Water District. **Requirements and Timing:** Prior to approval of a Coastal Development Permit, the applicant shall provide P&D with the Can And Will letters indicating adequate service for each parcel.

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

PROJECT SPECIFIC CONDITIONS

32. Compliance with Departmental letters required as follows:
- Air Pollution Control District dated January 29, 2002.
 - County Fire Department dated June 23, 2004.
 - Flood Control dated June 10, 2004
 - Road Division (Public Works) dated June 10, 2004
 - County Parks Department dated June 9, 2004.
 - County Surveyor dated June 16, 2004.
 - Environmental Health Services dated July 6, 2005.

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33. Title to the common open space shall be held by a non-profit association of homeowners or by any other non-profit group on such reasonable terms and conditions as the Board of Supervisors may prescribe. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with anything except open space or noncommercial recreation shall be conveyed to the County of Santa Barbara.
34. Prior to recordation, the applicant shall record CC&Rs which require shared responsibility of site improvements by all owners. The owners shall share maintenance responsibilities for the drainage facilities, landscaping, revegetation, fencing and access, subject to approvals from Flood Control, P&D and County Counsel. The CC&R's shall also include by reference responsibilities for all owners to maintain property in compliance with all conditions of approval for the project. Any amendments to the County required conditions shall be reviewed and approved by the County; this requirement shall also be included in the CC&Rs.
35. The recordation of TPM 14,595 shall occur prior to issuance of permits for development, including grading, under 02DVP-00000-00002 unless the applicant obtains approval from the Board of Supervisors to grade prior to recordation.

TENTATIVE TRACT MAP CONDITIONS

36. Prior to recordation of the map and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Coastal Development Permits are obtained prior to recordation, Tentative Tract Map conditions will not apply retroactively to the previously issued Coastal Development Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Coastal Development Permit shall contain these conditions.
37. 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 map.
38. Three copies of the map to finalize the final map and required review fees in effect at the time, shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
39. 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 parcel map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable.
40. The Tentative Tract 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.
41. The 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 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 Coastal Development Permit 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.
42. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.
 43. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Tract 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.
 44. 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.
 45. A recorded Notice to Property Owner (NTPO) document shall be executed to ensure that prospective property owners have information about the biology of the wetland and buffer area on the project site and responsible management of household chemicals. This information shall also be included within the project CC&Rs (Codes, Covenants, and Restrictions) for the proposed development. **Plan Requirements & Timing:** The property owner shall sign, record and cross reference the NTPO document prior to approval of a Coastal Development Permit.

**ATTACHMENT E
DEVELOPMENT PLAN CONDITIONS OF APPROVAL**

02DVP-00000-00002

PROJECT DESCRIPTION

1. This Final Development Plan is based upon and limited to compliance with the project description, Planning Commission Hearing Exhibits A-H dated September 24, 2004, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project is the construction of two two-story and two one-story detached single-family dwellings with smooth stucco exteriors and red tile roofs, after final recordation of Lot Line Adjustment 02LLA-00000-00002 and Vesting Tentative Tract Map 02TRM-00000-00002.

The residences on Lots 1 and 3 of Parcel 1 (APN 065-240-019) would each total 3,200 square feet of habitable space, with an attached 400 square foot two-car garage and would each include three bedrooms, a den, four bathrooms, a kitchen with dining nook, a dining room, and a living room.

The residence on Lot 2 of Parcel 1 would total 3,386 square feet of habitable space, with an attached 480 square foot 2-car garage. Lot 2 would have four bedrooms, four and one-half baths, a kitchen, a dining room, a living room and a library. The residence on lot 4 would total 3,190 square feet of habitable space, with an attached 470 square foot garage, and would have three and one-half bathrooms, kitchen, living room, dining room and family room. (Approval of modifications to DR zone specifications for front setbacks and parking setbacks (as detailed in Section 6.3.2 of the staff report dated June 25, 2004) are required as part of the proposed Development Plan.)

The height of all of the proposed dwellings would be under 35 feet (approximately 15 feet average height for Lot 1, 16 feet for Lot 3, and 21 feet for Lots 2 and 4). Each new residence would have an automatic fire sprinkler system and provide two additional off-street parking spaces. Each lot would include private, fenced side and rear yards. Fencing would measure a maximum of six feet high and would be constructed of wood screen or ornamental iron. Black vinyl chain link or wood screen fencing would be placed along the project perimeter.

Approval of modifications to DR zone specifications for front setbacks and parking setbacks are required as part of the proposed Development Plan, as revised in P&D memo to the Planning Commission dated September 24, 2004.

Existing storage sheds, corrals, and a small horse stable on the parcel would be removed during project development. These corrals and structures are located in a degraded wetland and wetland buffer area that is proposed to be restored, enhanced and re-vegetated with native plant species as part of this project.

All proposed units would be offered for sale. The prospective owners of all of the units would participate in a single Homeowner's Association (HOA) and the entire development would be subject to a single set of Covenants, Conditions, and Restrictions (CC&Rs). A portion of the yard area of each private lot would be dedicated to the prospective HOA through a landscape

ement that would allow for the common design and maintenance of the project's internal streetscape. As the proposed Development Plan is for less than 5 residential units, there are no required affordable housing units are per Comprehensive Plan Housing Policy 1.4.

Approximately 40% of the site would be developed as common open space. The majority of the proposed common open space would be located on the south side of the project site to create a vegetative buffer between More Mesa and site development. This buffer would include a restored wetland area and be planted with native plant species except within the existing eucalyptus tree grove. Project landscaping outside of the common open space area would include native and Mediterranean xeriscape plant materials.

Grading for the project site would include an estimated an estimated 651 cubic yards of cut and 2,912 cubic yards of fill with 2,266 cubic yards imported. The Goleta Water District would provide water service and the Goleta Sanitary District would provide sanitary service after the required annexation to the GSD of the sewer line on the project site as specified by Tract Map (02TRM-00000-00002) and Development Plan conditions.

The project description also incorporates the mitigation measures identified in Negative Declaration 04NGD-00000-00011.

MITIGATION MEASURES FROM 04NGD-00000-00011

2. Natural building materials and colors compatible with surrounding terrain (darker earthtones and non-reflective paints), subject to BAR review and approval, shall be used on exterior surfaces of all structures. The BAR shall review treatment of the concrete swales (if concrete is needed) allowing them to look as natural as possible. The landscape plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa. **Plan Requirement:** Materials shall be denoted on plans receiving BAR "final approval" and on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

3. Any new exterior night lighting installed on the project site shall be of low intensity, low height and low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements. **Plan Requirements & Timing:** 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 prior to approval of a Coastal Development Permit for structures.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure. 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.

4. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to Coastal Development Permit approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall

be noted on all plans. Trash control shall occur throughout all grading and construction activities.

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

5. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below.
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

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

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

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

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on all grading plans. **Timing:** The final grading plan shall be submitted for review prior to Coastal Development Permit approval.

Monitoring: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

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

19. Future construction shall conform to the requirements of development in a high fire hazard area, including but not limited to, the following:
- a. building materials for all structures including residences, fences, and accessory buildings shall be constructed of fire resistant materials;
 - b. Fire Department Class A or B roofing (i.e., non-combustible tile or asphalt composite shakes) shall be required for all future onsite structures;
 - c. spark arrestors shall be required for wood burning fireplaces;
 - d. decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timbers;
 - e. landscaping shall be primarily drought tolerant and fire resistant.

Plan Requirements and Timing: Measures shall be graphically depicted on building/landscape plans which shall be reviewed and approved by the Fire Department and P&D prior to approval of the Coastal Development Permit for structures.

Monitoring: P&D shall site inspect during construction for conformance to approved plans.

20. Utilities provided to future development shall be installed underground. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to approval of a Coastal Development Permit for utility connection to future development on each parcel.

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

21. 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.

22. Positive drainage shall be provided away from all structures and away from all manufactured slopes, and the top 18-36 inches of soil be recompact to a minimum of 90-95% relative compaction for foundation and roadway areas on the site. **Plan Requirements:** This requirement shall be noted on all grading and building plans.

Monitoring: P&D shall site inspect during grading to monitor drainage, slope formation and soil compaction practices.

23. The existing septic system serving 4865 Vieja Drive shall be abandoned under permitted inspection by Environmental Health Service concurrent with connection to the Goleta Sanitary District (GSD) of all residential development proposed in association with the Hacienda Vieja project. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit, the applicant shall complete annexation to the GSD. Prior to issuance of any occupancy permits for residences on the Hacienda Vieja site, the applicant shall submit proof to EHS staff of connection of all development on site to the District mainline.

Monitoring: EHS shall receive written notification from the GSD that the existing single family dwelling and the four new residences have all been connected to the sanitary system and that it has been installed according to plans.

24. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

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

Monitoring: Permit Compliance shall perform site inspections to ensure compliance. With the incorporation of the mitigation measure above, residual noise impacts would be less than significant.

26. A recorded Notice to Property Owner (NTPO) document is necessary to ensure that prospective property owners are aware that overflights by airplanes using the SBMA will continue for the foreseeable future. There shall also be a notification of aircraft overflights and associated noise levels included within the project CC&Rs (Codes, Covenants, and Restrictions) for the proposed development. **Plan Requirements & Timing:** The property owner shall sign, record and cross reference the document prior to approval of the Coastal Development Permit.

Monitoring: P&D shall confirm recordation of the NTPO.

27. The applicant shall dedicate a 15-foot wide trail easement along the western border of the subject property to the County in perpetuity. No fencing or new landscaping other than ground cover shall encumber this 15-foot wide easement. Upon development of the future trail, the perimeter of the wetlands area east of the trail easement shall be permanently fenced so that pedestrian access is denied to the wetlands. **Plan Requirements:** The easement document and landscape plan shall be reviewed and approved by P&D, County Counsel, and the Park Department prior to approval of the Coastal Development Permit for the proposed development.

28. A construction staging area shall be established on the project site outside of the wetland buffer area and graphically depicted on all project site plans. All construction equipment and

construction employee vehicles shall be stored and parked in this area. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permits, all project plans shall graphically indicate the location of the construction staging area.

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

29. Drainage shall be consistent with approved drainage plans and shall employ Best Available Control Technologies. **Plan Requirements:** Prior to approval of Coastal Development Permits, a final drainage plan shall be submitted to P&D, Flood Control and Project Clean Water staff for review and approval. **Timing:** The components of the drainage plan shall be implemented prior to occupancy clearance.

Monitoring: P&D shall site inspect during grading.

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

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

31. The applicant shall secure Can and Will Serve letters from the Goleta Water District. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit the applicant shall provide P&D with the Can And Will letters indicating adequate service for each parcel.

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

PROJECT SPECIFIC CONDITIONS

32. Compliance with Departmental letters required as follows:

- a. Air Pollution Control District dated January 29, 2002.
- b. County Fire Department dated June 23, 2004.
- c. Flood Control dated June 10, 2004
- d. Road Division (Public Works) dated June 10, 2004
- e. County Parks Department dated June 9, 2004.
- f. County Surveyor dated June 16, 2004.
- g. Environmental Health Services letter dated July 6, 2004.

33. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to approval of a Coastal Development Permit.

34. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security two years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant

fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- a) Installation of landscaping and irrigation, in accordance with the approved landscape plan prior to occupancy clearance.

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

35. Landscaping shall be maintained for the life of the project.
36. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
37. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan and Map. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Planning Commission Attachments A-G, dated July 7, 2004. Substantial conformity shall be determined by the Director of P&D.
38. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
39. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a CDP.
40. No permits for development, including grading, shall be issued prior to recordation of 02TRM-00000-00002 (TM 14,595).
41. Prior to approval of Coastal Development Permits, the applicant shall pay all applicable P&D processing fees in full.
42. The 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 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 Coastal Development 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.
43. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Final Development Plan. 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.
44. 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.
45. A recorded Notice to Property Owner (NTPO) document shall be executed to ensure that prospective property owners have information about the biology of the wetland and buffer area on the project site and responsible management of household chemicals. This information shall also be included within the project CC&Rs (Codes, Covenants, and Restrictions) for the proposed development. **Plan Requirements & Timing:** The property owner shall sign, record and cross reference the NTPO document prior to approval of a Coastal Development Permit.

**ATTACHMENT F
PROJECT SPECIFIC CONDITIONS**

Case #: 04CDP-00000-00087

1. This Appealable Coastal Development Permit (CDP) is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed Vesting Tentative Tract Map 02TRM-00000-00002 would subdivide Parcel 1, APN 065-240-019, as reconfigured by Lot Line Adjustment 02LLA-00000-00002 into five lots, including four residential lots intended for private ownership and one lot owned in common by all prospective property owners. The common lot would include two landscaped drainage swales leading to a wetland area and open space. The proposed residential lots would range in size from 13,781 square feet to 18,894 square feet. The common lot would measure 0.96 acres.

A 28-foot wide gated private access road off Vieja Drive would provide access to the project site, with access easements for this drive across all four new residential lots. The sewer line that has been installed beneath the proposed private access road for connection to the proposed residential development on the project site shall be annexed into the Goleta Sanitary District. Guest parking would be allowed along one side of the proposed private access road. Dedication to the County Parks Department of a 15-foot wide trail easement is proposed along the westerly property line.

MITIGATION MEASURES FROM 04NGD-00000-00011

2. Natural building materials and colors compatible with surrounding terrain (darker earthtones and non-reflective paints), subject to BAR review and approval, shall be used on exterior surfaces of all structures. The BAR shall review treatment of the concrete swales (if concrete is needed) allowing them to look as natural as possible. The landscape plan shall include a minimum of two to three large size screen trees (24 to 48-inch box) on each lot. The intent being to adequately screen the homes from More Mesa. **Plan Requirement:** Materials shall be denoted on plans receiving BAR "final approval" and on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

3. Any new exterior night lighting installed on the project site shall be of low intensity, low height and low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements. **Plan Requirements & Timing:** 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 prior to approval of a Coastal Development Permit for structures.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure. 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.

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

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

5. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below.
- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d. The contractor shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

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

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

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

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on all grading plans. **Timing:** The final grading plan shall be submitted for review prior to Coastal Development Permit approval.

Monitoring: Permit Compliance staff and Grading Inspector shall perform periodic site inspections.

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

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

8. An open space easement reviewed and approved by P&D and County Counsel for the Hacienda Vieja (four lot) site wetland and 100-foot buffer area shall be dedicated to Santa Barbara County and/or may also be dedicated to an applicable non-profit entity and shall remain in open space and be insured as such by conditions of approval. Split rail fencing, no greater than 4 feet in height, or other P&D-approved permanent marker shall be used to delineate the open space easement area. Appropriate signage (acceptable to the holder of easement, such as "Protected Open Space Easement") shall be required to help prevent development not in compliance with the approved wetlands restoration / revegetation plan. The CDP for physical development shall not be issued until the easement is recorded on the property title and fencing and signage is installed. **Plan Requirements and Timing:** Prior to recordation, an agreement to dedicate shall be submitted for review and approval by P&D and County Counsel. The easement shall be recorded concurrently with recordation of the tentative map. Fencing and signage shall be installed prior to the first occupancy clearance.

MONITORING: Upon approval, provisions of the easement shall be monitored every two years through site inspections and/or photo documentation by P&D staff.

9. A qualified biologist should thoroughly rake the sandy loam soils found in the northwestern corner of the subject parcel. This work should be conducted when silvery legless lizards, if present, are most likely to be active near the surface (December-March). The biologist should also be present when this portion of the subject parcel is graded during site preparation. Any silvery legless lizards found should be relocated to similarly-textured soils along the margin of the subject parcel.

10. A qualified biologist should thoroughly inspect the abandoned outbuildings on the project site for bats prior to demolition. Any bats found should be displaced by hand and the buildings demolished as soon as possible after displacement.
11. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction.

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

12. The applicant shall implement a wetlands restoration/ revegetation plan. The plan shall include, but not be limited to the following measures:
 - a. Removal of the existing corral fencing, horse stable/ shed structure, and horse(s) from the wetlands and buffer area.
 - b. The 100-foot wetlands buffer area shall be fenced during construction with chain-link fence prior to beginning construction or grading. A permanent exclusionary split rail or equivalent permanent fencing shall be erected around the 100-foot wetlands buffer at the conclusion of construction. In order to not impede the movement of wildlife through the area, the minimum distance from ground level to any fence's first rung shall be 18 inches.
 - c. Non-native species, with the exception of the eucalyptus trees, shall be removed from the wetlands.
 - d. Removal of native species in the wetlands area shall be prohibited.
 - e. Landscaping shall be with native wetlands species. Species shall be from locally obtained plants and seed stock.

Plan Requirements/Timing: Prior to approval of Coastal Development Permits for landscaping and structures, the applicant shall submit four copies of a final wetlands restoration/ revegetation plan to P&D and to Flood Control for review and approval. The applicant shall show this condition and the permanent exclusionary fencing on all plans.

Monitoring: Following installation of landscaping, the landscape architect or arborist shall verify to P&D, in writing, the primary use of native seed stock for new plantings throughout the site.

13. Except for the above County-approved wetlands restoration/ revegetation plan which will include two lightly-contoured bioswales, there shall be no development and no tree removal, except for dead trees and non-native species as specifically approved by P&D that are verified by a P&D-approved biologist to not be currently supporting nesting raptors, within the 100-foot wetlands area buffer (see Attachment F: Site Plan). There shall be no removal of any live trees

that may serve to screen the proposed development from More Mesa. **Plan Requirements:** The applicant shall show this condition on all plans.

Monitoring: P&D staff shall perform site inspections upon completion of construction.

14. Between December 15 and September 15, the developer shall pay for a P&D approved biologist to inspect the project site for raptor nesting activity once a week during construction. The biologist shall also conduct a pre-construction raptor nesting inspection not more than one week prior to the proposed beginning of construction activity. If raptors are determined to be nesting on the project site or in any areas within 500 feet of proposed construction activity, no construction, grading or heavy equipment operation shall take place within 500 feet of the raptor nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within a 500-foot radius of any raptor nests on the project site until it can be verified that all fledglings have left the nest. **Plan Requirements/Timing:** This condition shall be printed on all construction, grading, and building plans.

Monitoring: P&D staff shall perform site inspections throughout the construction phase and receive the weekly reports of the P&D approved biologist.

15. Except for proposed lawn areas (which shall be planted in drought tolerant species only), new plants installed on the project site shall primarily include native plant materials, in logical associations and shall specify native specimen plants and seed stock from locally obtained sources, i.e., from coastal slopes between Carpinteria Bluffs and Ellwood Mesa. An irrigation plan shall accompany the landscape plan. **Plan Requirements/Timing:** Prior to approval of Coastal Development Permits and Grading Permits for landscaping and structures, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed.

Monitoring: Following installation of landscaping, the landscape architect or arborist shall verify to P&D, in writing, the primary use of native seed stock for new plantings throughout the site. Permit Compliance staff shall verify installation of landscaping prior to occupancy clearance.

16. Herbicides shall not be used during the site preparation phase of the wetland and wetland buffer restoration/ revegetation plan implementation. Spot application by hand-held spray bottle of a glyphosate herbicide designed for use in wetland areas may be used during the wetland restoration plan maintenance period to treat stubborn weeds. **Plan Requirements:** The applicant shall show this condition on all plans.

Monitoring: P&D Compliance Monitoring staff shall perform spot checks during the restoration plan maintenance period.

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

Monitoring: P&D shall check plans prior to approval of a Coastal Development Permit and shall spot check in the field.

18. Access shall be constructed to Fire Department standards and project conditions, including adequate width, compaction, surfacing, and appropriate grade. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to map recordation and/ or approval of a Coastal Development Permit for the proposed residences, whichever occurs first.

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

19. Future construction shall conform to the requirements of development in a high fire hazard area, including but not limited to, the following:
- a. building materials for all structures including residences, fences, and accessory buildings shall be constructed of fire resistant materials;
 - b. Fire Department Class A or B roofing (i.e., non-combustible tile or asphalt composite shakes) shall be required for all future onsite structures;
 - c. spark arrestors shall be required for wood burning fireplaces;
 - d. decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timbers;
 - e. landscaping shall be primarily drought tolerant and fire resistant.

Plan Requirements and Timing: Measures shall be graphically depicted on building/landscape plans which shall be reviewed and approved by the Fire Department and P&D prior to approval of the Coastal Development Permit for structures.

Monitoring: P&D shall site inspect during construction for conformance to approved plans.

20. Utilities provided to future development shall be installed underground. **Plan Requirements and Timing:** Plans shall be reviewed and approved by P&D and the Fire Department prior to recordation for utility trenching associated with parcel improvements and prior to approval of a Coastal Development Permit for utility connection to future development on each parcel.

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

21. 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.

22. Positive drainage shall be provided away from all structures and away from all manufactured slopes, and the top 18-36 inches of soil be recompact to a minimum of 90-95% relative compaction for foundation and roadway areas on the site. **Plan Requirements:** This requirement shall be noted on all grading and building plans.

Monitoring: P&D shall site inspect during grading to monitor drainage, slope formation and soil compaction practices.

23. The existing septic system serving 4865 Vieja Drive shall be abandoned under permitted inspection by Environmental Health Service concurrent with connection to the Goleta Sanitary District (GSD) of all residential development proposed in association with the Hacienda Vieja project and the completion of annexation of the project parcels into the GSD. **Plan Requirements and Timing:** Prior to issuance of a Coastal Development Permit, the applicant shall complete annexation to the GSD. Prior to issuance of any occupancy permits for residences on the Hacienda Vieja site, the applicant shall submit proof to EHS staff of connection of all development on site to the District mainline.

Monitoring: EHS shall receive written notification from the GSD that the existing single family dwelling and the four new residences have all been connected to the sanitary system and that it has been installed according to plans.

24. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

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

Monitoring: Permit Compliance shall perform site inspections to ensure compliance. With the incorporation of the mitigation measure above, residual noise impacts would be less than significant.

26. A recorded Notice to Property Owner (NTPO) document is necessary to ensure that prospective property owners are aware that overflights by airplanes using the SBMA will continue for the foreseeable future. There shall also be a notification of aircraft overflights and associated noise levels included within the project CC&Rs (Codes, Covenants, and Restrictions) for the proposed development. **Plan Requirements & Timing:** The property owner shall sign, record and cross reference the document prior to approval of a Coastal Development Permit.

Monitoring: P&D shall confirm recordation of the NTPO, and the notification language in the project CC&Rs.

27. The applicant shall dedicate a 15-foot wide trail easement along the western border of the subject property to the County in perpetuity. No fencing or new landscaping other than ground cover shall encumber this 15-foot wide easement. Upon development of the future trail, the perimeter of the wetlands area east of the trail easement shall be permanently fenced so that pedestrian access is denied to the wetlands. **Plan Requirements:** The easement document and landscape plan shall be reviewed and approved by P&D, County Counsel, and the Park Department prior to recordation of the Tentative Tract Map and/ or prior to approval of the Coastal Development Permit for the proposed development, whichever occurs first.

28. A construction staging area shall be established on the project site outside of the wetland buffer area and graphically depicted on all project site plans. All construction equipment and construction employee vehicles shall be stored and parked in this area. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permits, all project plans shall graphically indicate the location of the construction staging area.

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

29. Drainage shall be consistent with approved drainage plans and shall employ Best Available Control Technologies. **Plan Requirements:** Prior to approval of Coastal Development Permits, a final drainage plan shall be submitted to P&D, Flood Control and Project Clean Water staff for review and approval. **Timing:** The components of the drainage plan shall be implemented prior to occupancy clearance.

Monitoring: P&D shall site inspect during grading.

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

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

31. The applicant shall secure Can and Will Serve letters from the Goleta Water District. **Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit, the applicant shall provide P&D with the Can And Will letters indicating adequate service for each parcel.

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

PROJECT SPECIFIC CONDITIONS

32. Compliance with Departmental letters required as follows:

a. Air Pollution Control District dated January 29, 2002.

