



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** August 9, 2007  
**AGENDA DATE:** August 16, 2007  
**PROJECT ADDRESS:** 2067 Eucalyptus Hill Road (MST2007-00288)  
 Hammett Lot Split  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Suzanne Johnston, Assistant Planner

### I. PROJECT DESCRIPTION

The project consists of the subdivision of an existing 11.51-acre lot located in large part (9.33 acres) within the County of Santa Barbara's Jurisdiction with the remainder portion (2.18 acres) falling under the City's Jurisdiction. The subdivision will result in two newly created parcels with Parcel 1 resulting in a 5.01-acre lot and Parcel 2, a 6.50-acre lot. Each of the lots will have portions of the lot crossing the jurisdictional boundaries into the City at the southerly end. The proposal outlines development envelopes, located entirely within the County, for the existing and the proposed development for each parcel. Parcel 1 is proposed with two development envelopes and Parcel 2 with one development envelope where the existing house will remain. There is an existing shed, on proposed Parcel 1, which is proposed to be demolished. The City portions of each lot are to remain undeveloped with the exception of the existing driveway. The Montecito Planning Commission reviewed this subdivision and granted its approval contingent on the City of Santa Barbara's review and approval. The County of Santa Barbara's Montecito Planning Commission Staff Report dated March 9, 2007 (Exhibit D) and the action letter dated March 30, 2007 (Exhibit E) are attached.

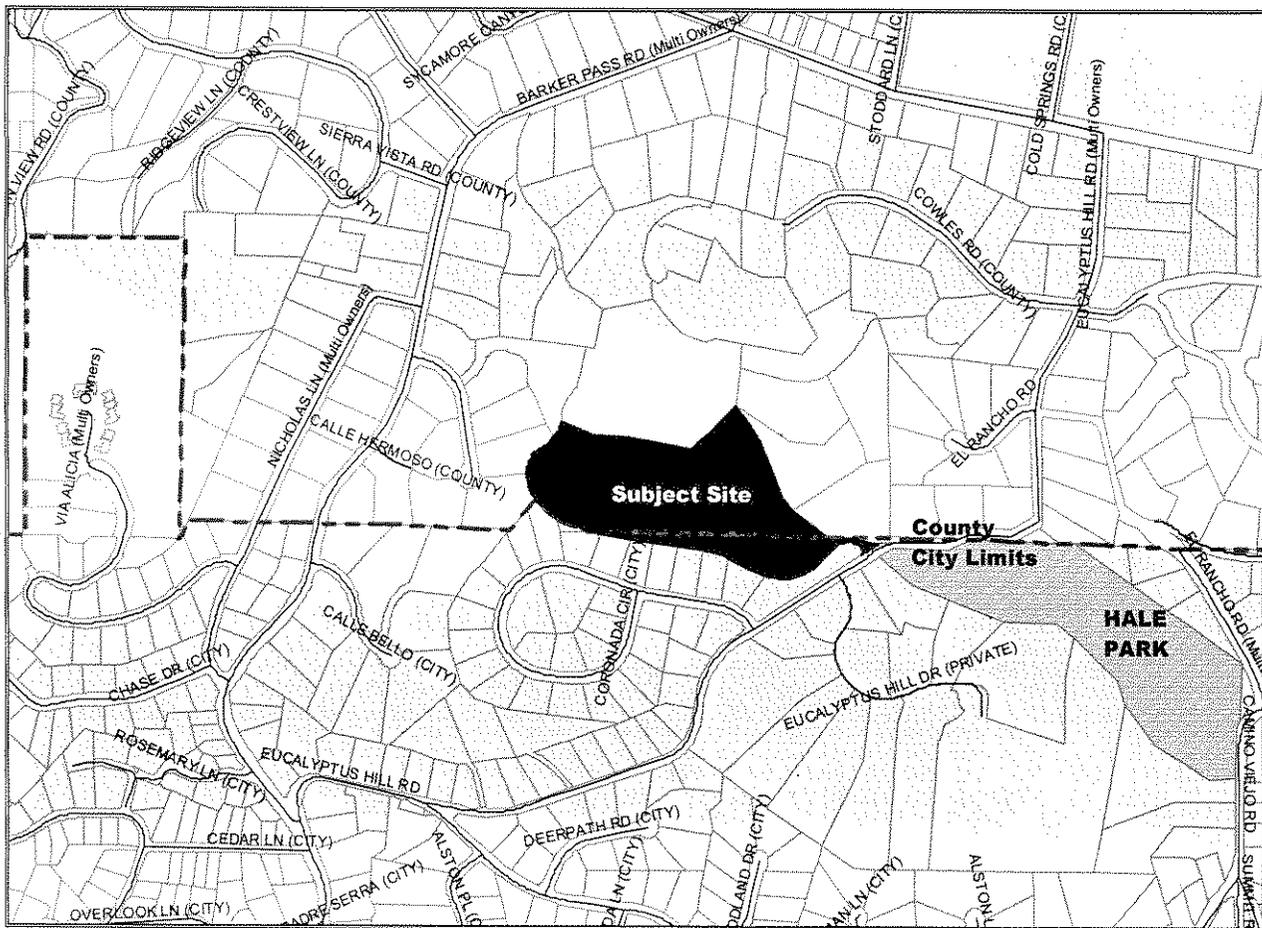
### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow the creation of a lot without the required 100' feet of street frontage. (SBMC §28.15.080 and §28.92.110.A);
2. A Public Road Waiver (SBMC §22.60.300) to allow the creation of a new lot to be accessed via a private driveway serving more than two lots. (SBMC § 27.08); and
3. A Tentative Subdivision Map to allow the division of one parcel(s) into two parcels (SBMC 27.07).

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: July 3, 2007  
DATE ACTION REQUIRED PER MAP ACT: August 21, 2007

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant: Jim