46 9 45

- b. County Fire Department dated June 23, 2004.
 - c. Flood Control dated June 10, 2004
 - d. Road Division (Public Works) dated June 10, 2004
 - e. County Parks Department dated June 9, 2004.
 - f. County Surveyor dated June 16, 2004.
 - g. Environmental Health Services letter dated July 6, 2004.
33. Title to the common open space shall be held by a non-profit association of homeowners or by any other non-profit group on such reasonable terms and conditions as the Board of Supervisors may prescribe. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with anything except open space or noncommercial recreation shall be conveyed to the County of Santa Barbara.
34. Prior to recordation, the applicant shall record CC&Rs which require shared responsibility of site improvements by all owners. The owners shall share maintenance responsibilities for the drainage facilities, landscaping, revegetation, fencing and access, subject to approvals from Flood Control, P&D and County Counsel. The CC&R's shall also include by reference responsibilities for all owners to maintain property in compliance with all conditions of approval for the project. Any amendments to the County required conditions shall be reviewed and approved by the County; this requirement shall also be included in the CC&Rs.
35. The recordation of TPM 14,595 shall occur prior to issuance of permits for development, including grading, under 02DVP-00000-00002 unless the applicant obtains approval from the Board of Supervisors to grade prior to recordation.

TENTATIVE TRACT MAP CONDITIONS

36. Prior to recordation of the map and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Coastal Development Permits are obtained prior to recordation, Tentative Tract Map conditions will not apply retroactively to the previously issued Coastal Development Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Coastal Development Permit shall contain these conditions.
37. 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 map.
38. Three copies of the map to finalize the final map and required review fees in effect at the time, shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
39. 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 parcel map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable.
40. The Tentative Tract 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.

41. The 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 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 Coastal Development Permit 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.
42. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.
43. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Tract 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.
44. 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.
45. A recorded Notice to Property Owner (NTPO) document shall be executed to ensure that prospective property owners have information about the biology of the wetland and buffer area on the project site and responsible management of household chemicals. This information shall also be included within the project CC&Rs (Codes, Covenants, and Restrictions) for the proposed development. **Plan Requirements & Timing:** The property owner shall sign, record and cross reference the NTPO document prior to approval of a Coastal Development Permit.

ATTACHMENT A: VICINITY MAP

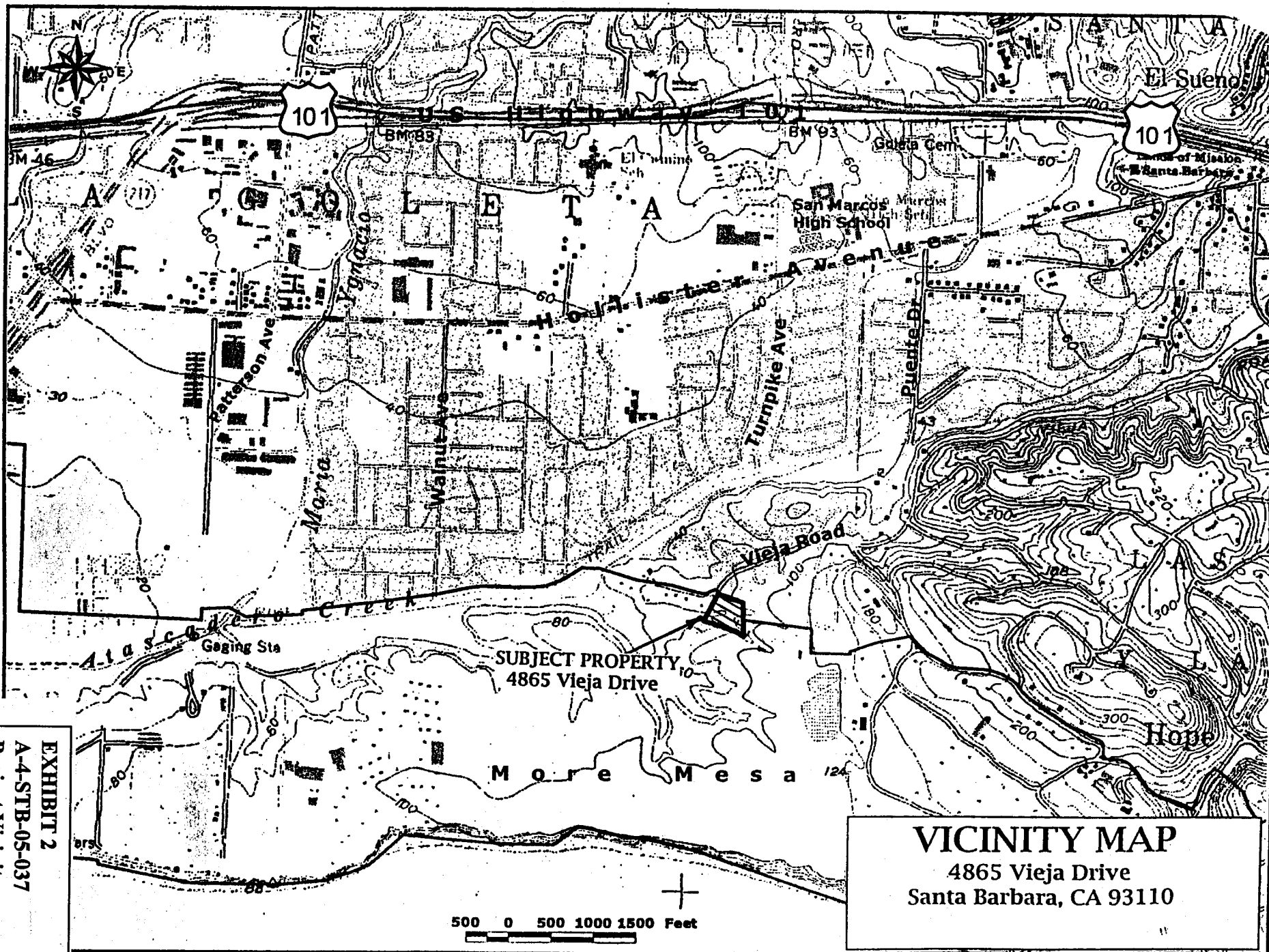


EXHIBIT 2
A-4-STB-05-037
Project Vicinity

VICINITY MAP
4865 Vieja Drive
Santa Barbara, CA 93110

ATTACHMENT A: REVISED LOT LINE ADJUSTMENT

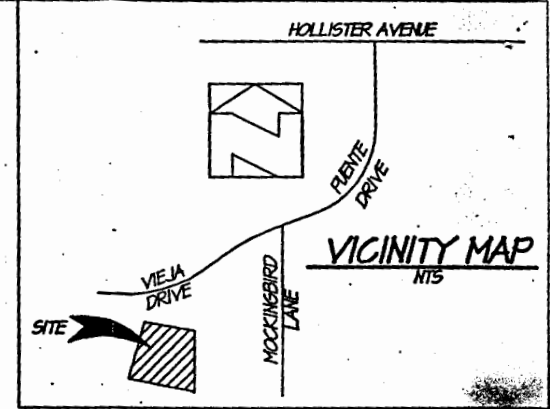
APPLICANT:
 JACK MAXWELL
 1253 COAST VILLAGE ROAD
 SUITE 105
 SANTA BARBARA, CA. 93108
 (805) 969-0718
 ATTN: JACK M. MAXWELL

ENGINEER:
 D.T.R. ENGINEERING
 868 EAST SANTA CLARA STREET
 VENTURA, CA. 93001
 (805) 648-1746
 CONTACT: DAVID J. ROSE

EXISTING PARCEL 1 = RECONFIGURED PARCEL A
 EXISTING PARCEL 2 = RECONFIGURED PARCEL B

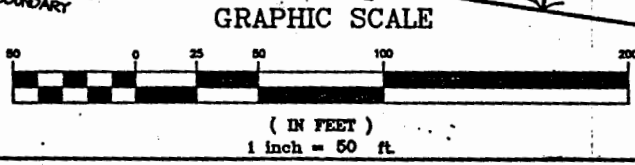
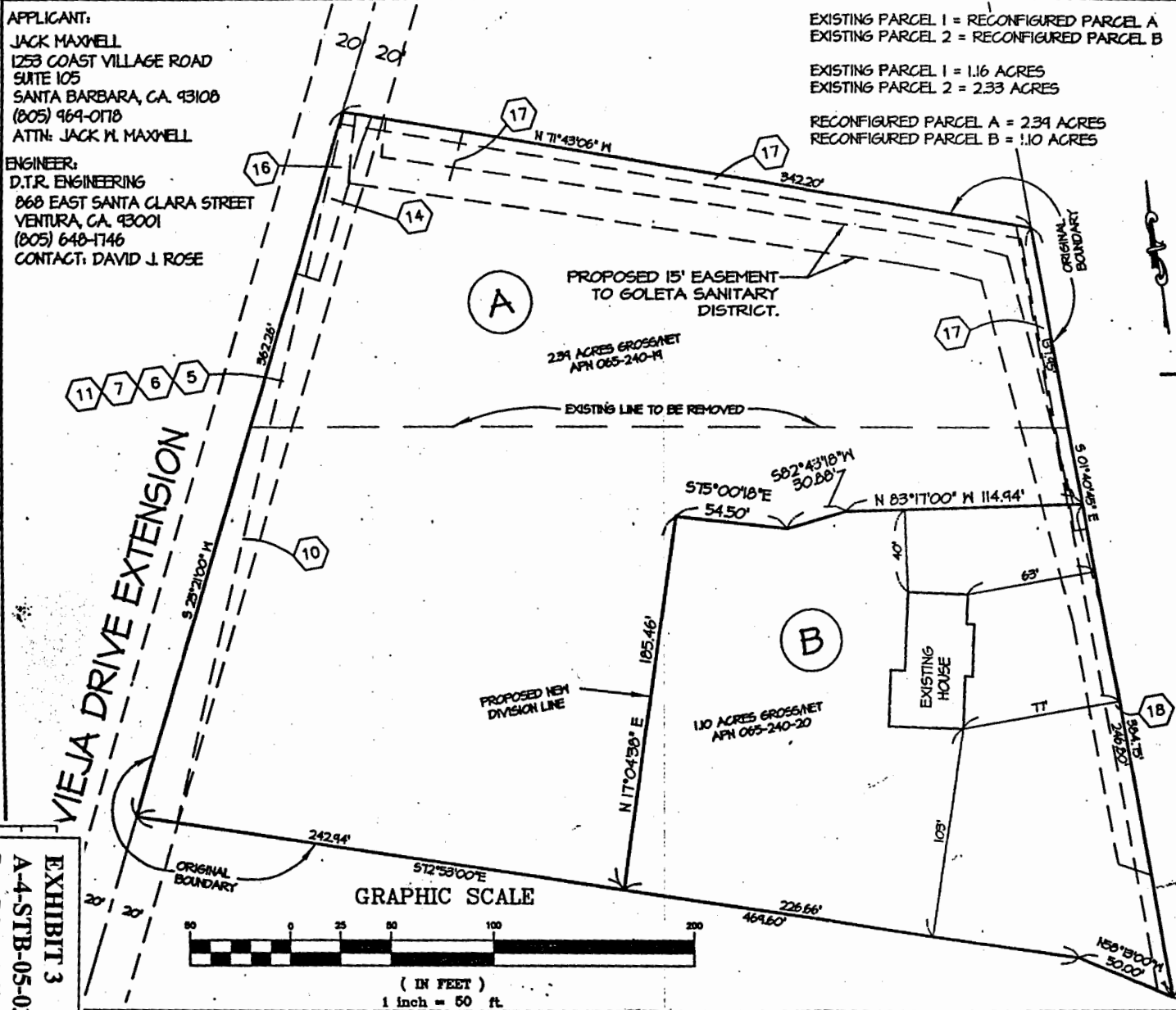
EXISTING PARCEL 1 = 1.16 ACRES
 EXISTING PARCEL 2 = 2.33 ACRES

RECONFIGURED PARCEL A = 2.34 ACRES
 RECONFIGURED PARCEL B = 1.10 ACRES



EXISTING EASEMENTS:

- 6. PUBLIC UTILITIES EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA PER BOOK 235, PAGE 102, O.R.
- 7. 20' ROADWAY EASEMENT TO JULIA BELLE AUSTIN PER BOOK 942, PAGE 140, O.R.
- 10. PUBLIC UTILITIES EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA PER BOOK 619, PAGE 104, O.R.
- 11. POLE LINE EASEMENT TO ASSOCIATED TELEPHONE COMPANY, LTD. PER BOOK 765, PAGE 945, O.R.
- 14. PIPELINE AND CONDUIT EASEMENT TO THE UNITED STATES OF AMERICA PER BOOK 1160, PAGE 65, O.R. INSTRUMENT/FILE NO. 11452.
- 15. EASEMENT TO ESTES C. DRAKE PER BOOK 1214, PAGE 442 O.R., INSTRUMENT/FILE NO. 9331.
- 16. PIPELINE EASEMENT TO GOLETA WATER DISTRICT PER BOOK 1460, PAGE 200, O.R. INSTRUMENT/FILE NO. 14200.
- 17. PUBLIC UTILITIES EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY PER BOOK 1574, PAGE 570, O.R., INSTRUMENT/FILE NO. 24951.
- 18. PUBLIC UTILITIES EASEMENT TO GENERAL TELEPHONE COMPANY OF CALIFORNIA PER BOOK 1627, PAGE 171, O.R. INSTRUMENT/FILE NO. 16151.



David J. Rose

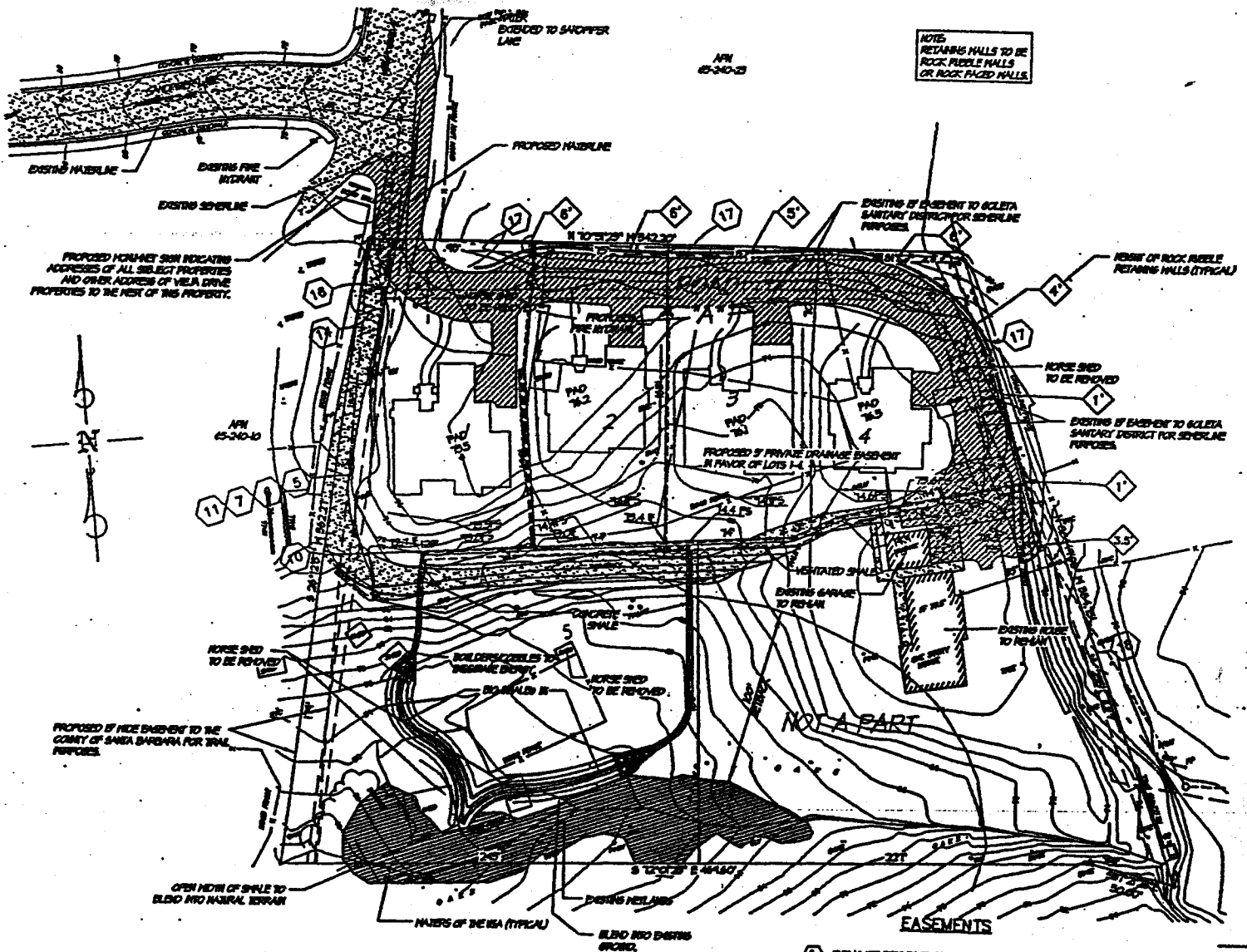


DAVID J. ROSE
 RCE 32127
 EXP. 12-31-04
 A PORTION OF RANCHO LA GOLETA, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

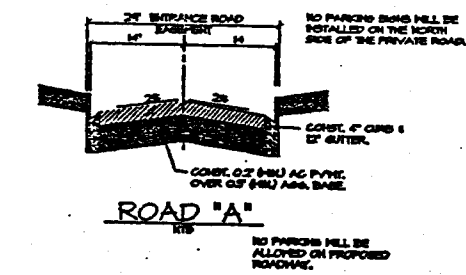
EXHIBIT 3
 A-4-STB-05-037
 Lot Line Adjustment

S.B. COUNTY
 PLANNING & DEVELOPMENT

ATTACHMENT C: REVISED GRADING AND DRAINAGE PLAN



NOTE:
RETAINING WALLS TO BE
ROCK FEEBLE WALLS
OR ROCK FACED WALLS.



EARTHWORK QUANTITIES:

LOT	CUT (CY)	FILL (CY)
LOT 1	748	—
LOT 2	660	210
LOT 3	25	70
LOT 4	120	440
LOT 5	0	430
TOTAL	1553	1220

LOT NUMBER	AREA (SF)	LOT USE	ACR
1	36,688	SINGLE FAMILY RESIDENCE	—
2	65,488	SINGLE FAMILY RESIDENCE	—
3	11,788	SINGLE FAMILY RESIDENCE	—
4	68,440	SINGLE FAMILY RESIDENCE	—
SUB-TOTAL	82,404 SF = 1.89 AC.		408
5	41,625 SF = 0.96 AC.	COMMON AREA	408
TOTAL	124,029 SF = 2.85 AC.		

- (6) PUBLIC UTILITIES EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA PER BOOK 225, PAGE 102, OR.
- (7) 27' ROADWAY EASEMENT TO JULIA BELLE AUSTIN PER BOOK 312, PAGE 110, OR.
- (8) PUBLIC UTILITIES EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA PER BOOK 61, PAGE 154, OR.
- (11) POLE LINE EASEMENT TO ASSOCIATED TELEPHONE COMPANY, LTD. PER BOOK 765, PAGE 393, OR.
- (14) PIPELINE AND CONDUIT EASEMENT TO THE UNITED STATES OF AMERICA PER BOOK 166, PAGE 65, OR, INSTRUMENT NO. 11622.
- (15) EASEMENT TO ERIC C. DRAKE PER BOOK 121, PAGE 442, OR, INSTRUMENT NO. 3028.
- (16) PIPELINE EASEMENT TO GOLETA WATER DISTRICT PER BOOK 140, PAGE 208, OR, INSTRUMENT NO. 14230.
- (17) PUBLIC UTILITIES EASEMENT TO SOUTHERN CALIFORNIA Edison COMPANY PER BOOK 574, PAGE 574, OR, INSTRUMENT NO. 21951.
- (18) PUBLIC UTILITIES EASEMENT TO GENERAL TELEPHONE COMPANY OF CALIFORNIA PER BOOK 127, PAGE 81, OR, INSTRUMENT NO. 1161.

UTILITIES:

WATER: GOLETA WATER DISTRICT
SEWER: EXISTING PRIVATE SYSTEM
 GOLETA SANITARY DISTRICT

GAS: SO. CAL GAS CO.
ELECTRICAL: SO. CAL EDISON CO.
CABLE TV: COX CABLE T.V. OF SANTA BARBARA
TELEPHONE: GENERAL TELEPHONE CO.

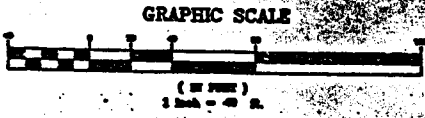
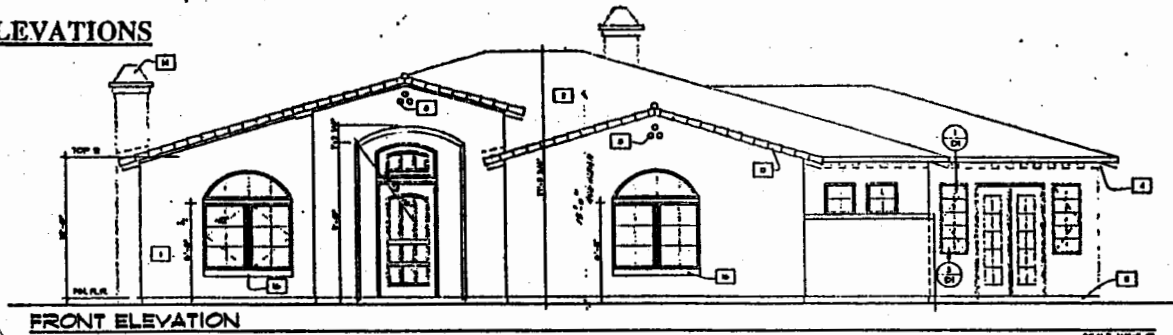


EXHIBIT 4
A-4-STB-05-037
Tentative Tract Map
and Grading

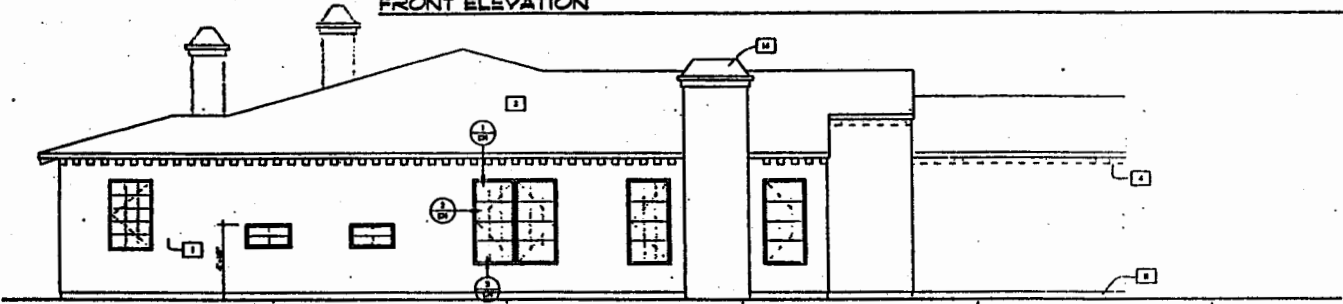
David
DAVID J. R
RCE 52217
EXP. 12/5/10

**ATTACHMENT F: REVISED ELEVATIONS
AND FLOOR PLANS**



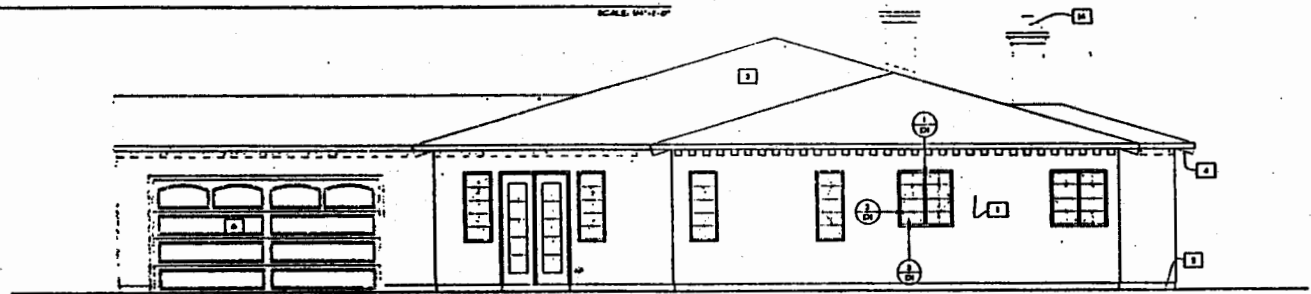
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



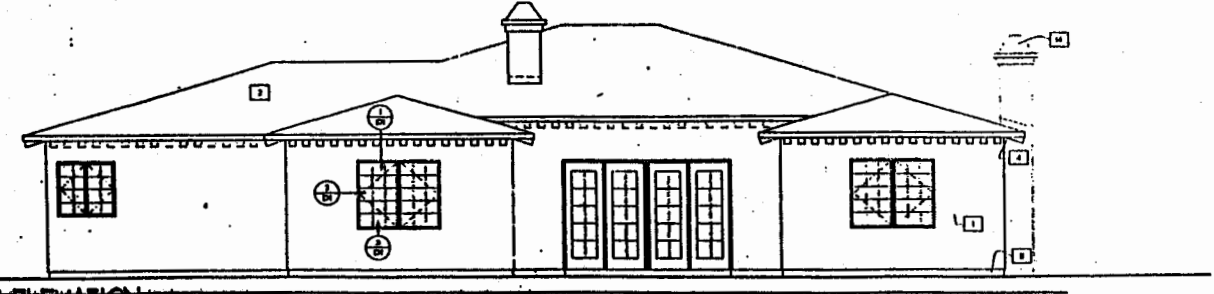
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

EXTERIOR ELEVATION NOTES:

- 1 MATERIALS SHALL BE AS FOLLOWS:
- 2 1/2" EXTERIOR PLASTER 1/4" SPECIFIED AREA
- 3 STONE VENEER (AT SPECIFIED AREAS)
- 4 1/2" EXTERIOR PLASTER
- 5 ROOF: CLAY 3-Piece TILE
- 6 ROOF FINISH SHALL BE AS FOLLOWS:
SLOPED --- 3/4" IN 12'
- 7 FOR WINDOW AND GLAZING SPECIFICATION SEE FLOOR PLAN
- 8 SEE SECTION FOR PLATE HEADERS
- 9 TOP OF CHIMNEY SHALL BE 4 FEET UP OF P-F.P. ABOVE ROOF RISE MIN. 1'-0" OF THE CHIMNEY AND SHALL HAVE AN APPROVED SPARK ARRESTOR
- 10 SEE ELECTRICAL PLAN FOR EXTERIOR LIGHT FIXTURES
- 11 DASHED LINE AT TRANSITION FINISH VERTICAL TO SLOPING SURFACES FORCES ALL PLUMBING
- 12 ALL WINDOW AND DOOR HEIGHTS ARE 4'-0" ABOVE FLOOR FINISH

- D** SEE LATER FLOOR PLAN NOTE
- 1 EXTERIOR PLASTER
 - 2 FINISH TILE ROOF
 - 3 STONE VENEER
 - 4 RAFTER GABLE, SEE DETAIL SCD
 - 5 EXTERIOR PLASTER GABLE, SEE DETAIL SCD
 - 6 RECTANGULAR GARAGE DOOR
 - 7 3/4" RED CLAY TILE VENT
 - 8 SCHEDULE GUTTER
 - 9 DOWNSPOUT
 - 10 SCHEDULE, SEE DETAIL SCD
 - 11 3/4" BLUE TILE, SEE DETAIL SCD
 - 12 GUTTERS, SEE DETAIL SCD
 - 13 METAL CHIMNEY CAP
 - 14 EXTERIOR LIGHT FIXTURE
 - 15 2x6 DOORWAY SUFFIC. EXT. PLASTER BELL
 - 16 GARDEN WALL

RICHARD T. THORNE ARCHITECT architecture / planning
 309 AVILA WAY, SANTA BARBARA, CA 93101 (805) 964-9879 fax / telephone richard@rtt.com (email)

LAS BRESAS AT MORE MESA SANTA BARBARA, CA
NO. 5722/03 REVISION
DRAWING NO. LOT 1
SHEET A4-1 3.7

EXHIBIT 6
A-4-STB-05-037
Elevations and Floor Plans

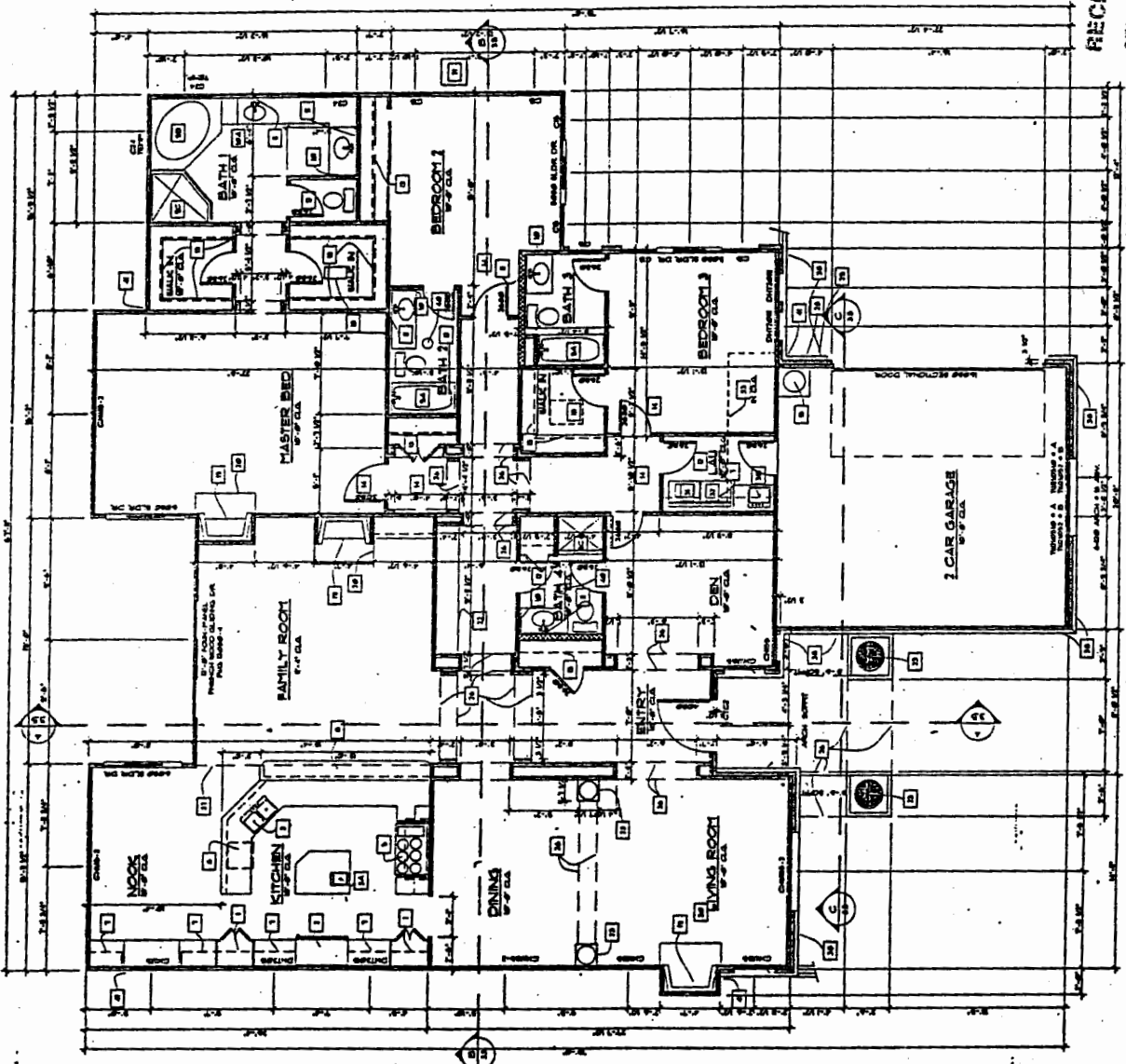
PRELIMINARY NOT FOR CONSTRUCTION

RICHARD T. THORNE ARCHITECT architecture / planning
 309 AVILA WAY, SANTA BARBARA, CA 93106 (805) 969-9797 fax/telephone richard@rtt.com (email)

LAS BRISAS AT MORE MESA
 SANTA BARBARA, CA

ROOM # 107
 DATE 5/22/03
 A.M.W.

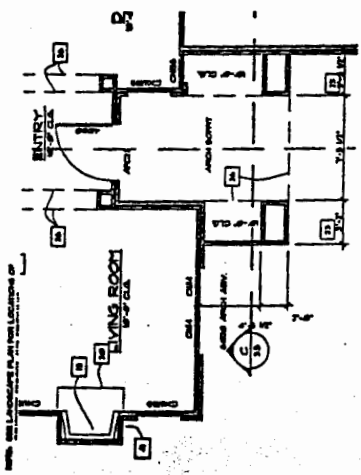
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 SEP 21 2004



FLOOR PLAN

FLOOR PLAN NOTES:

- 1. PARTY OF REMODELERS SHALL RELOCATE FLOOR JOIST TO BE IN REAR WALL, SEE ELEVATION B.
- 2. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
- 3. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
- 4. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
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- 32. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
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- 41. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
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- 44. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
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- 46. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
- 47. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
- 48. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
- 49. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.
- 50. RELOCATE WALL TO BE IN REAR WALL, SEE ELEVATION B.



FLOOR PLAN (ENTRY ELEV. B)



PACIFIC ARCHITECTS

1117 CANTY VILLAGE RD
SAN DIEGO, CA 92108
619-594-5348

Vieja Drive
HACIENDA VIEJA

APN
68-240-14
68-240-20

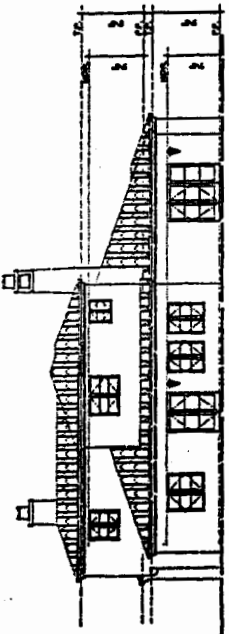
LOT 2



All Plans, Specifications and other documents prepared by the Architect for the purpose of the construction of the building are hereby approved for construction on the basis of the information furnished to the Architect by the owner. The Architect assumes no responsibility for the accuracy of the information furnished to the Architect by the owner.

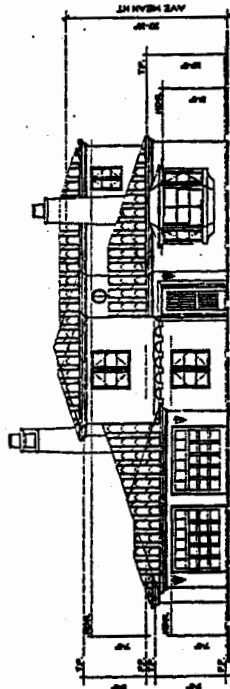
Approval	Description	Date
△		

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SEP 21 2004 AS-2
S.D. COUNTY
PLANNING & BUILDING DEPARTMENT



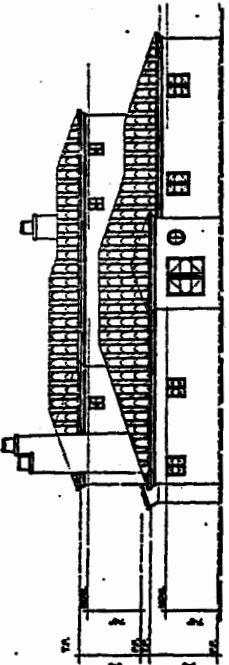
SOUTH ELEVATION - LOT 2

1/16" = 1'-0"



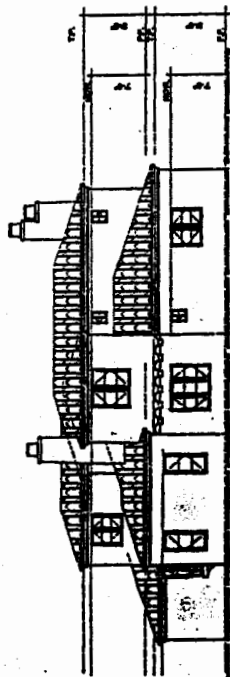
NORTH ELEVATION - LOT 2

1/16" = 1'-0"



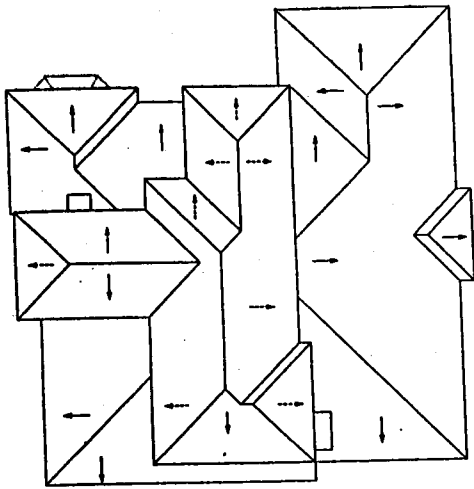
EAST ELEVATION - LOT 2

1/16" = 1'-0"



WEST ELEVATION - LOT 2

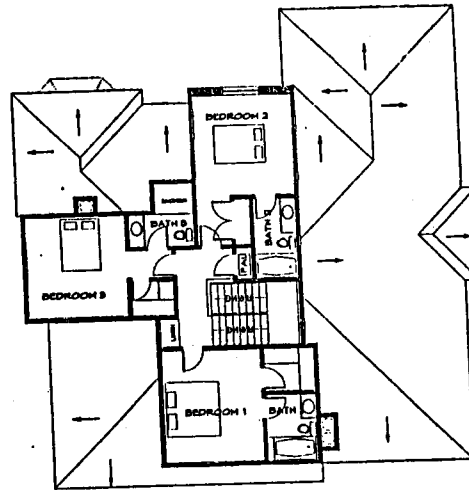
1/16" = 1'-0"



ROOF PLAN - (LOT 2)



1/16" = 1'-0"

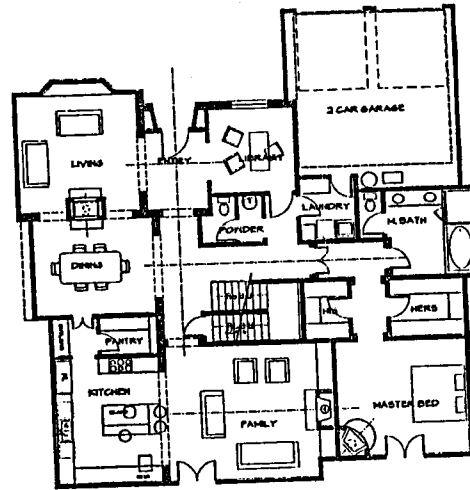


UPPER FLOOR PLAN - (LOT 2)

1/16" = 1'-0"



1/16" = 1'-0"



LOWER FLOOR PLAN - (LOT 2)

RES- 2426 SF, GAR-480 SF



1/16" = 1'-0"



PACIFIC ARCHITECTS

1117 COAST VILLAGE RD.
MONTICELLO, CA 95108
803.263.3840

Vieja Drive
HACIENDA VIEJA

APH
85-240-19
85-240-20

LOT 2



All ideas, designs and plans
developed or recommended by these
drawings are owned by and are the
property of Pacific Architects and
shall not be used or developed for use
in connection with the specified
project. Plans of this kind,
drawings, or plans shall be used for
any purpose whatsoever without
the written permission of
Pacific Architects.

Revised	Description	Date
△		

Job Number
DWG 21604

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SEP 21 2004 A2-2

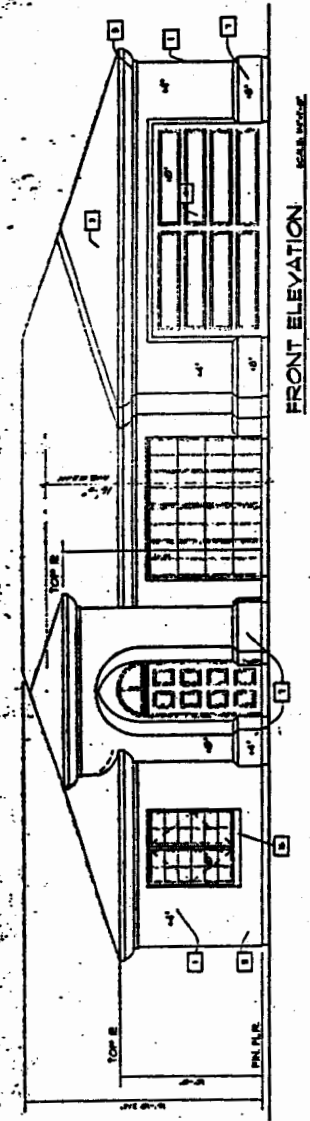
S.H. MOORE
PLANNING ARCHITECTS

609 AVILA WAY, SANTA BARBARA, CA 93108 (805) 949-9879 fax/(805) 949-9877 (email) rthorne@rthorne.com

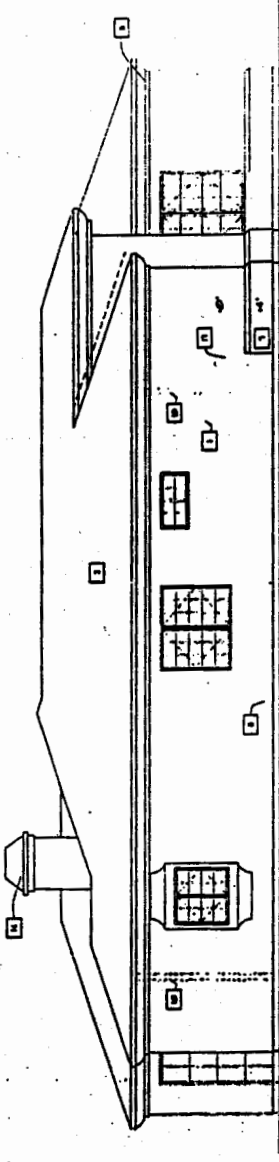
EXTERIOR ELEVATION NOTES:
1. MATERIALS SHOWN ARE AS FOLLOWS:
a. EXTERIOR WALLS: STUCCO
b. ROOFING: TERRAZZO
c. FLOORING: TERRAZZO
d. INTERIOR WALLS: STUCCO
e. INTERIOR FLOORING: TERRAZZO
f. INTERIOR CEILING: STUCCO
g. INTERIOR DOORS: WOOD
h. INTERIOR WINDOWS: WOOD
i. EXTERIOR DOORS: WOOD
j. EXTERIOR WINDOWS: WOOD
k. METALS: BRASS
l. GLASS: CLEAR
m. LIGHTING: RECESSED
n. MECHANICAL: CONCEALED
o. ELECTRICAL: CONCEALED
p. PLUMBING: CONCEALED
q. PAINT: EXTERIOR LIGHT COLORED
r. INTERIOR LIGHT COLORED
s. ALL WOOD AND WOOD FINISHES ARE 3/4" ABOVE FINISH FLOOR LEVEL.
2. INCLUDES 1/2" CORNER PLASTER.
3. EXTERIOR FINISHES:
a. STUCCO: TYPE I
b. TERRAZZO: POLISHED
c. METALS: BRASS
d. GLASS: CLEAR
e. WOOD: EXTERIOR GRADE
f. INTERIOR GRADE
g. INTERIOR WALLS: STUCCO
h. INTERIOR FLOORING: TERRAZZO
i. INTERIOR CEILING: STUCCO
j. INTERIOR DOORS: WOOD
k. INTERIOR WINDOWS: WOOD
l. EXTERIOR DOORS: WOOD
m. EXTERIOR WINDOWS: WOOD
n. METALS: BRASS
o. GLASS: CLEAR
p. LIGHTING: RECESSED
q. MECHANICAL: CONCEALED
r. ELECTRICAL: CONCEALED
s. PLUMBING: CONCEALED
t. PAINT: EXTERIOR LIGHT COLORED
u. INTERIOR LIGHT COLORED
v. ALL WOOD AND WOOD FINISHES ARE 3/4" ABOVE FINISH FLOOR LEVEL.

LAS BRISAS AT MORE MESA
SANTA BARBARA, CA
5/22/03

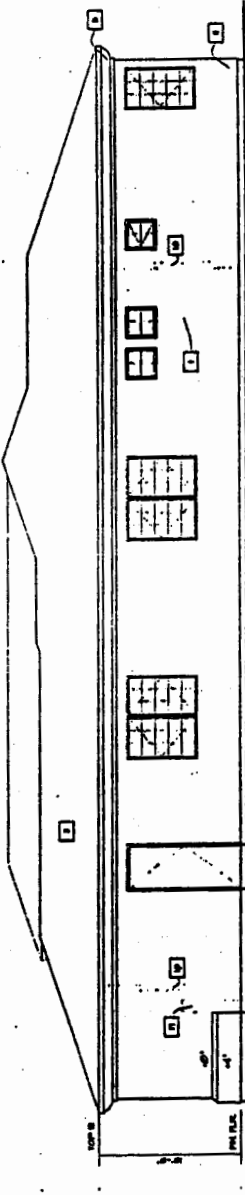
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SEP 21 2004
PLANNING & ARCHITECTURE



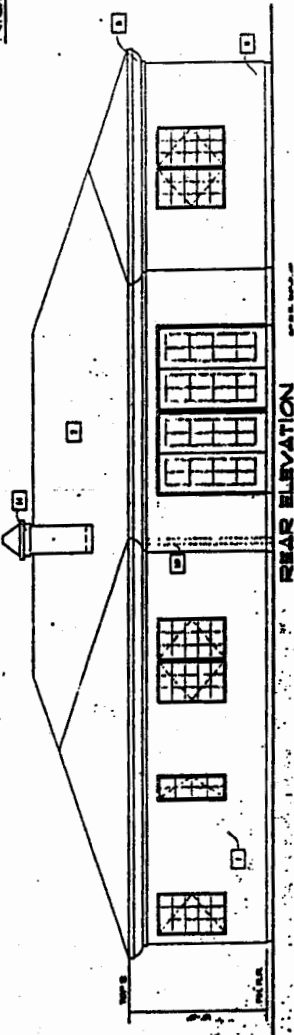
FRONT ELEVATION - REAR HOUSE



LEFT ELEVATION - REAR HOUSE



RIGHT ELEVATION - REAR HOUSE



REAR ELEVATION - REAR HOUSE

PLANNING & ARCHITECTURE



PACIFIC ARCHITECTS

1117 COAST VILLAGE RD
SHERBORN, MA 01908
508.366.1170

Vieja Drive
HACIENDA VIEJA

APN
98-240-19
98-240-30

LOT 4



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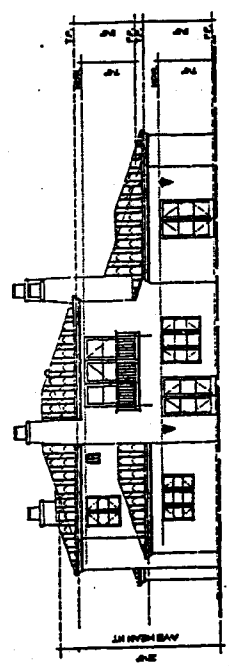
Revision	Description	Date
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SEP 21 2009

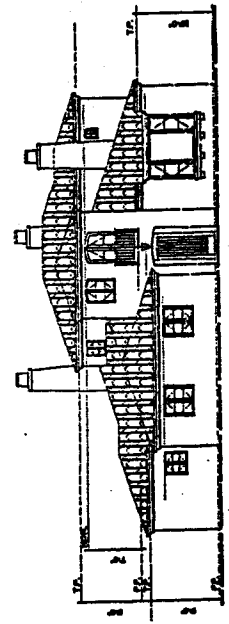
A3-4

PLANNING & ZONING DEPARTMENT



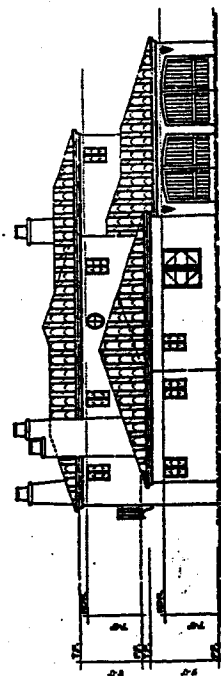
SOUTH ELEVATION - (LOT 4)

1/16" = 1'-0"



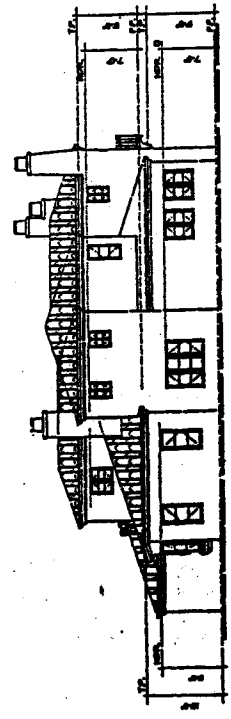
NORTH ELEVATION - (LOT 4)

1/16" = 1'-0"



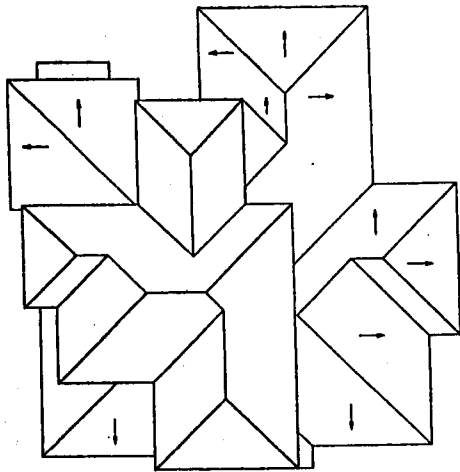
EAST ELEVATION - (LOT 4)

1/16" = 1'-0"



WEST ELEVATION - (LOT 4)

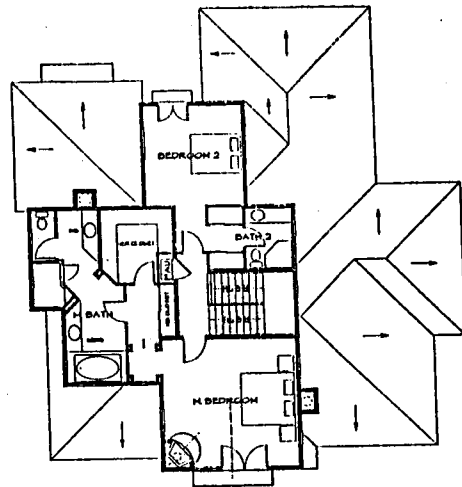
1/16" = 1'-0"



ROOF PLAN - (LOT 4)



1/16" = 1'-0"

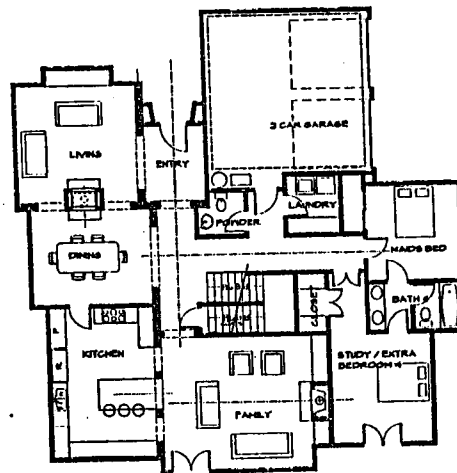


UPPER FLOOR PLAN - (LOT 4)



• 1020 SF

1/16" = 1'-0"



LOWER FLOOR PLAN - (LOT 4)



• 2110 SF, 648'-410 SF

1/16" = 1'-0"



PACIFIC ARCHITECTS

1117 COAST VILLAGE RD.
MENFESITO, CA. 93108
805.355.3440

Vieja Drive
HACIENDA VIEJA

APH
65-240-14
65-240-20

LOT 4



All drawings, designs and plans
submitted or represented by them
as correct are shown by them and
property of Pacific Architects is and
will be treated and approved for use
in connection with the specific
project. Plans to not be shown
designs or plans shall be used for
any purpose whatsoever without
the written permission of
Pacific Architects

Revised	Description	Date
△		

Job Number

0204/1 & 2004

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SEP 21 2004 A2-4

S. H. CHAN
PLANNING & DESIGN

TENTATIVE TRACT NO. 14,595
EXISTING TOPOGRAPHY
OF SURROUNDING AREA

RING
SUITE 100
NIA #B003

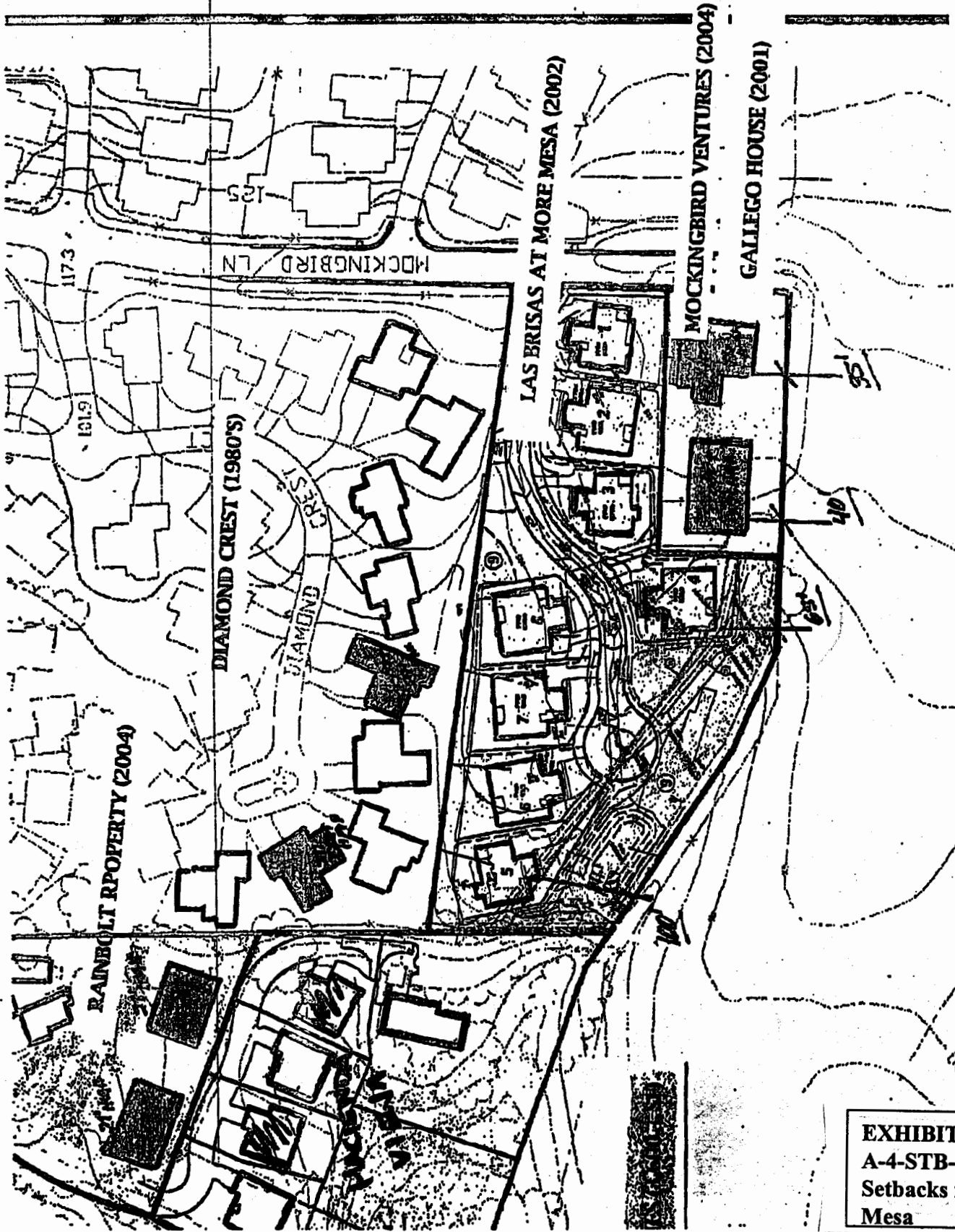
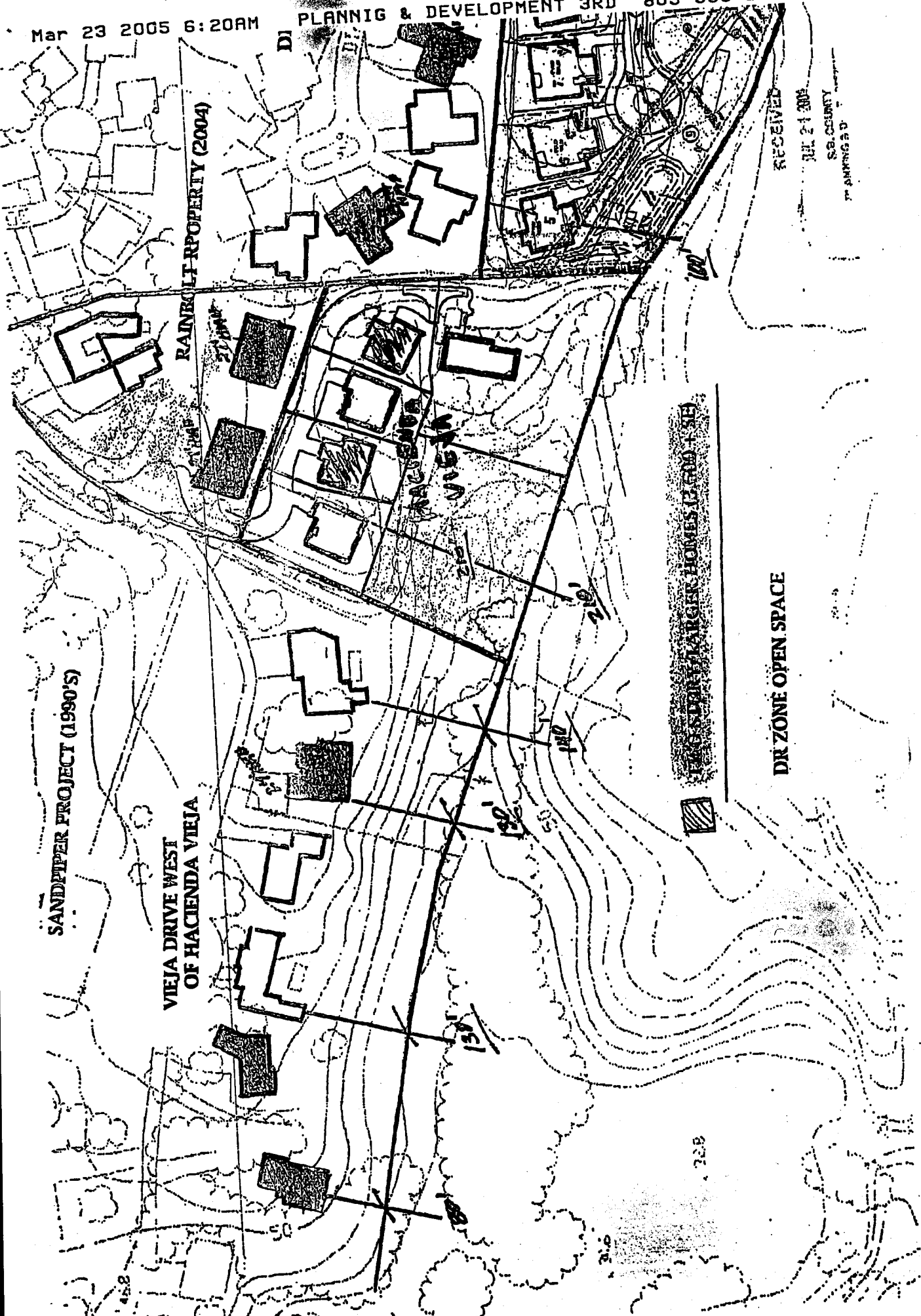


EXHIBIT 7
A-4-STB-05-037
Setbacks from More
Mesa

Mar 23 2005 6:20AM

PLANNING & DEVELOPMENT 3RD 805 568 2020



SANDPIPER PROJECT (1990'S)

VIEJA DRIVE WEST OF HACIENDA VIEJA

RAINBOW PROPERTY (2004)

DI

DR ZONE OPEN SPACE

WESTON LARGER HOMES (2004-2005)

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APR 21 2005

S.B. COUNTY

APPROVED





Source of Aerial Photo: More Mesa Preservation Coalition

EXHIBIT 8A
A-4-STB-05-037
Aerial Photo of Site





EXHIBIT 8B
A-4-STB-05-037
2001 Aerial
Photo of Site



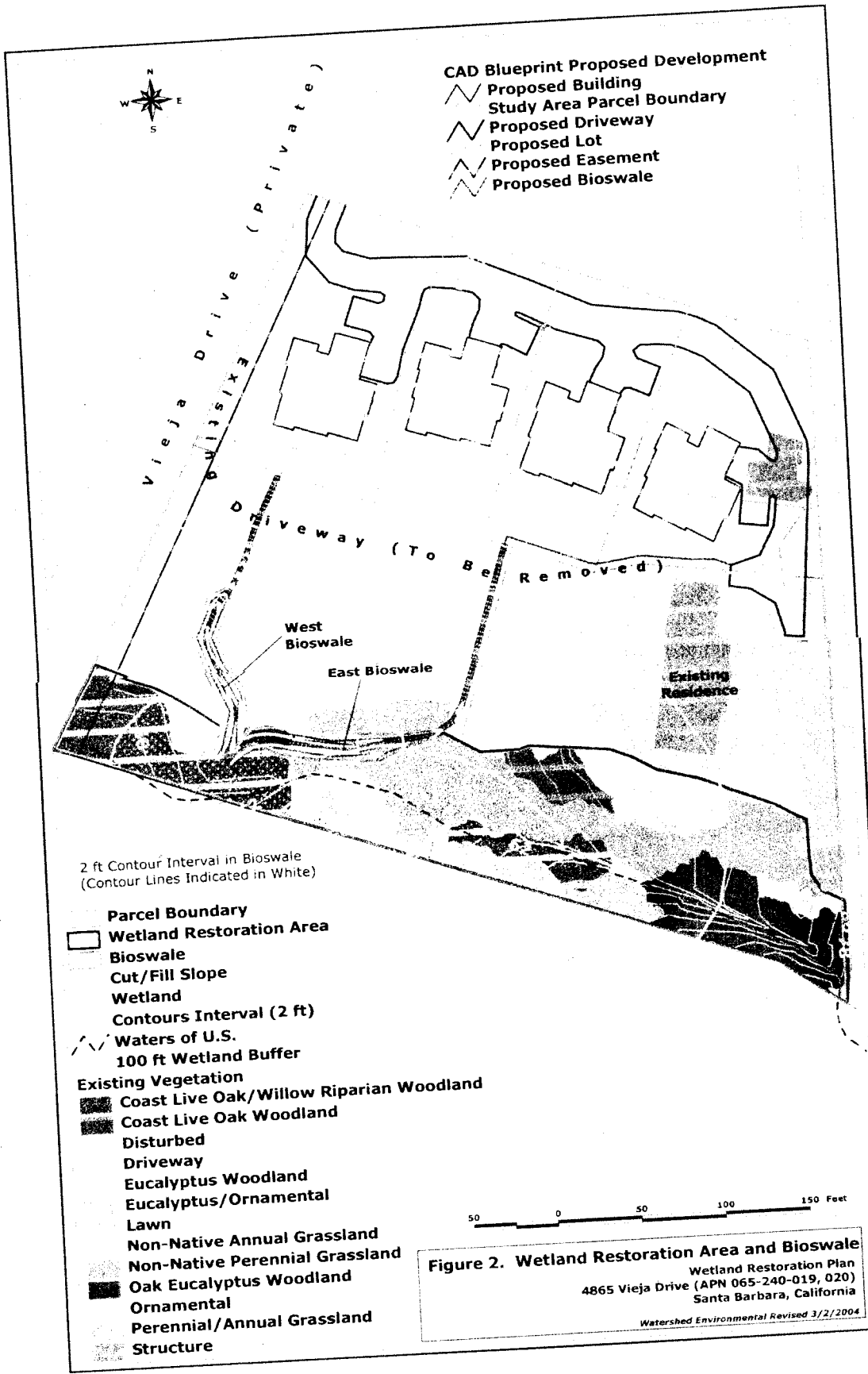


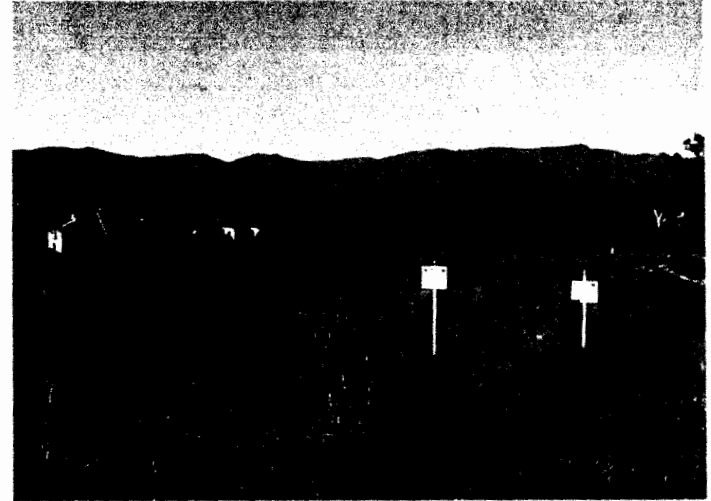
Figure 2. Wetland Restoration Area and Bioswale
 Wetland Restoration Plan
 4865 Vieja Drive (APN 065-240-019, 020)
 Santa Barbara, California
 Watershed Environmental Revised 3/2/2004

EXHIBIT 9
A-4-STB-05-037
Wetland
Restoration





View from project site looking south towards More Mesa. Drainage swale , wetlands, horse corral, and eucalyptus shown.



View from More Mesa looking north at project site located at center and right of photograph by eucalyptus trees.



View of project site from More Mesa. Fence shown belongs to neighbor west of project site.



View of project site from More Mesa. Site of Las Brisas development east of project.

EXHIBIT 10
A-4-STB-05-037
Photos of Site



A-4-STB-05-037

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

MAR 09 2005

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Valerie F. Olson (for the More Mesa Preservation Coalition)
Mailing Address: 960 Vista de la Mesa Dr.
City: Santa Barbara Zip Code: 93110 Phone: (805) 964-4815

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Barbara County

2. Brief description of development being appealed:

The site, consisting of two parcels (1.16 acres and 2.33 acres) would be adjusted to two parcels (2.38 acres and 1.11 acres). The larger parcel is planned to be subdivided into an open space area (wetland of 1.01 acres) and four residential lots (total area of 1.37 acres.) Four residential units are planned for this 1.37 acre area; two two-story homes and two one-story homes. They range in size from 3600 sq feet to 3856 sq feet.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4865 Vieja Drive, Santa Barbara, CA 93116
065-240-019, 065-240-020

Nearest cross street: Puente Dr.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-STB-05-037
DATE FILED: 3/9/05
DISTRICT:

1923

EXHIBIT 11
A-4-STB-05-037
Olson Appeal
March 2005

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission & Appealed to Board of Supervisors
- Other

6. Date of local government's decision:

Planning Commission: 6 Oct 2004, Board of Supervisors: 15 Feb 2005

7. Local government's file number (if any):

Case #s: 02LLA-0000-00002

02TRM-0000-00002
02DVP-0000-00002
04CDP-0000-00007

Appeal
Case No:
04APL-0000-
00030

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jack Maxwell
1253 Coast Village Road, Suite 105
Santa Barbara, CA
93108

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

See attached

(2)

(3)

(4)

Reference: APPEAL of Hacienda Vieja Project (Case #s 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087 {Appeal Case No. 04APL-00000-00030})
March 2005

SECTION III. Identification of Other Interested Persons

b. Names and mailing addresses of parties you know to be interested and should receive notice of this appeal.

Blaine and Mary Lee Braniff
5311 Dorwin Lane
Santa Barbara, CA 93111

Michael Fealy
1140 Orchid Drive
Santa Barbara, CA 93110

Roger Freedman and Caroline Robillard
1032 Diamond Crest Ct.
Santa Barbara, CA 93110

Bonnie Freeman
More Mesa Shores Homeowners
Association
5200 Austin Road
Santa Barbara, CA 93111

Cynthia and Richard Gray
915 Vista de Lejos
Santa Barbara, CA 93110

Barbara Greenleaf
1085 Vista de la Mesa Dr.
Santa Barbara, CA 93110

Eva Inbar
240 Arboleda Rd.
Santa Barbara, CA 93110

Ariana Katovitch
Sierra Club
906 Garden St. Suite 2C
Santa Barbara, CA 93101

Marilee Krause
4868 Vieja Drive
Santa Barbara, CA

Ken Palley
Santa Barbara Chapter of Surfrider
567 Pintura Dr.
Santa Barbara, CA 93111

David Peri
4878 Vieja Drive
Santa Barbara, CA 93110

Robert and Sally Rauch
Diamond Crest Homeowners Assn.
1086 Diamond Crest Ct.
Santa Barbara, CA 93110

Selma Rubin
4207 Encore Drive
Santa Barbara, CA 93110

Richard Schloss
Oak Group
4876 Vieja Drive
Santa Barbara, CA 93110

Caroline Terry
820 Puente Drive
Santa Barbara, CA 93110

Sarah Vaughan
945 Vista de Lejos
Santa Barbara, CA 93110

Lynn Watson
937 Via Nieto
Santa Barbara, CA 93110

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

- See Cover Letter-Attached
- See additional Background Policy Analysis-Attached

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Valerie F. Olson

Signature of Appellant(s) or Authorized Agent

Date: 9 March 2005

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

5923

**BACKGROUND POLICY ANALYSIS:
HACIENDA VIEJA PLANNING COMMISSION APPEAL**

Executive Summary

The More Mesa Preservation Coalition (MMPC) regrets the necessity of appealing Santa Barbara County approval of the above referenced Hacienda Vieja development, but feels compelled to bring this matter to the Coastal Commission. The community is extremely concerned about:

- Apparent reversal of long term precedents concerning More Mesa
- Impacts of the Hacienda Vieja project
- Cumulative negative impacts of recent development approvals on More Mesa's natural resources and scenic beauty.

The MMPC, and the community at large, are concerned that recent approvals do not respect and protect the unique resources of More Mesa and also depart from clear direction for project design set by several Planning Commissions and Boards over the last 15 years. In particular, MMPC, and we believe the community in general, are deeply distressed about the continued trend toward approvals of large two story houses. These structures severely impact views from More Mesa's trail system, and are entirely inconsistent with the character of the surrounding neighborhoods.

Although the MMPC appreciates the design changes directed by the Planning Commission for this project, we are concerned that the project, as approved, will still have severe negative impact on More Mesa. Specifically, it permits development that is inconsistent with the neighborhood, out of character with the natural surroundings and continues the negative cumulative trend toward large obtrusive two story structures. If this trend is continued, the natural beauty of this area will be forever marred.

To address these concerns, we respectfully request that the Coastal Commission direct the project developer to redesign the project as all one story units, designed to blend into the natural environment and the surrounding community. This action would adhere to precedent very clearly laid down by County decision-makers and Coastal Commissions over the last decade and a half. These matters are discussed in more detail below.

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MAR 09 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

6 9 23

Background: More Mesa

Ecological Resource: More Mesa is one of two remaining large and accessible coastal open spaces in the Santa Barbara area (See Figure 1). It's ecological values are so important and varied, that all but 40 of its 265 acres have been identified as Environmentally Sensitive Habitat (ESH) by Santa Barbara County. These resources were evaluated in a year-long study, and subsequently documented, in a comprehensive (300 page) landmark report, by UCSB (Ferren et. al. 1982) ⁽¹⁾.

Recreation: More Mesa boasts one of two premiere coastal trails in our area. With its trail system (over 10 miles) as listed on Santa Barbara County's adopted Goleta Trail and Mountain Trail Maps (See Figure 2 below), More Mesa has been used for recreation by the Santa Barbara community for more than 50 years. Recreational opportunities in the area include, among others, hiking, bicycling, dog walking, horseback riding, bird watching and hang gliding. In the course of a week, 500-2000 people visit the site to enjoy its sweeping ocean and mountain views. More Mesa also fronts one of the largest and most pristine beaches within a 30 mile stretch of the South Coast. Visitors use More Mesa trails to access this unique beach area.

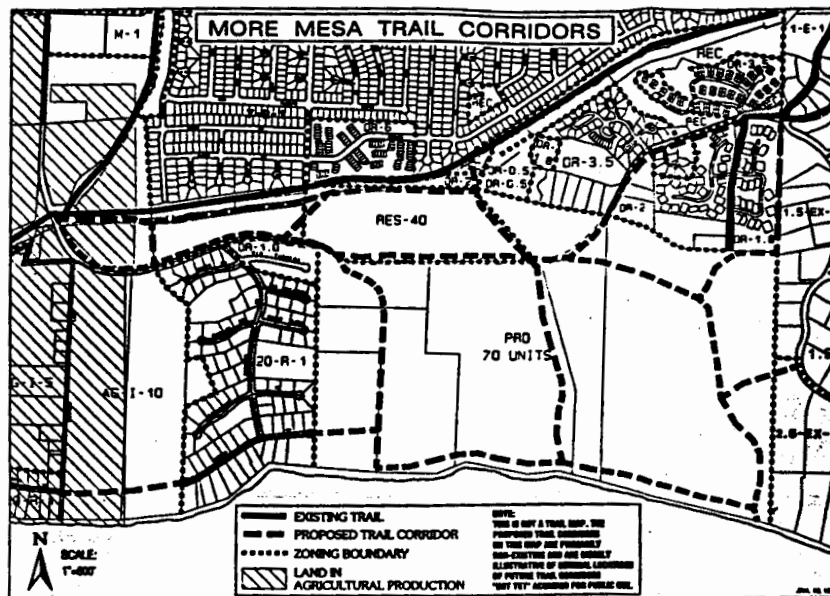


Figure 2: More Mesa Trails (From: Goleta Trails Implementation Study, 1995)

(1) University of California at Santa Barbara, Herbarium, Department of Biological Sciences, Wayne R. Ferren, editor 1982, *A Biological Evaluation of More Mesa, Santa Barbara County California*, Santa Barbara.

More Mesa Preservation Coalition: The More Mesa Preservation Coalition (MMPC) is a group of concerned citizens committed to preserving More Mesa in perpetuity. We have been in existence since 2000, and follow in a 50 year tradition of other conservation groups who have fought to preserve this area. With over 600 supporters, we represent a broad coalition of the Goleta Valley community; professionals, neighbors, conservationists, activists, students, scientists, planning specialists and those who want to continue to enjoy the beauty and ecological resources of More Mesa.

Recent Development Projects

In the past four years there have been several development projects of great concern to the community and MMPC: the Gallegos Lot Split (consisting of the Hart Project and Mockingbird Ventures), Las Brisas, and the proposed Hacienda Vieja. The Gallegos parcel immediately adjoins More Mesa, as does part of the Las Brisas property, and the wetland area of the Hacienda Vieja project.

Las Brisas: The Las Brisas project (*Figure 3*) was under discussion, and the subject of hearings of the Planning Commission for more than two years. The developer originally proposed five grandiose, two-story houses with four-car garages, as well as three very large one-story houses. These were all considered, by the community and the Planning Commission, as inappropriate for the neighborhood. This situation resolved in October 2001, when the developer offered eight smaller, somewhat less opulent one-story structures. These were felt to be more consistent with the size, bulk and scale of the neighborhood. The project was approved by both the County, and the Coastal Commission; thereby setting the standard for appropriate size and scale for buildings that are on the perimeter of More Mesa. "Las Brisas, at More Mesa" was sold to Investec, and is nearly complete, with many houses already sold.

However, even this carefully crafted and lauded decision (created with input from a large number of stakeholders) has been severely subverted. Specifically, although conditioning in the Planning and Development Final Staff Report called for the structures to be "earth tones", the buildings, as constructed, are all casts of white, and are clearly visible from two heavily used More Mesa trails.

Gallegos: The Gallegos family two-story house was built in 1954. Over the entire six mile linear periphery of More Mesa, it was the only two-story structure that existed on the very edge of More Mesa. Two additional (previously constructed) two-story structures, along the periphery on Vieja Drive, are set back, but still clearly visible from More Mesa.

In 2000, the Gallegos family petitioned the County to split their lot into three parcels. Since the existing structure had been constructed about 50 years ago, they wanted a more modern residence for themselves, on one of these three lots. After more than a year of meetings, the Planning Commission ruled that the property could be split into three lots, but that the middle lot should be maintained as open space in perpetuity.

Hart House: The Gallegos family opted to build their two-story replacement house (~3800 square feet) on the westernmost of the three lots, and received a ministerial permit to do so in Fall 2003 (*Figure 3*). The permit was granted to Brian Hart. This structure has been under construction since late 2003 and is proving to be a shocking blot on the landscape (see *Figure 4*). Clearly this structure met neither the letter, nor the spirit of decisions made during deliberations on the Las Brisas project, the Gallegos lot split, or two larger (25 houses each) projects permitted in the late 1980s (Diamond Crest and Vista la Cumbre). The Hart house plainly represents a grievous deviation from policy established by previous boards and commissions.

Mockingbird Ventures: Early this year, the Gallegos Family sold the parcel containing their existing fifty year old house to Mockingbird Ventures (*Figure 3*). A ministerial permit (issued with minimum noticing to the community; de facto no noticing) was also granted for an immense, two-story structure of 4,910 square feet, including a large deck off the second story facing south on More Mesa. This building will also front directly on More Mesa, and present another massive insult to the public view. *Figure 5* is a simulation of the probable effect of this building on the north view shed from More Mesa. The community was not privy to the plans for this structure. Therefore in this simulation, it has been assumed that the Mockingbird Ventures structure will present a similar frontal view as the Hart structure. Moreover, it should be noted that this simulation is not completely representative, since the Mockingbird Ventures building will be significantly larger (1100 square feet), than the Hart house.

Clearly both these projects are completely inconsistent with a decade and a half of precedent for structures directly on More Mesa. They will mar both the natural beauty of More Mesa, as well as being inappropriate structures considering the rural nature of this area.

MMPC and other members of the community contend that both the Hart project, and the Mockingbird Ventures project should never have been permitted.

Hacienda Vieja: The Hacienda Vieja development, as approved, consists of two, one story and two, two-story houses of approximately 3600 square feet sited on about 1.3 acres (*Figure 3*). During all the Planning Commission hearings, the applicant consistently referred to the size and scale of the two (ministerially permitted) houses (Hart and Mockingbird Ventures) to justify the appropriateness of his design; arguing that his houses were not nearly as obtrusive. MMPC has repeatedly observed this strategy of using ministerial permits of huge single units (that often "slip in under the community's radar") to justify inappropriately sized homes in a subsequent multiple unit development. The mantra of "I'm not nearly as big as this other guy" is a classic rejoinder to community concerns about size and scale issues.

Fortunately, the size and scale of Hacienda Vieja has been reduced significantly over the past six months as a result of four Planning Commission hearings and repeated specific direction by dedicated Planning Commissioners. MMPC, neighborhood homeowners associations and the community at large, truly appreciate all the work that went into this effort. However, the reality is that approval of this project continues to represent a complete reversal of previous policy and precedent. **There remain two, two story houses in the Hacienda Vieja project. This approval raises the number of two story houses on the edge of More Mesa to six ... double the number there were a year ago.**

BASIS OF THIS APPEAL

1. SCALE AND CHARACTER OF EXISTING COMMUNITIES

LCP Policy 4-4: *"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."*

We believe that the proposed development (Hacienda Vieja) is not in conformance with the scale and character of the immediate existing community of Vieja Drive. Similarly, its bulk and scale is not compatible with the "neighborhood" that can be defined by those structures that are on the edge of the greater More Mesa area.

Vieja Drive - Hacienda Vieja houses are not at all compatible in either design or density to the nearby semi rural ranch style homes typical of those along Vieja Drive. They are tiled stucco and will be out of character with all but one other house in the area.

Moreover, all the homes on Vieja are sited on approximately one acre lots, and all but two are a single story. Most residents have chosen to live in this area in order to maintain horses and enjoy the recreational resources of nearby More Mesa. The density of homes currently existing on Vieja Drive is one house per acre. The density of the Hacienda

Vieja development is three houses per acre (four houses on 1.3 acres). In this discussion, it should be noted that the application also involves a wetland area of approximately one acre. The applicant has chosen to adopt the artifice of including the one acre wetland to show that the density of the project is equivalent to the rest of the adjoining Vieja Drive neighborhood. While this may be true within the letter of the law, it is not true in the eye of the beholder. Hacienda Vieja will be three times denser than anything in the neighborhood, and look three times denser to the public viewing it from More Mesa.

Immediate Community of More Mesa – “Pedestrian Scale”

Neither is Hacienda Vieja compatible to the adjacent critical open space of More Mesa; that is, heights of the two story houses are not compatible with the “neighborhood” that can be defined by those structures that are on the perimeter of the greater More Mesa area.

In the Negative Declaration for Las Brisas, its neighborhood was defined: “*at a pedestrian scale, to include only those parcels/developments adjacent to and visible from in and around the project site, i.e., More Mesa, the Maxwell/Bierig Vieja Drive property (Hacienda Vieja), the Gallegos lots, Diamond Crest and Vista la Cumbre.*” Note that Hacienda Vieja is defined as part of the “pedestrian scale neighborhood”. Therefore, it should be consistent in size, bulk and scale with other structures so defined. Locations of the specific developments listed above are shown in *Figure 3*, and their size and impacts on Views (see following section) are shown in the table below.

Project Name	Stories	Average House Size (sq ft/w garage)	Impact on North View
Diamond Crest	1	3300 (market units)	None (below grade)
Vista la Cumbre	1	2860	Some
Las Brisas	1	3610	Some-supposed to be mitigated with landscaping
Hacienda Vieja	1 & 2	3600 ±	Major for Lots 2 & 4
Hart	2	3771	Enormous problem
Mockingbird Ventures	2	4910	Enormous problem

**“Neighborhood” of Hacienda Vieja:
Comparisons of structure sizes and view impact**

More Mesa Periphery

As mentioned above, until recently, there were only three two-story houses on the edge of More Mesa. The effects of an inappropriate permitting of the Hart project are clearly visible. It is certain that the Mockingbird Ventures Project will be just as objectionable, if not more objectionable. With the permitting of the Hacienda Vieja Project, the number of two story houses on the edges of More Mesa will double ... therein continuing a dangerous trend that has been set over the past year, of breaking with long time precedents set by several previous Boards and Commissions.

2. PUBLIC VIEWS

LCP Policy 3.4.1 and Coastal Act Policy 30251: *"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal area, and where feasible, to restore and enhance visual quality in visually degraded areas."*

We believe that the two story structures as proposed in the Hacienda Vieja project, will significantly obstruct public views from a heavily used coastal recreation and resource area: More Mesa.

MMPC has been heavily involved with all actions on this project since our first notice of the informal Draft ND review in April 2004. As part of our involvement, we have created simulations of the various design options provided by the developer. At this time we would like to offer an additional simulation for the project, as it has been approved. However, we first describe how these simulations were created:

- The site was extensively photographed, after story poles had been erected by the applicant. Photographs were taken both from Vieja Drive and from More Mesa. (See *Figure 6*.)
- The heights of the story poles were measured.
- Scale drawings supplied by the applicant, and containing elevations, were electronically scanned and digitized.
- These drawings were then digitally scanned, scaled and inserted into the photos at the exact heights and locations of the story poles. *Figure 6* illustrates this process for the original two story design on Lot 1.

The result of the latest simulation on the approved project, *Figure 7*, is in three parts:

- Top image shows the site with only the story poles in place.
- Middle image shows the view with houses (and story poles) if current vegetation is left in place.
- Bottom photo, without current vegetation, has been created because we have found there is a tendency to remove all trees and other vegetation to facilitate construction.

Based on recent experience, we feel it is highly likely that the last image is what will be seen from More Mesa. All of the simulations we have presented to the County have been created with data supplied by the applicant, and by individuals with highly technical backgrounds who are familiar with plans and scale drawings. We believe that these simulations are technically accurate and represent a true picture of what will be observed from More Mesa. In *Figure 7* it is obvious that Lots 2, 3 and 4 are obtrusive and clearly visible from the heavily used east-west trail, even with current vegetation in place. Construction of these houses will significantly mar the north viewshed, when vegetation is removed; a practice commonly followed.

Cumulative effects have not been analyzed: As described in the background information, the Commission should now be keenly aware that the proposed project is one of four recently approved projects at the northeastern edge of More Mesa. The construction of Las Brisas, and especially the Hart house have wrecked havoc with the esthetics of the northeast corner. As the nearly 5,000 square foot Mockingbird Ventures project begins, a second massive assault on the northern viewshed will be made.

MMPC feels it is time reverse the trend of decisions that are inconsistent with past policies and precedent. We appeal to the Coastal Commission, in every sense of the word, to halt the ravaging of the views of More Mesa. We are firmly convinced this can be accomplished by exercising the Commission's clear regulatory authority for protecting coastal resources. We urge you to return to past policies and precedent ... **there should be no more two-story houses on More Mesa.**

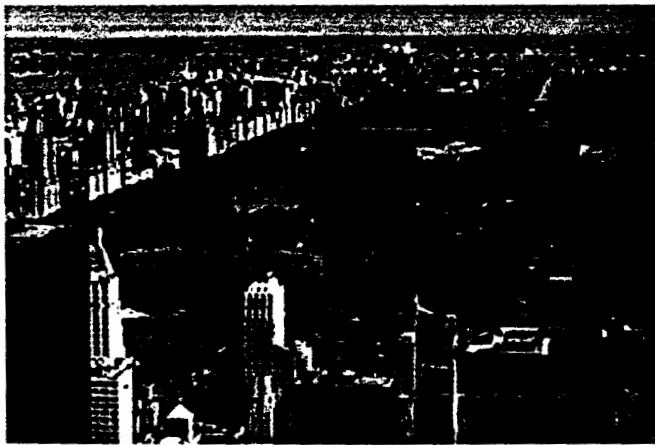
Build-Out of Periphery of More Mesa

It has been openly stated several times, and seems to be a general (but invalid) assumption, that the request for approval of Hacienda Vieja is the "end of the build-out on the edges of More Mesa". MMPC remains firm in our belief there is substantial potential for additional development on properties adjacent to More Mesa. We are sure of this position because we have performed a detailed analysis on the potential for build-out on More Mesa. Results are graphically illustrated in *Figure 8*, and in the table below:

Category	Number
Existing Houses	32
Vacant	11
Under Construction or Approved	12
Underdeveloped with Subdivision Potential (including Hacienda Vieja)	20
Potential Additional New Houses	44
Existing Houses with potential for major redesign	16

There are currently 32 homes adjacent to More Mesa. Twelve more are under construction. Considering those under construction, vacant land and underdeveloped land, a total of forty four (44) additional new structures can be built; considerably more than doubling the number on More Mesa's periphery. Add to this, the potential for major redesign on Vieja Drive and along the western edge of More Mesa, and the potential impact on More Mesa wildlife and viewshed will be considerable.

Finally, the approval of houses that are so out of character with the rest of Vieja Drive could easily transform this rural neighborhood in a short period of time. That is, approval of Hacienda Vieja may well trigger a wave of tear downs and rebuilds of two, two-story houses, on all the one acre lots of Vieja Drive. Using the two story design of Lot 2 of the Hacienda Vieja project, MMPC offers *Figure 9* as a view of what the future could hold ... the Santa Barbara version of



... Central Park.

14 923

Figures

Figure 1: More Mesa is one of two remaining, large coastal open spaces

Figure 2: More Mesa prominent feature of Santa Barbara County Trails Map

Figure 3: Recently approved projects represent major cumulative impact on northeast corner of More Mesa

Figure 4: Recently built two-story Hart construction is enormous, inappropriate and obtrusive; close up and far away

Figure 5: Mockingbird Ventures approved two story structure promises further insult to the North view

Figure 6: MMPC simulations are accurate, and based on measured story poles and dimensions from developer's plans

Figure 7: Careful simulation shows that proposed Hacienda Vieja two-story houses will be clearly visible from More Mesa

Figure 8: Potential cumulative development could double the number of houses around More Mesa. Further, the number of two story houses could increase to more than twenty times what currently exists

Figure 9: Change along Vieja Drive could be truly dreadful.





Figure 1: More Mesa is one of two remaining large accessible coastal open spaces



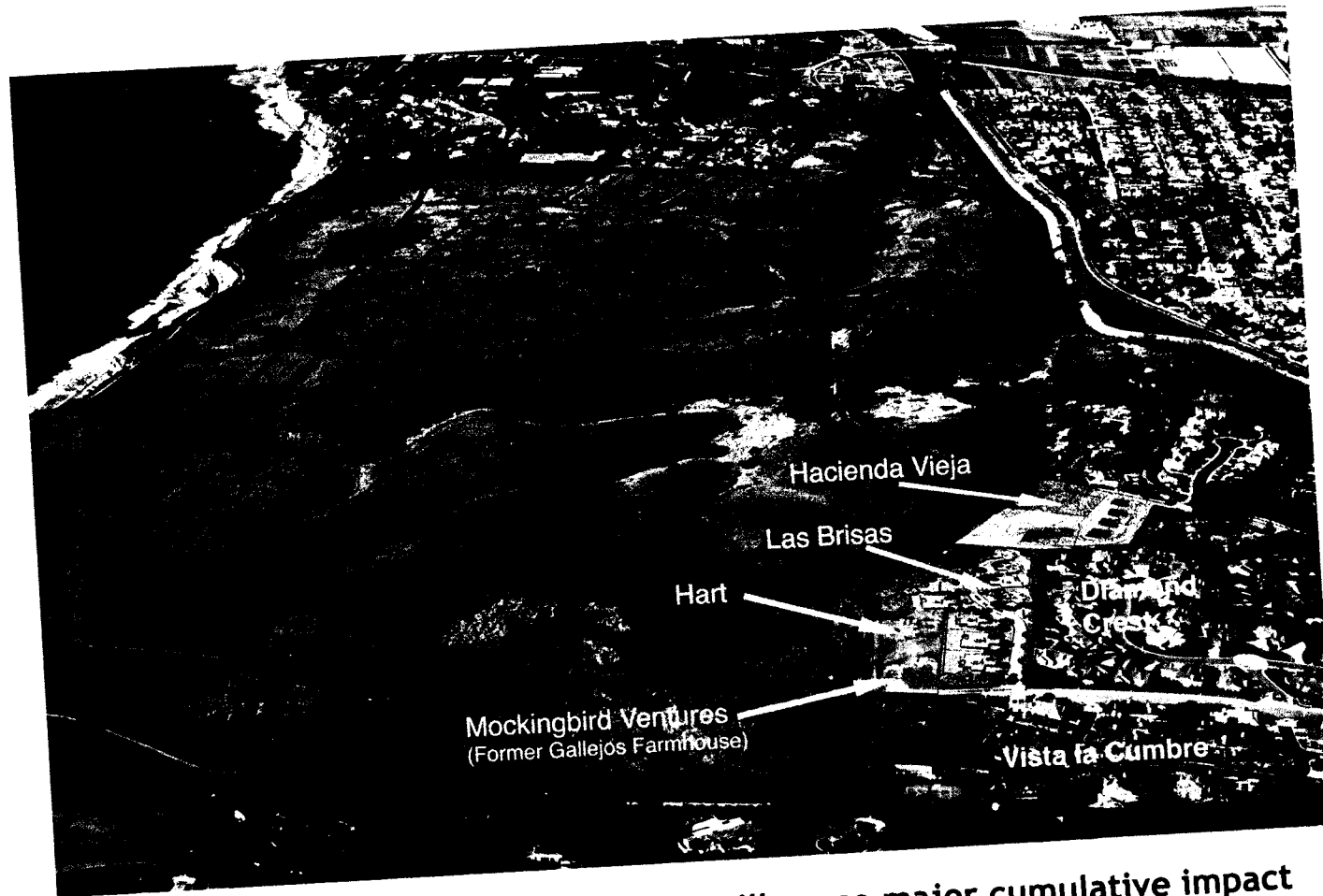


Figure 3: Recently approved projects will cause major cumulative impact on the entire More Mesa area.



Figure 4: Recently built two-story Hart House is enormous, inappropriate and obtrusive ...



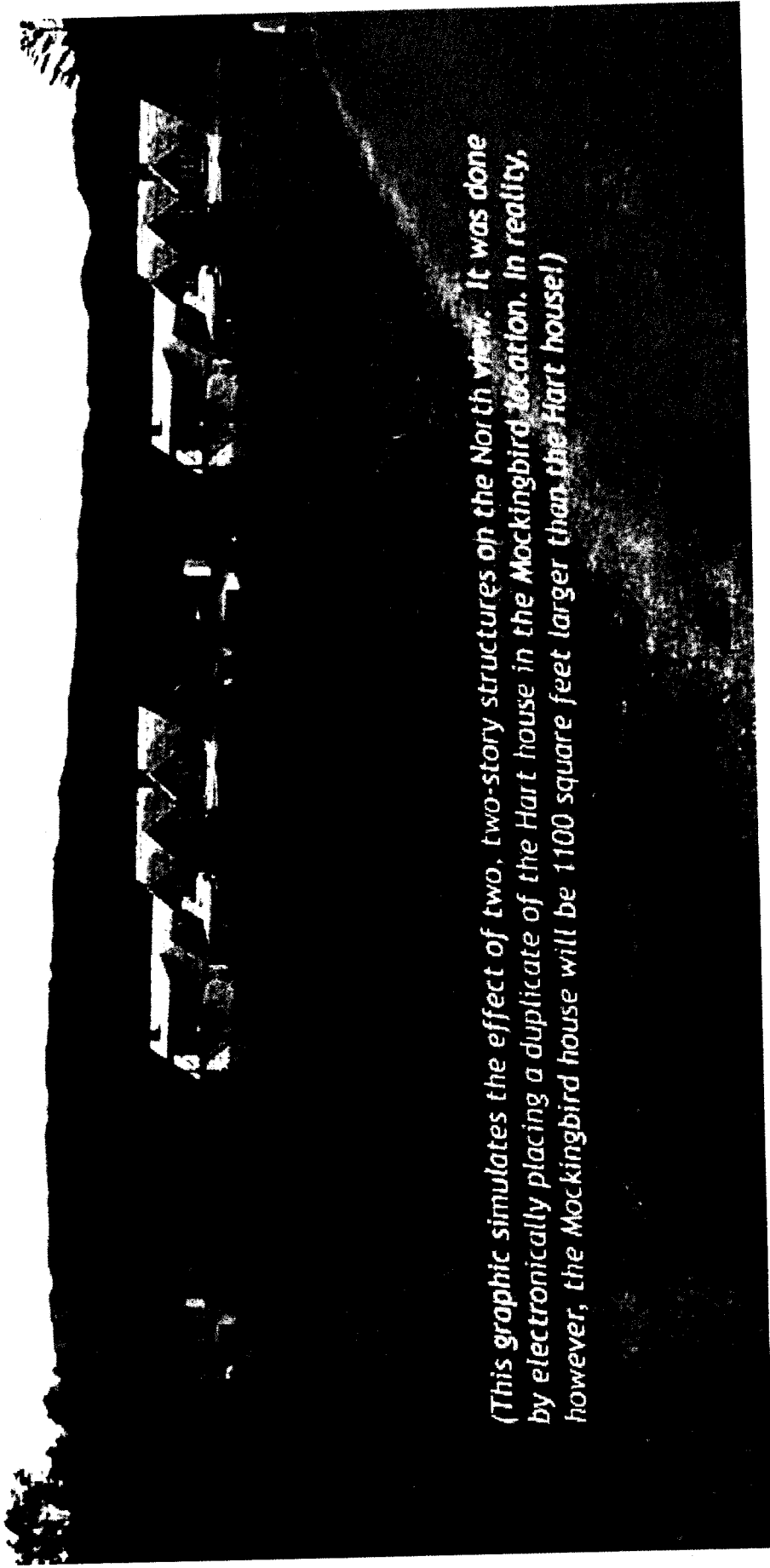
close up ...

... and far away





Figure 5: Two story Mockingbird Ventures house promises further insult to the North view from More Mesa.



(This graphic simulates the effect of two, two-story structures on the North view. It was done by electronically placing a duplicate of the Hart house in the Mockingbird location. In reality, however, the Mockingbird house will be 1100 square feet larger than the Hart house!)





Hacienda Vieja
story poles lot 1

South projection overlay
design 06/04

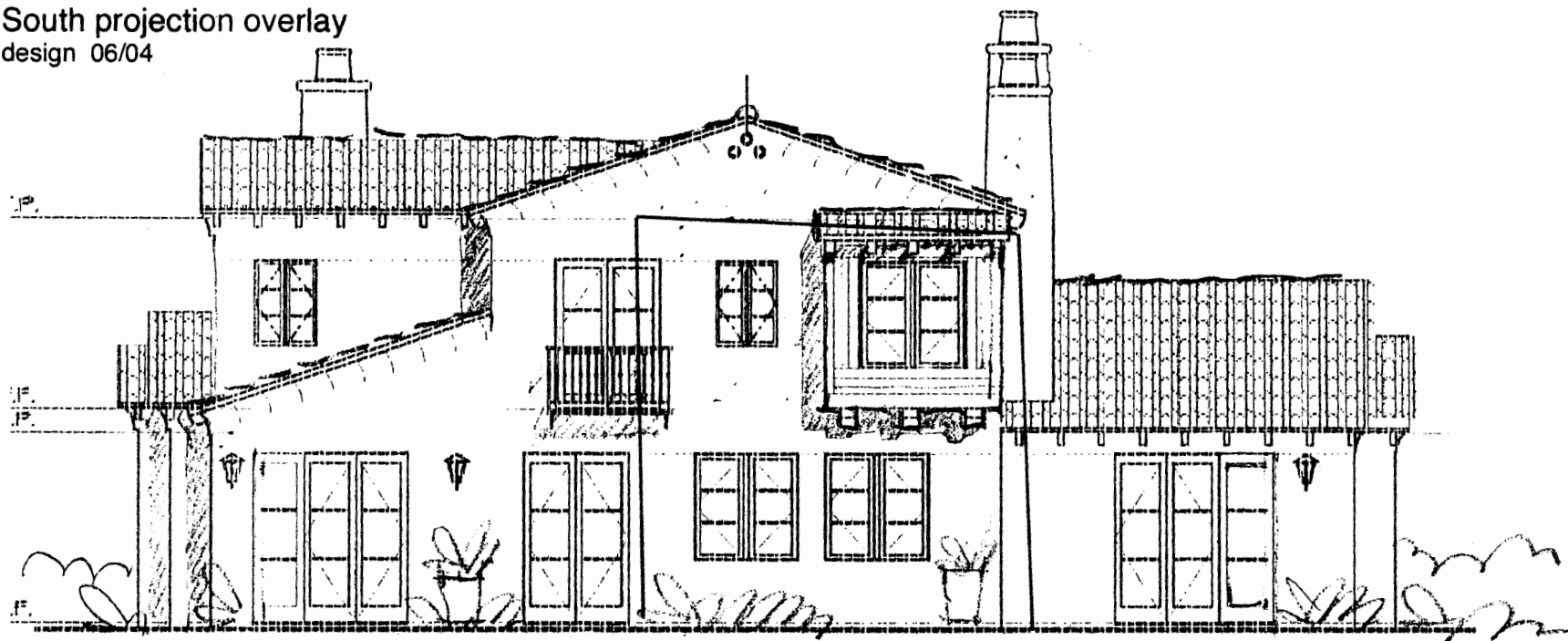
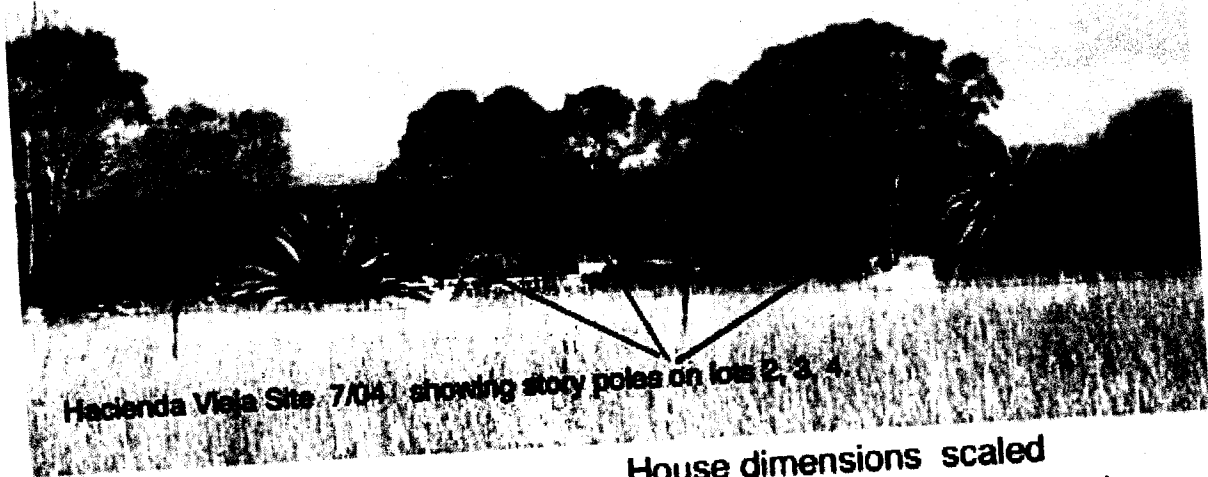


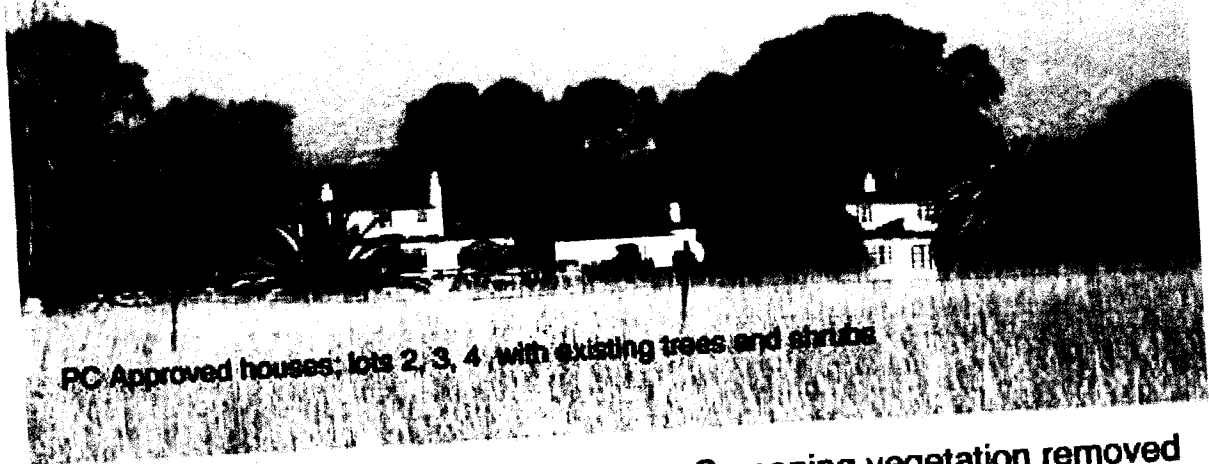
Figure 6: MMPC simulations are accurate and based on measured story poles and dimensions from developer's plans.



Story poles photographed
and measured.



House dimensions scaled
to the story pole measurements.



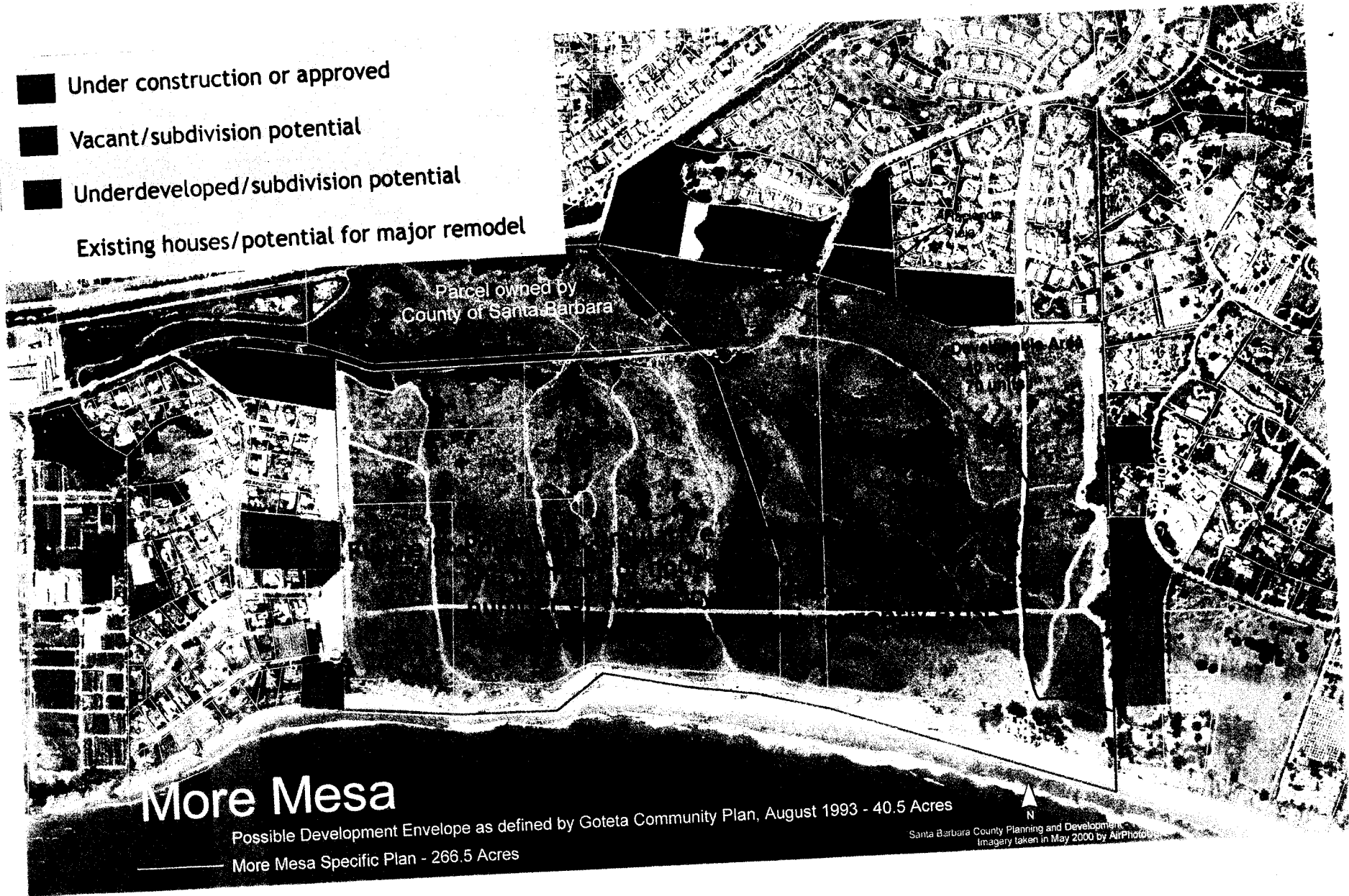
Screening vegetation removed
electronically.



Figure 7: Careful simulation shows that proposed Hacienda Vieja two-story houses will be clearly visible from More Mesa.



- Under construction or approved
- Vacant/subdivision potential
- Underdeveloped/subdivision potential
- Existing houses/potential for major remodel



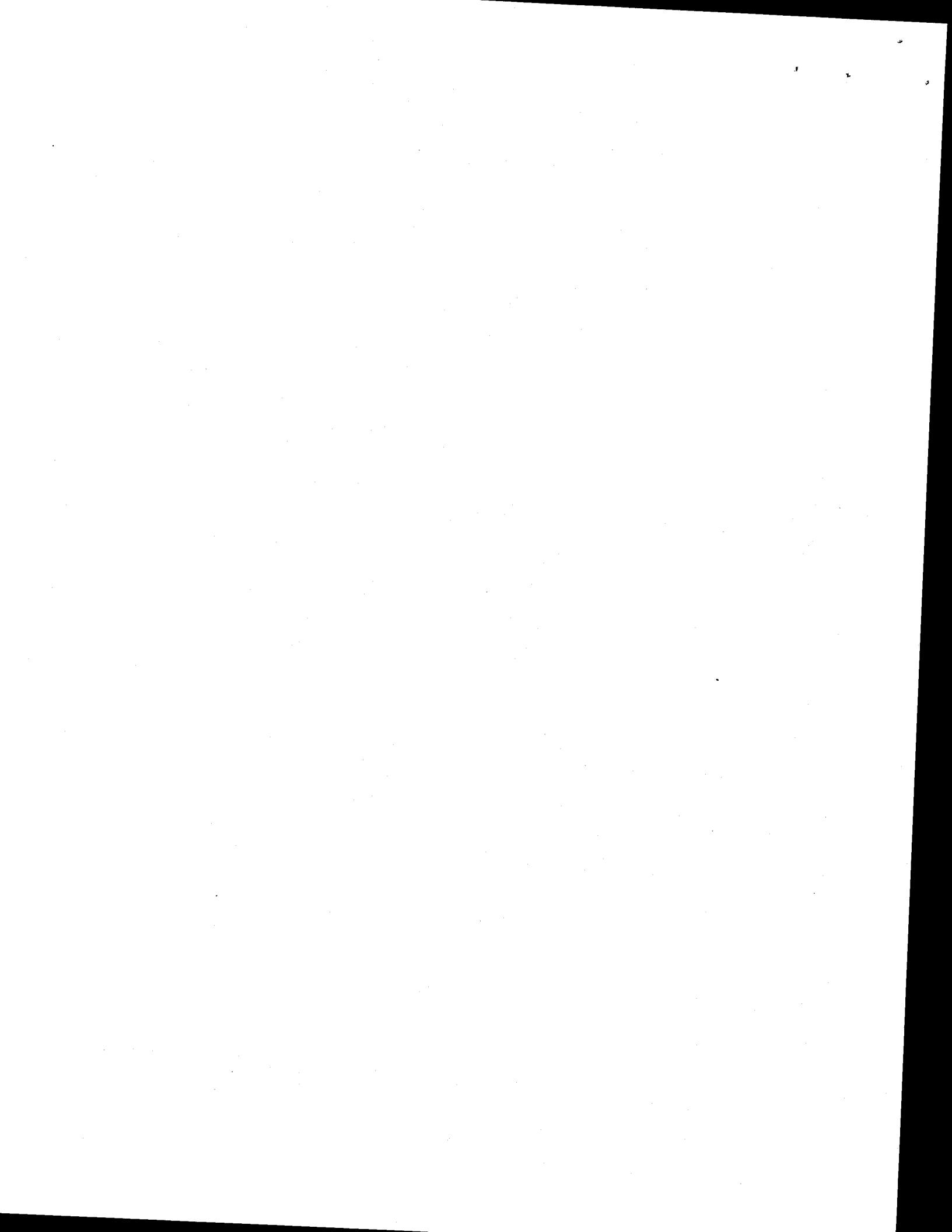
Parcel owned by
County of Santa Barbara

More Mesa

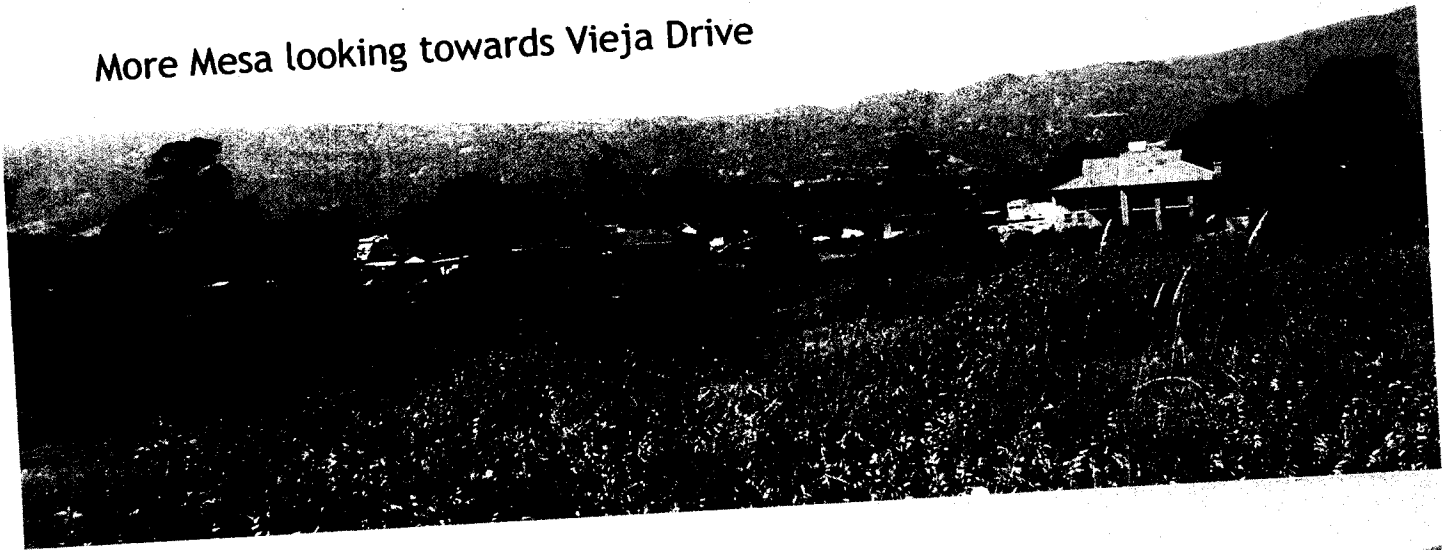
Possible Development Envelope as defined by Goteta Community Plan, August 1993 - 40.5 Acres

More Mesa Specific Plan - 266.5 Acres

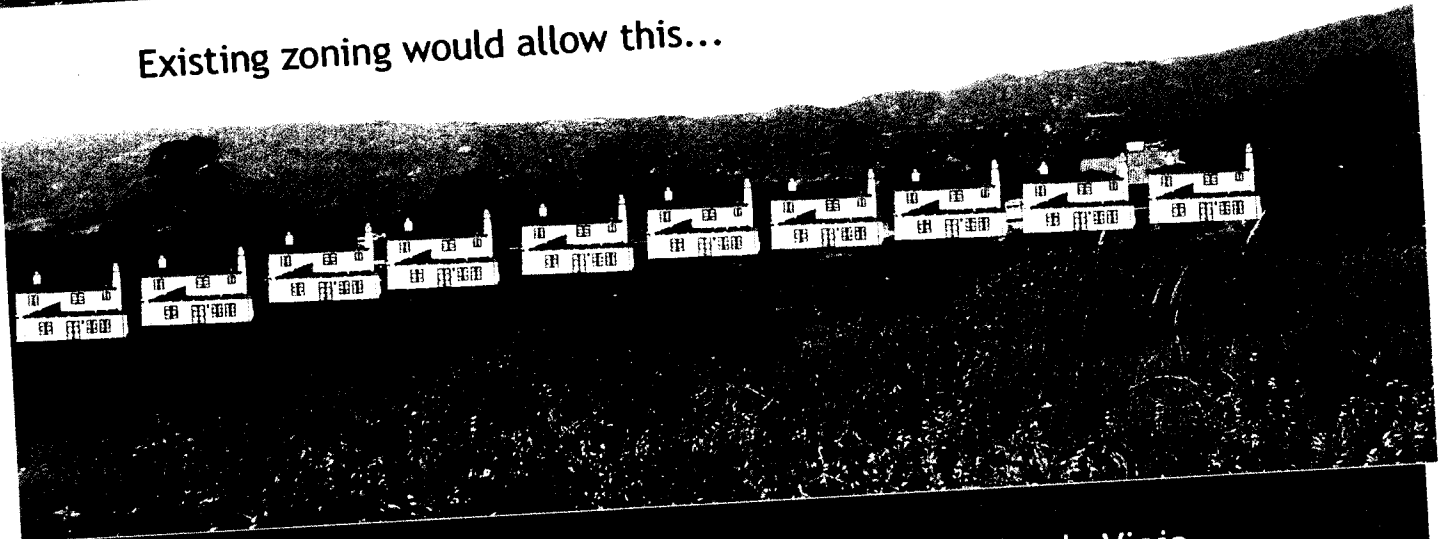
Santa Barbara County Planning and Development
Imagery taken in May 2000 by AirPhoto



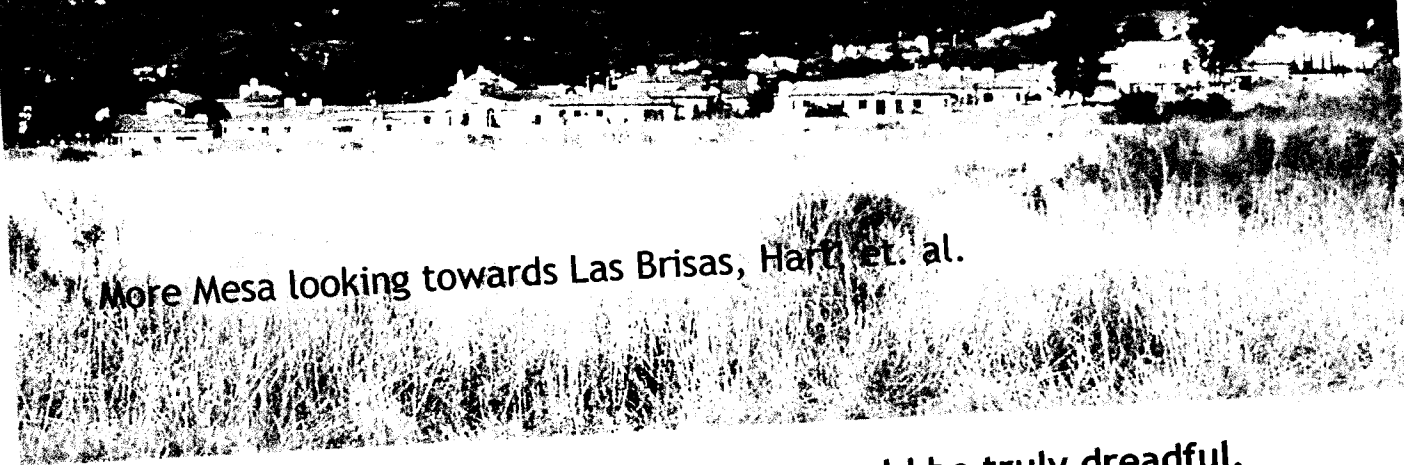
More Mesa looking towards Vieja Drive



Existing zoning would allow this...



We have already created a similar view east of Hacienda Vieja ...
and with one-story houses!



More Mesa looking towards Las Brisas, Hart, et. al.

Figure 9: Change along Vieja Drive could be truly dreadful.



More Mesa Preservation Coalition
P.O. Box 22557
Santa Barbara, CA 93121

October 26, 2005

RECEIVED

OCT 27 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast District Office
89 South California St., Suite 200
Ventura, CA 93001-4508
Attn: Melissa Hetrick, Coastal Program Analyst

Reference: Hacienda Vieja Project (Case #s 02LLA-00000-00002, 02TRM-00000-00002, 02DVP-00000-00002, 04CDP-00000-00087 {Appeal Case No. 04APL-00000-00030})

Dear Ms. Hetrick,

This letter should be considered supplemental information to our letter and background submittal of 8 March 2005.

The More Mesa Preservation Coalition (MMPC) is a broad based grass roots organization now numbering almost 750 supporters. We are members of the community who enjoy a wide range of recreational activities on More Mesa, as well as the unique natural resources of one of the County's most important coastal open spaces. As we expressed in our March letter, we deeply regret the necessity of filing our appeal, but feel we must take this action to halt the negative impacts to More Mesa's natural resources and scenic beauty: impacts resulting from recent development approvals by Santa Barbara County.

In addition to the issues of view and neighborhood compatibility discussed in our last submittal, we would like to take this opportunity to highlight ecological issues of grave import concerning the More Mesa ESHA (Environmentally Sensitive Habitat Area). We are convinced that construction of large and dense housing on More Mesa's edges will have an extremely negative impact on the ESHA habitats and their plants and animals. Further, we believe that several members of the Commission share those concerns.

Santa Barbara County's approval of this development violates a fundamental tenet of both the Coastal Act and it's own general plan; specifically, *that lot line adjustments and permits for increased development are a privilege, and not a right.* Both State law and County policy require that where such developments would cause harm to resources, such as critical public view corridors and environmentally sensitive habitats, such requests, for the maximum density potentially allowed by zoning, shall be denied.

Y19

EXHIBIT 12
A-4-STB-05-037
Comment Letter from Appell
October 2005

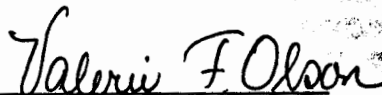
Furthermore, we know, from past experience that mitigation measures applied to this project will not result in protecting environmental resources. Specifically, and because funds for enforcement and monitoring are woefully inadequate, Santa Barbara County has consistently failed to fully implement and monitor such mitigation measures on neighboring projects. Since mitigations are generally inadequate and unenforceable, they represent only imaginary control. The only remaining way to have real control, or control that is enforceable, is to keep down the density and size of buildings around the edges of More Mesa.

To address these concerns, especially with regard to White-tailed Kites and wetlands, we respectfully request that the Coastal Commission take the following actions:

- Deny lot line adjustments and development permit for Hacienda Vieja.
- Limit development to that consistent with surrounding existing neighborhoods and as generally consistent with current zoning (without the lot line adjustment). This would mean one house per legal lot; including the existing house on Parcel #2.
- Direct any new structure, or remodel be limited to one story and a maximum of 3600 square feet (including garage).
- Insist that landscaping be designed and installed per design.
- Mandate that appropriate color schemes (i.e., dark earth tones) be used to blend with the environment.
- Direct that the wetland be given over as a conservation easement: bonded, restored and monitored. This will insure its continuing health in perpetuity,

The community of the Santa Barbara area is appealing to the Coastal Commission to exercise its mandate ... protect the coast and its precious resources. The attached material provides additional background policy analyses that further support our recommendations. Thank you for kind consideration.

Yours truly,



Valerie F. Olson
President, Board of Directors
More Mesa Preservation Coalition
964-4815
vfo@mindspring.com

2/12

ADDITIONAL INFORMATION HACIENDA VIEJA PLANNING COMMISSION APPEAL

Executive Summary

The More Mesa Preservation Coalition (MMPC) regrets the necessity of appealing the Santa Barbara County approval of the above referenced Hacienda Vieja (HV) development, but feels compelled to bring this matter to the Coastal Commission. The community is extremely concerned about:

- Reversal of long term precedents for single story construction to protect More Mesa's view corridors
- Impacts of the HV project on protected environmentally sensitive habitats, including white tailed kite nests and wetlands
- Cumulative negative impacts of recent development approvals on More Mesa's natural resources and scenic beauty
- Density of developments along More Mesa's periphery.

The MMPC, and the community at large, are concerned that recent approvals do not respect and protect the unique resources of More Mesa, and also depart from clear direction for project design set by several Planning Commissions and Boards over the last 15 years.

Although the MMPC appreciates the design changes directed by Santa Barbara County for this project, we are concerned that the project, as approved, will be inconsistent with the Coastal Act and have severe negative impact on More Mesa. Most significantly, we note the development of a very alarming trend; one which treats projects on the periphery of More Mesa as ordinary urban in-fill. MMPC feels that this cavalier attitude will result in compromising not only views and neighborhood compatibility, but the very ecological values that resulted in More Mesa's ESHA designation in the first place.

At the April meeting, Coastal Commissioners commented that subdivision is not an automatic right, and the MMPC agrees that this is a key issue. To address these concerns, especially with regard to White-tailed Kites and wetlands, we respectfully request that the Coastal Commission take the following actions:

- Deny lot line adjustments and the development permit for Hacienda Vieja.
- Limit development consistent with existing neighborhoods and current zoning, that is, only one house per lot
- Direct any new structure, or remodel be limited to one story and a maximum of 3600 square feet (including garage).
- Insist that landscaping be designed and installed per design and that color schemes must blend with the environment (i.e., dark earth tones).
- Direct that the wetland be given over as a conservation easement: bonded, restored and monitored. This will insure its continuing health in perpetuity.

The following information is supplemental to MMPCs March 2005 submittal. Issues of viewshed and neighborhood compatibility have already been discussed in considerable detail in that document. Therefore, in the following sections we will be discussing primarily environmental impacts.

Santa Barbara County protects coastal resources with ESHA designations

The use of ESHA designation is required by the Coastal Act, to protect sensitive coastal habitats and resources. Three large ESHAs have been identified along the South Coast: Ellwood Mesa-Devereaux Slough, Goleta Slough and More Mesa. As can be seen from *Figure 1*, More Mesa is the most sensitive from the standpoint of being surrounded with urban development. Moreover, its unique ESHA protects one of the state's largest White-tailed Kite roosting areas and is particularly sensitive to increased development along the perimeter.

87% of More Mesa is Designated Environmentally Sensitive Habitat (ESH)

As a result of a landmark year-long study by researchers at UCSB in the early 1980s, all but 40 acres of More Mesa has been identified as ESHA. This designation was based on the diversity of habitats, plants and animals on More Mesa, particularly the White-tailed Kite. This species is fully protected under California law. *Figure 2* shows an aerial view of More Mesa with the ESHA indicated by cross-hatching.

Permitting of large, inappropriate houses on More Mesa's periphery is creating cumulative inconsistency with Coastal Act standards for protection of view corridors and ESHAs

At the April meeting of the Coastal Commission, several members expressed concern that very large houses impinging on views and habitats is both a county and statewide problem. Indeed, what is happening on the edges of More Mesa is typical of severe problems being experienced in many coastal areas. Recent development and ministerial permits on the northeastern corner of More Mesa have already resulted in serious degradation of recreational and ecological values.

Unhappily the presence of these mistakes appears to have emboldened applicants to argue for additional inappropriate, gigantic houses that will result in further insult to More Mesa, surrounding neighborhoods, and the environment. *Figure 3* shows three examples of the precedents that applicants use as arguments to proliferate the construction of "starter mansions":

- Top: The Hart property was built on a ministerial permit with no input from the community.
- Lower Left: This structure, built in 1983, also on a ministerial permit, was, until recently, one of only three two-story structures around the edge of More Mesa
- Lower Right: Las Brisas, a very controversial project, was also proposed by the current applicant. The planning period and Planning Commission hearings lasted almost two years. As this project exited the Planning Commission, it appeared to have been a win for the applicant and the community as well. As built, it's a blight on More Mesa (see comments on "mitigations").
- Not Visible: Mockingbird Ventures will soon be erected beside the Hart house and in front of Las Brisas. It is also a result of a ministerial permit ... again with no comment by the community. This structure will be 4900 square feet and two stories high.

More details on these projects will be supplied in a later section.

The edges of More Mesa are NOT ordinary urban infill

Referring to the photo of Las Brisas in *Figure 3*, one can see the problem with assuming that developments on the edges of More Mesa can be treated as ordinary urban infill. The eight houses in this development represent a solid wall to the viewer looking north: a wall that will be extended by another four houses if the Hacienda Vieja project is allowed to be built as proposed.

Santa Barbara County's approval of this development violates a fundamental tenet of both the Coastal Act and it's own general plan; specifically, that lot line adjustments and permits for increased development are a privilege, and not a right. Both State law and County policy require that where such developments would cause harm to resources such as critical public view corridors and environmentally sensitive habitats, such requests, for the maximum density potentially allowed by zoning, shall be denied.

Santa Barbara County appears unwilling to exercise its discretionary authority to adjust for special circumstances and environments in cases involving More Mesa. However, Coastal Commissioners at the April hearing clearly understand the issues involved. For example, Sara Wan commented that "*Subdivision is not an automatic right, and to the extent that new entitlements are created, it calls for us to review it.*" MMPC is convinced that development on the edge of More Mesa should be limited to lower density to protect adjacent ESHA resources. Under the circumstances, we feel that one house per legal lot is the appropriate standard for wetlands and wildlife ESHAs.

Specifically, to protect More Mesa, the numbers and sizes of houses on its edges must be limited. The reasons for this include: White-tailed Kites are easily disturbed, wetlands must be protected, other habitats on the edges can easily degrade as well.

More Mesa has the highest density of White-tailed Kites in Santa Barbara County.

The White-tailed Kite is one of 13 fully protected California birds. Its importance can be measured by noting other well-known California birds that share this same designation: American Peregrine Falcon, Brown Pelican, California Condor, Greater Sandhill Crane, Southern Bald Eagle and Trumpeter Swan. The large open spaces of More Mesa are the perfect habitat for kite hunting success. Indeed, More Mesa's three historic nest areas (east, central and west) have been occupied almost continuously for 50 years. These are shown in the solid green portions of *Figure 4*. This figure also shows the hunting areas associated with each of these long-standing nest sites (dotted green lines).

Moreover, kites have been known to nest on the periphery of More Mesa; for example on Vieja Drive and Walnut Lane, and to fly to More Mesa for foraging and teaching their chicks to hunt. From the Vieja Drive site, which is periodically occupied, kites fly over the Hacienda Vieja project site (about 250 feet away) to hunt on More Mesa. In 2004, two chicks were hatched from this nest. These juveniles (with brownish coloring) are shown on the right side of the *Figure 4*, along with one of their parents. A closer look at the flight path of the Vieja nest is shown in *Figure 5*.

More Mesa nests are the most consistent and highly fertile nests in the Santa Barbara area. Every year, each individual More Mesa nest produces one or two clutches of chicks. In 2003, four nesting pairs at More Mesa fledged fifteen chicks and in 2004, ten chicks were fledged. This year, while other site occupations in the Goleta/Santa Barbara area were drastically reduced, More Mesa nests continued to be occupied and productive. *Figure 5* shows why dense development, of the kind we have recently experienced on the northeast corner of More Mesa is systematically removing crucial buffering from urbanization needed for a robust kite population.

In the mid-1970s, before major urbanization reduced kite habitat, there were some 100 kites in the More Mesa area; a number that has been significantly reduced with each new surrounding development. Additional build out, especially dense development, will further reduce kite numbers in what has been the longest, most consistent and successful breeding habitat in the Santa Barbara area. We are deeply concerned that these dense urban developments will seriously affect what remains of this extremely important kite population.

More Mesa's wetlands are an important part of the Goleta Slough Ecosystem.

Only 5% of all California's coastal wetlands remain intact. In the Goleta Valley, we are fortunate to have several wetland areas to enjoy and protect. These can be seen in *Figure 6*. This aerial overlay was taken from the Goleta Slough Management Plan, and shows that More Mesa is the eastern portion of the Goleta Slough Ecosystem. The blow-up of the Hacienda Vieja parcel is shown on the right of the map. This photo clearly demonstrates that the wetland on the HV development is part of a larger east-west system that spans the northern edge of More Mesa, from the Las Brisas development to the County owned portion of More Mesa.

Unfortunately, the present Wetland Plan for Hacienda Vieja is inadequate and unenforceable. Santa Barbara's various planning and governing bodies have repeatedly lauded a proposed plan for restoration of the Hacienda Vieja wetland to a "functioning" system. However, during Planning Commission hearings, various commissioners were concerned that the Hacienda Vieja's Homeowners Association (HV HOA) would not be sufficiently motivated to protect the wetland. They therefore directed that the wetland's stewardship be given over to a third party, one with a conservation focus. However, the final documents from the County indicate that the wetland will be administered by the HV HOA.

Another issue should be noted with respect to the wetland. The landscaping plan for the HV wetland shows that all currently existing landscape screening (except for a few oaks) will be removed and replaced with one gallon sycamores and oaks. This requirement will result in all four structures being obviously visible from More Mesa. The bottom of *Figure 7*, which is also part of MMPC's March submittal shows how clearly visible three of the four houses will be. In addition, Lot #1 will be completely visible when the palm obstructing its view is removed. A likely scenario is:

- All landscape screening will be removed in the "name of restoration" ... conveniently providing spectacular views of More Mesa from each of the four houses
- The Homeowners Association will have no motivation to maintain the wetland and it will become dysfunctional within a few years.

For these reasons, MMPC contends that, in order to protect this valuable resource, *the wetland should be given over as a conservation easement; bonded, restored and monitored by an outside party with a conservation focus*

S.B. County has neither the resources, nor the political will to enforce mitigation measures.

With the projects we have seen in the past three years, it is MMPC's experience that:

- Ministerial permits are issued that effectively bypass community input.
- Instructions of Planning and Development, and the BAR are not incorporated into the developer's final plans. These include color schemes, landscape design and tree removal.
- There is only one compliance officer for the entire County. That individual is very competent, very sincere and completely overwhelmed. Therefore, violations, even when they are formally reported, are generally marginalized and/or ignored.
- Projects like Hacienda Vieja historically take 18 months or more to complete. In no instance we are aware of, has construction ever been halted to accommodate kite breeding.
- Removing trees illegally results in a mere \$572 fine, assuming anyone is willing or able to pursue the issue. This penalty, even for 100 trees, is in the noise of the profit made on a single "starter mansion." And, once a 50-80 foot tree is gone, it's gone!
- Landscaping screening is defined as screening that will be effective in 20 years! With this definition, developers can put in a few 1 gallon oak trees (1-2 feet high) and be absolved of any landscape screening requirement.
- There are instances currently on the edges of More Mesa, where the landscape screening was mature and has been removed and replaced with small plants. This happens in new developments and existing ones as well.

Examples of these types of issues are shown in *Figures 8 a, b, and c.*

From the community's point of view, mitigation measures have evolved into an empty gesture calculated to assuage environmental concerns. Since mitigations are generally unenforceable, they represent only imaginary control. The only remaining way to have real control; control that is enforceable, is to ...

KEEP DOWN THE DENSITY AND SIZE OF BUILDINGS AROUND THE EDGES OF MORE MESA

*The Coastal Commission has an opportunity to exercise its mandate
... protect the coast*

At your last hearing on this matter, the Commission raised the issue of proliferating "McMansions" impinging on Coastal view corridors and up against or into ESHAs; an issue that the Commission is confronting state-wide. The overwhelming pressure to intensify development along More Mesa's perimeter, with associated impacts to critical public view corridors and ESHAs, is reflective of this statewide trend and cries out for Commission action and direction to staff and local governments alike. The MMPC is very heartened by those comments and appreciate the opportunity to have a full hearing. Therefore, we respectfully request that the Coastal Commission send a clear message to Santa Barbara County that it has repeatedly violated its own LCP, by not exercising its discretion in protecting More Mesa's ESHA resources. We believe this can be accomplished most effectively by the following:

- Denying the lot line adjustments and development permit for Hacienda Vieja
- Directing the applicant to make any future proposals consistent with current zoning ...
 - One house per legal lot, including the existing house.
 - Any new house or remodel should be limited to one story in height, and a maximum of 3600 square feet (including garage).
 - Screening landscaping be designed, approved and then installed per the design.
 - Housing colors be mandated to blend with the environment, with special attention being given to specification of DARK earth tones on any tile roof and stucco structures.
 - The wetland on Parcel #2 should be placed under a conservation easement; bonded, restored and monitored by a third party with a conservation focus. We feel that the placement of the wetland into the hands of any Homeowners Association would not insure the integrity of this valuable habitat.



Fig 1: Santa Barbara County Protects Coastal Resources with ESHA Designations

- Required by the Coastal Act
- There are three, large ESHAs defined in the Goleta Community Plan
... More Mesa is the most sensitive

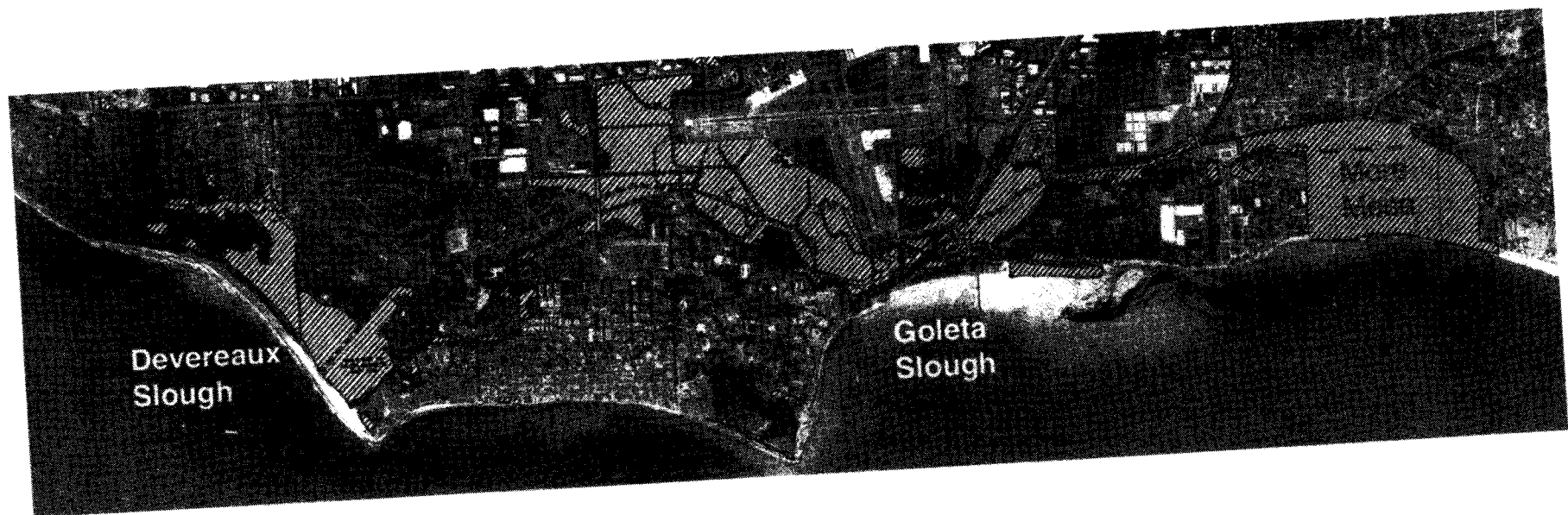
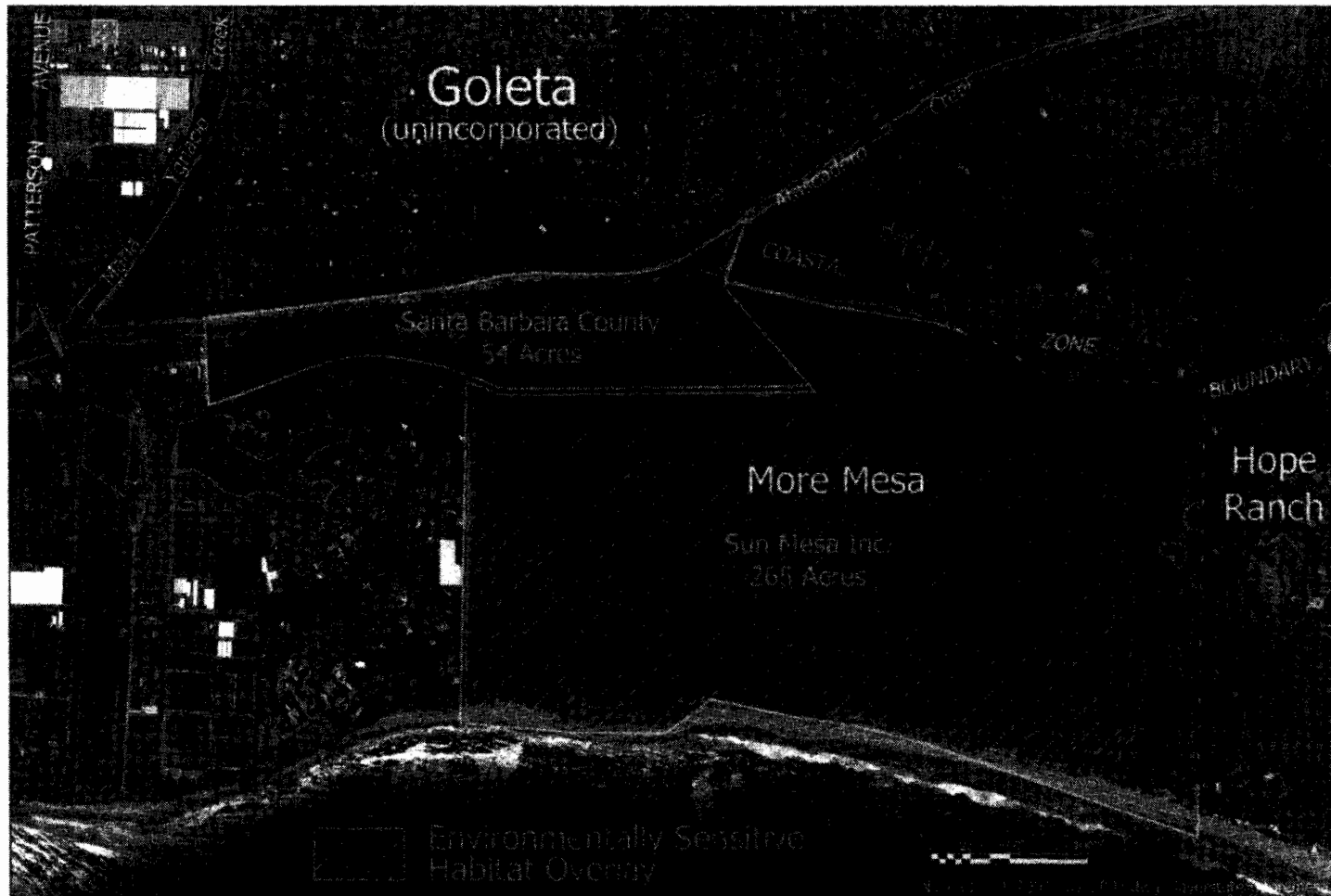




Fig 2: 87% of More Mesa is Designated ESHA



County mandated study cited habitats, plant communities and birds
Most important: White-tailed kites - fully protected under CA law



**Fig 3: Permitting Large, Inappropriate Houses on More
Mesa's Edges is a Grievous Environmental Mistake**

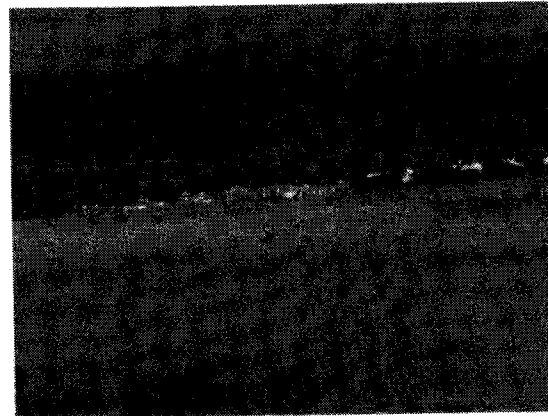
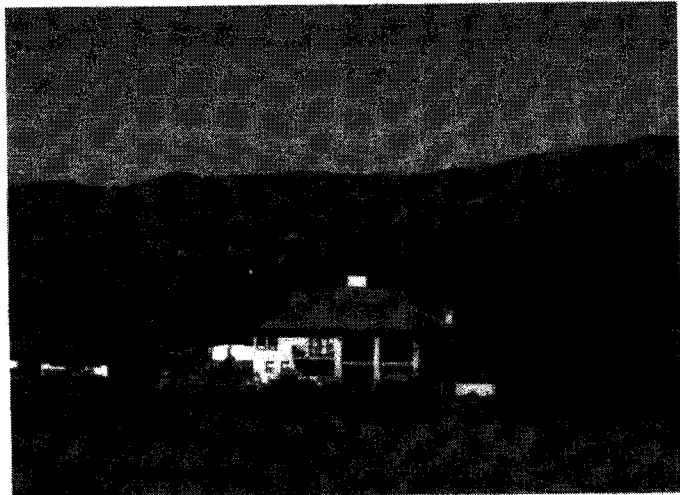
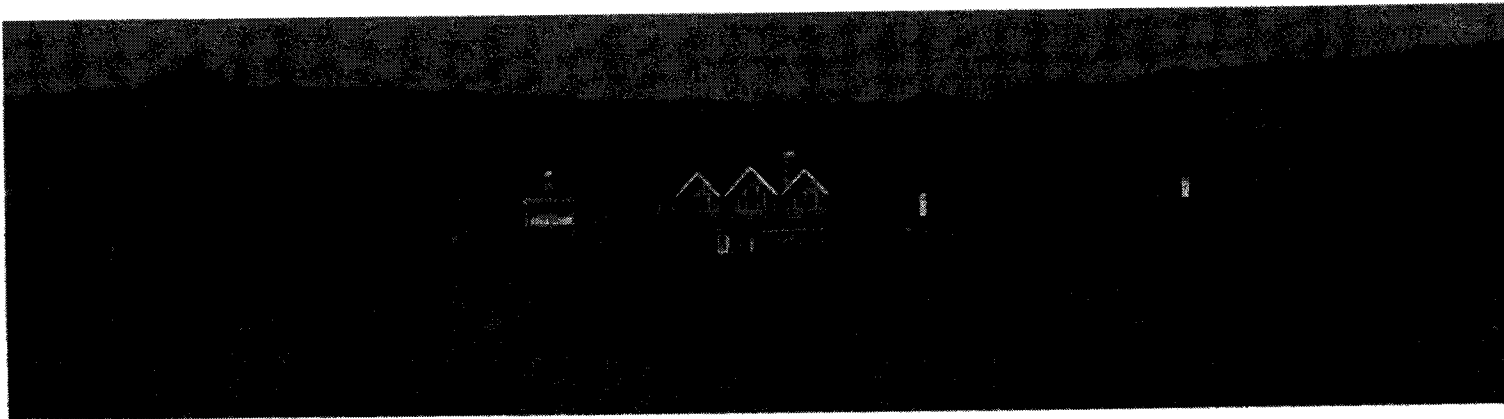
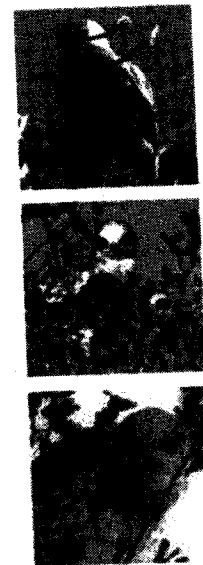
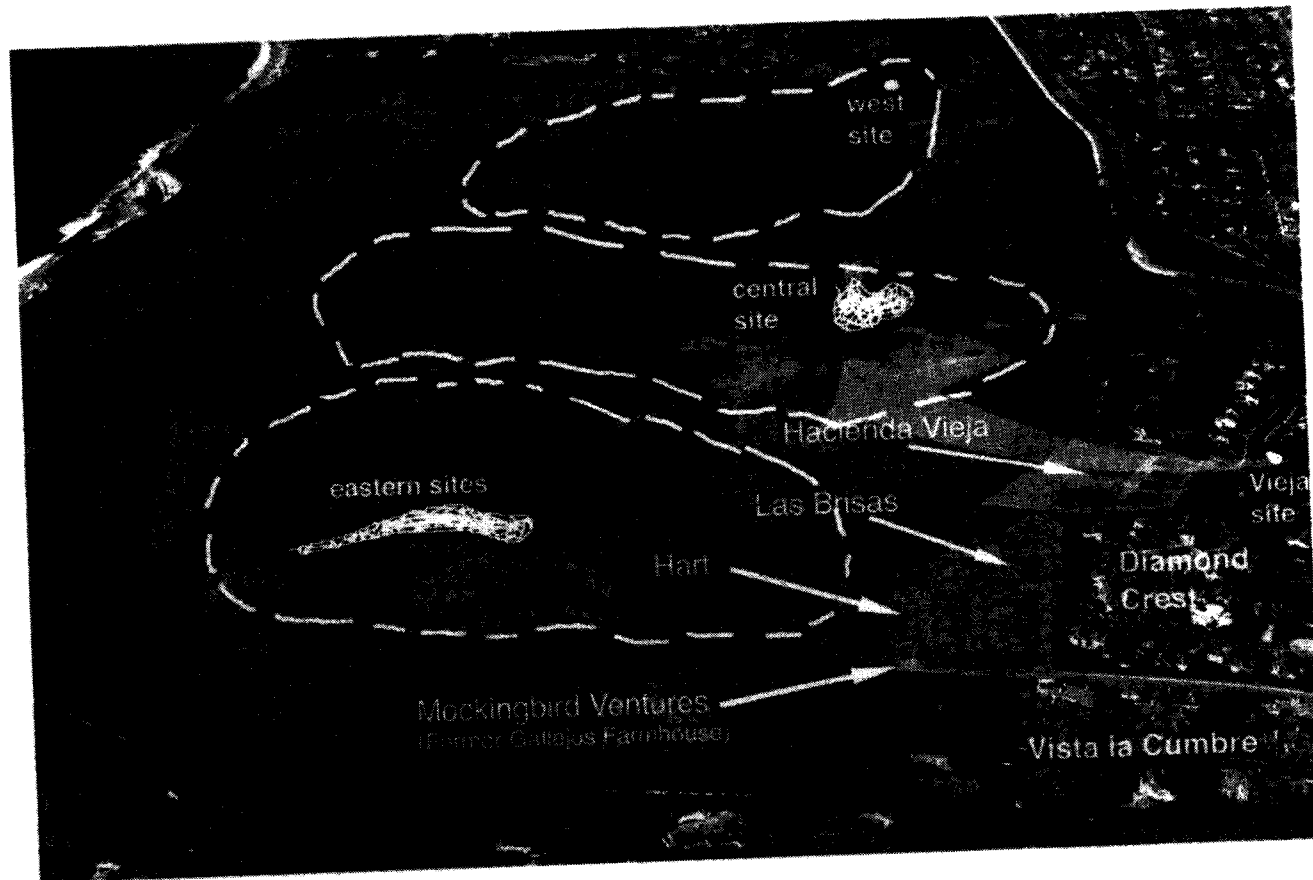


Fig 4: More Mesa Has the Highest Density of White-tailed Kites in S. B. County



- White-tailed kites are fully protected by the state of California
- In 2005, MM nests were the only ancestral nests occupied in SB area



**Fig 5: Dense Developments on More Mesa's Edges
Will Seriously Affect Kite Populations**

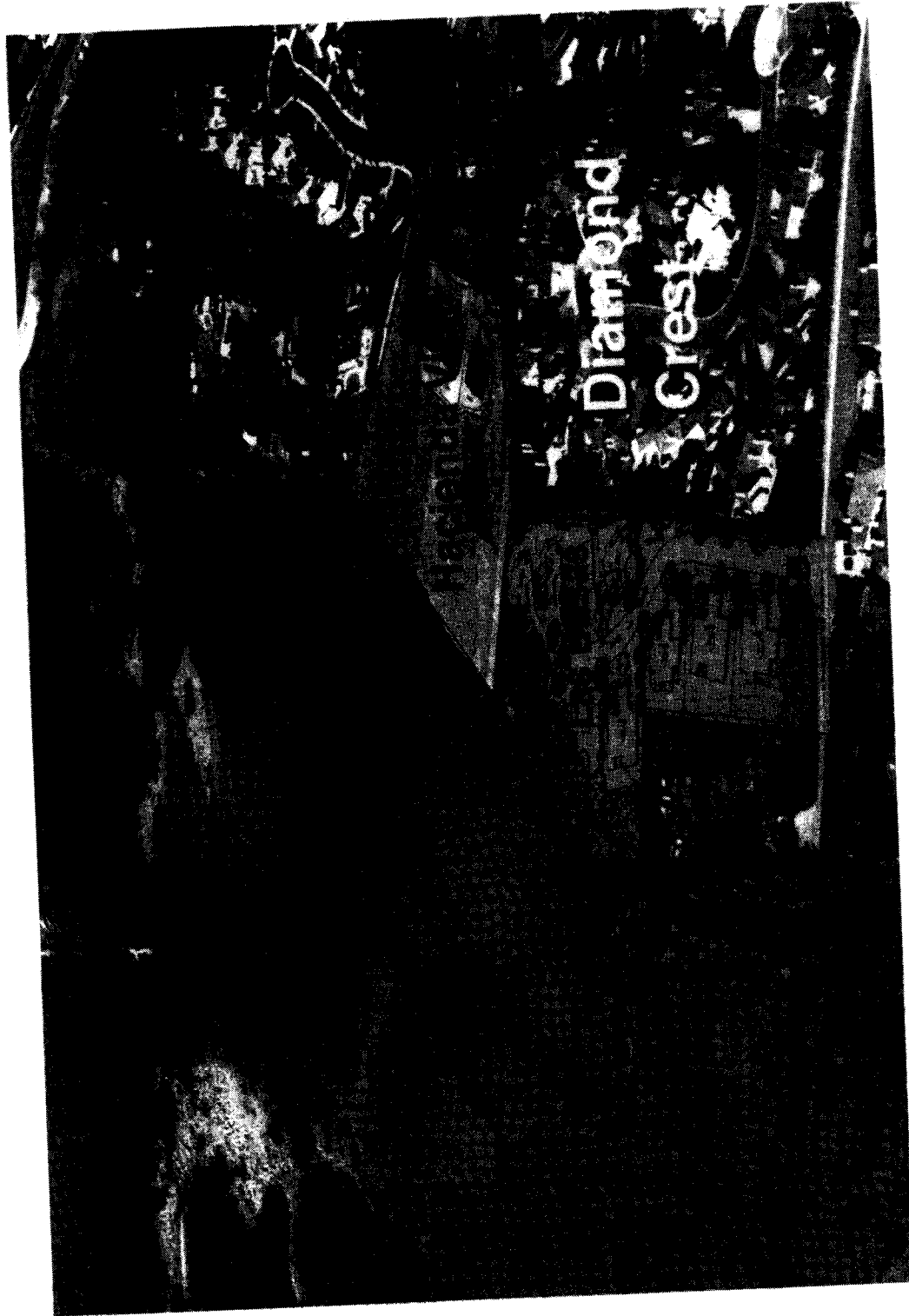
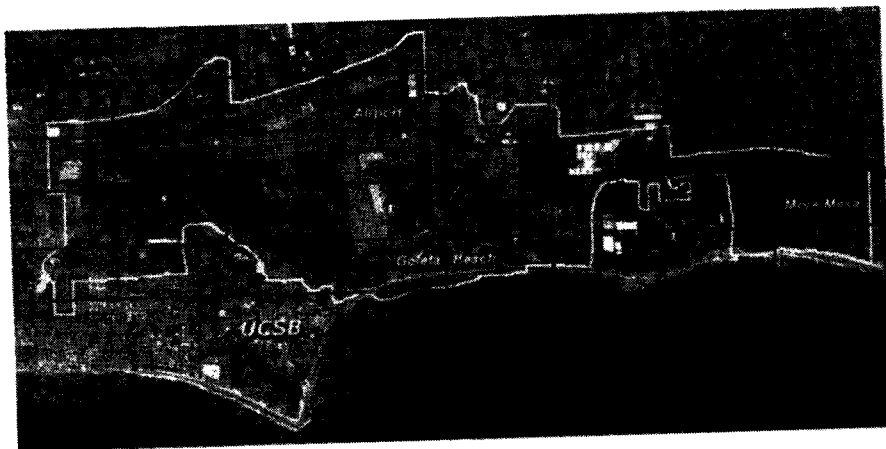




Fig 6: More Mesa's Wetlands are Important Part of the Goleta Slough Ecosystem



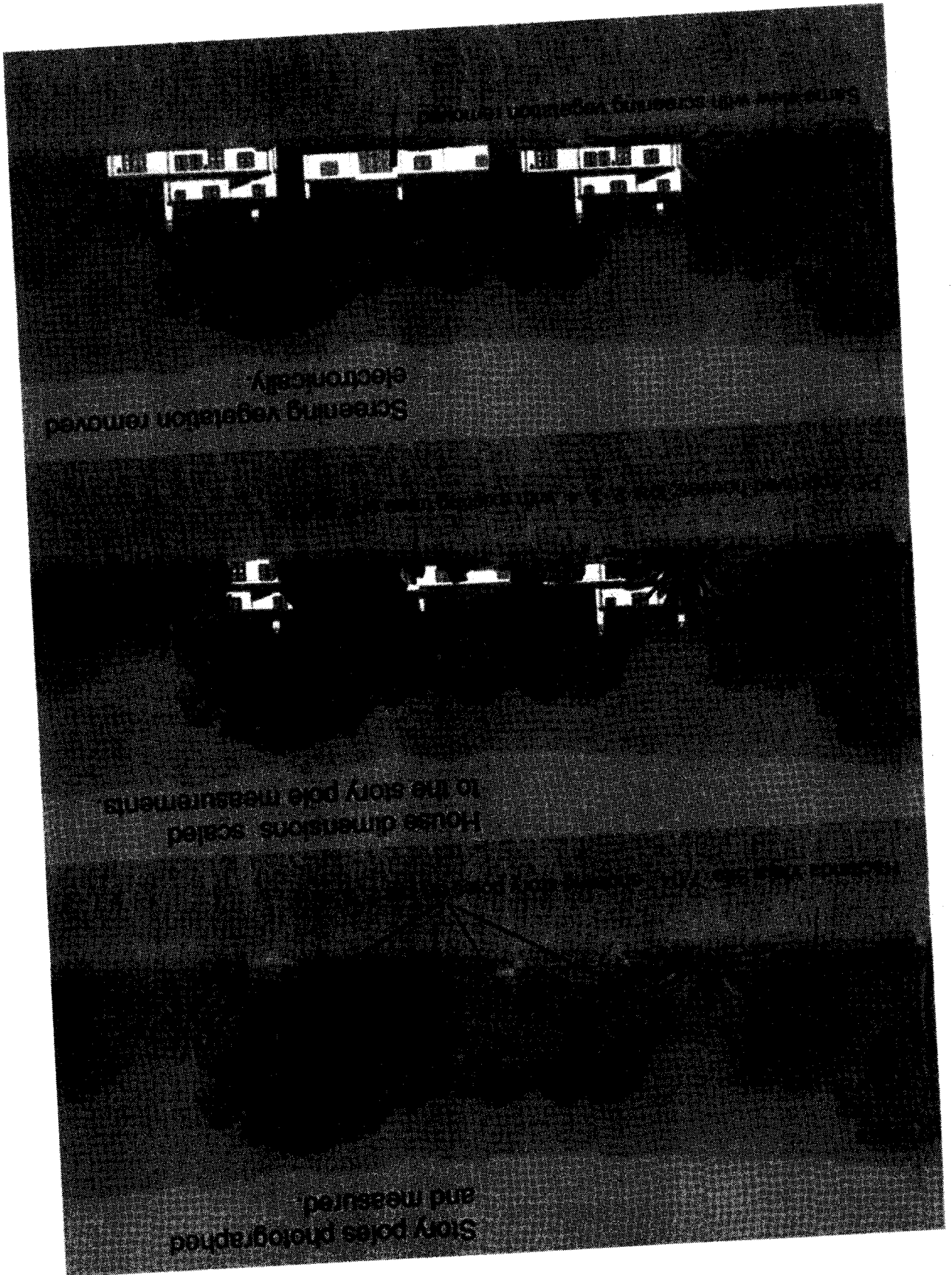
Hacienda Vieja



Only 5% of all California's coastal wetlands remain intact



Fig 7: Careful simulation shows that HV houses will be clearly visible from More Mesa



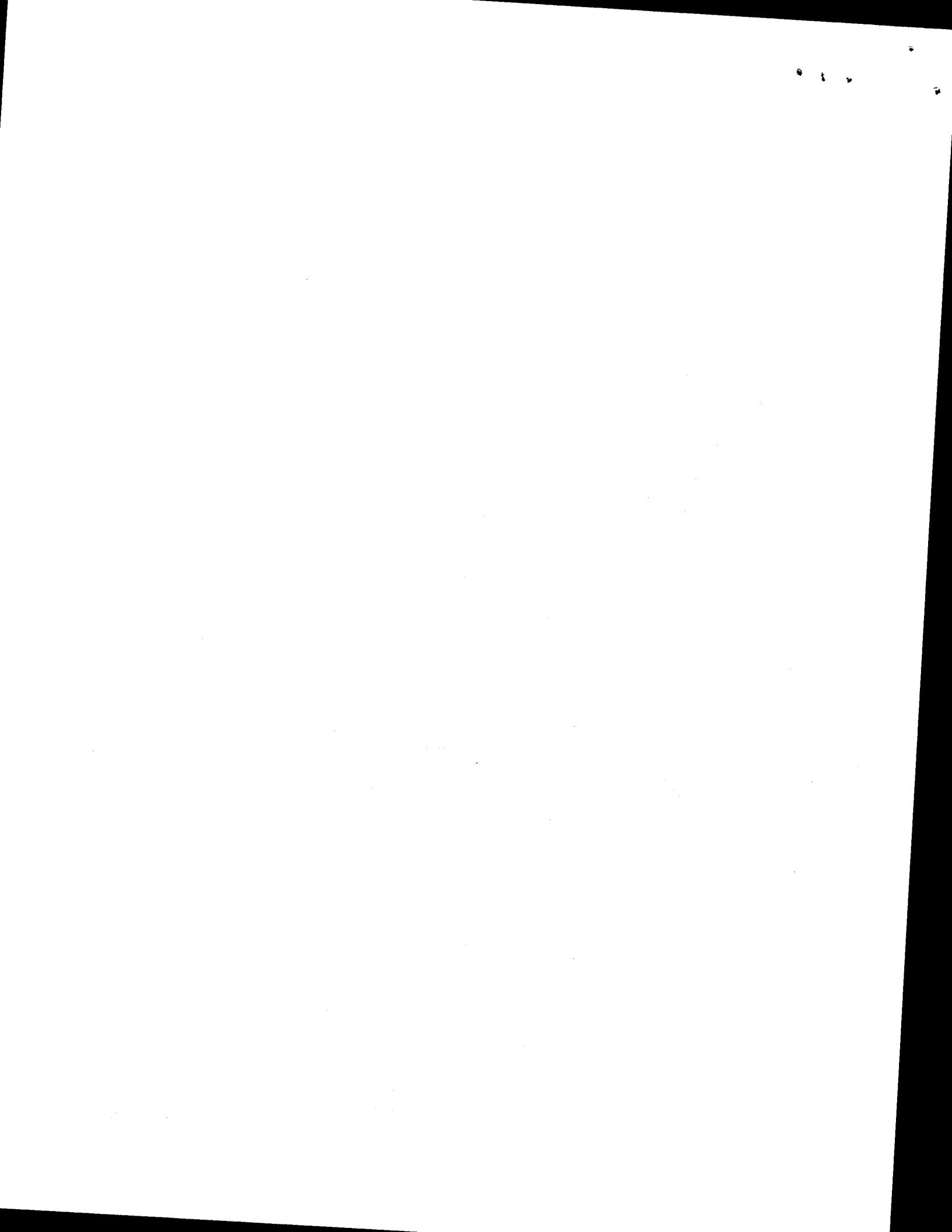
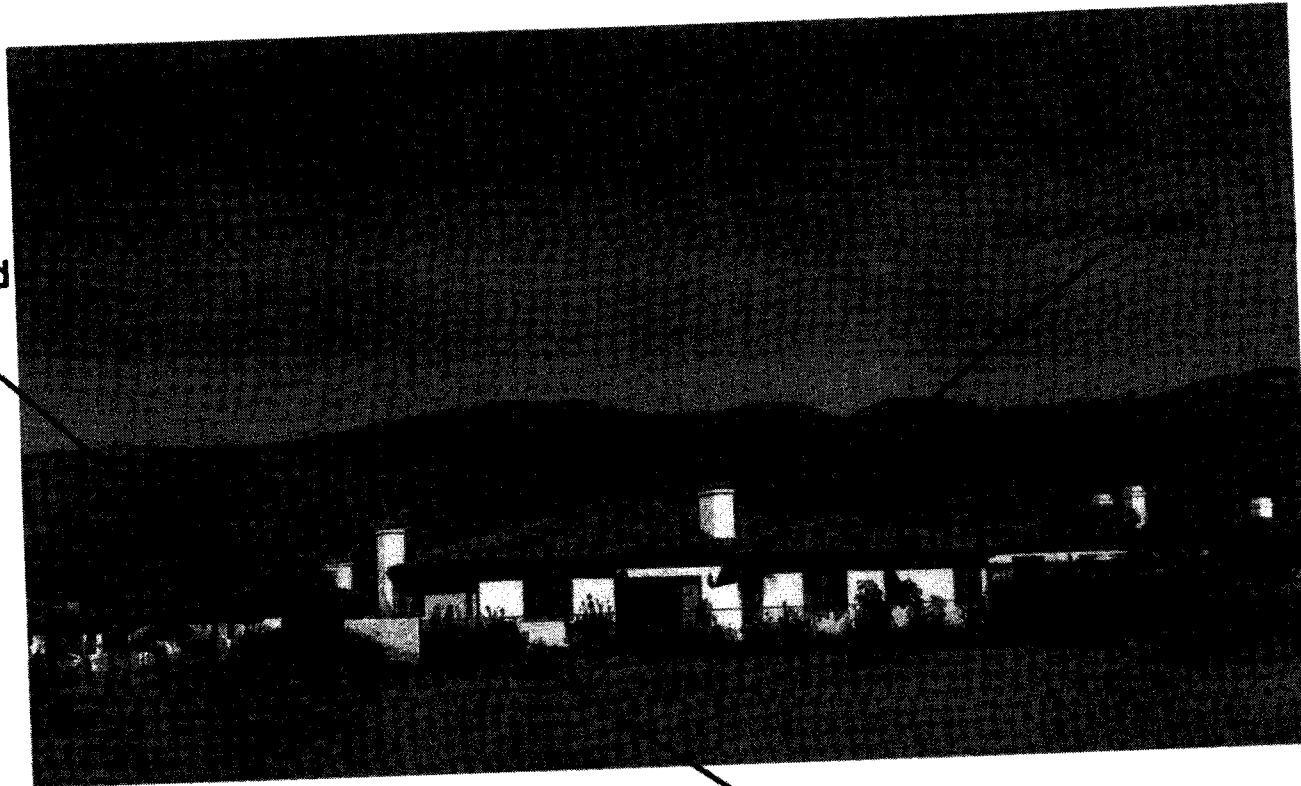


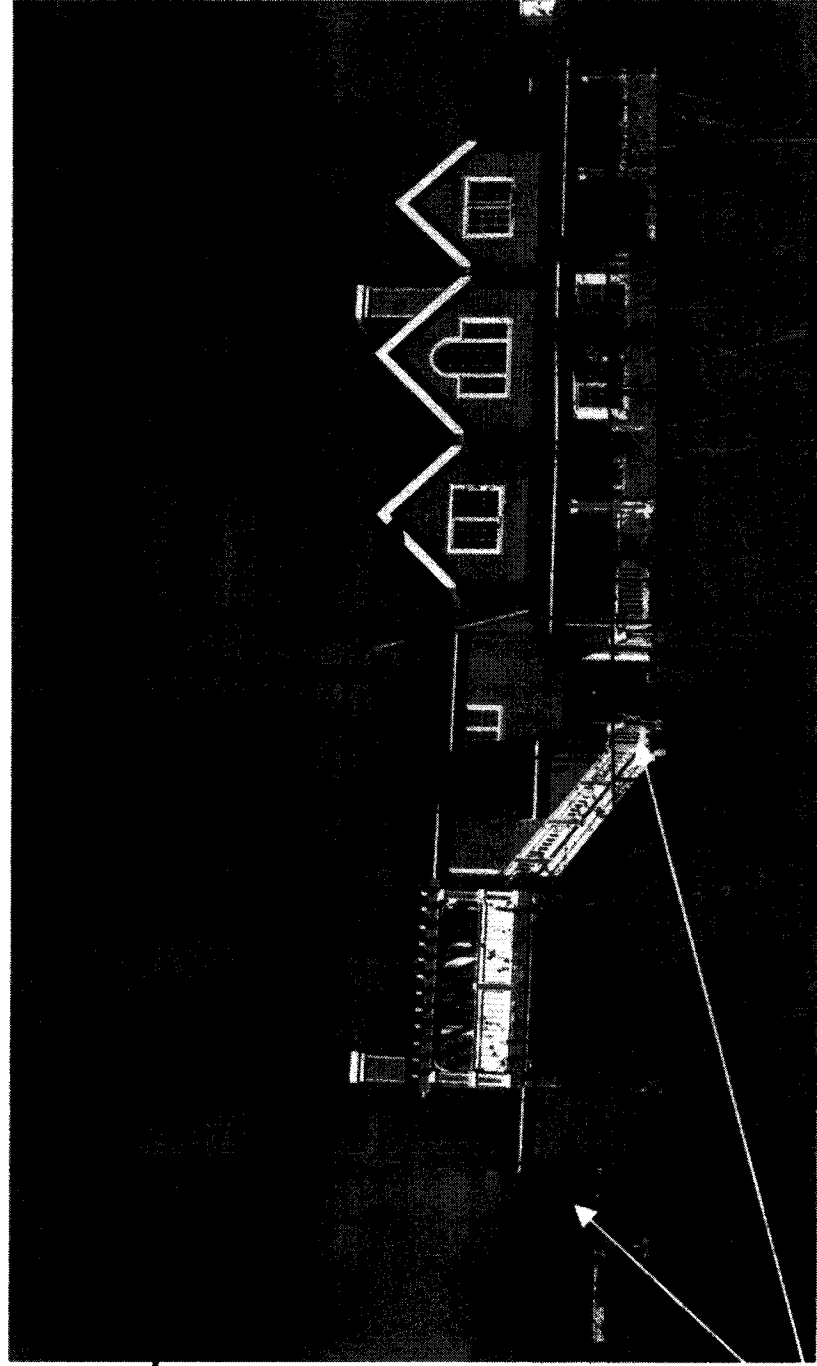
Fig 8a: Santa Barbara County's Programs for Mitigation are Not Working ... Las Brisas

All trees removed from project



No landscape screening

Fig 8b: Not Working ... Hart



Periwinkle?
Cape Cod?

No landscape screening
... from any direction

Fig 8c: Not Working ... Mockingbird



No landscape plans on record

Uncovered dirt pile 27 months old

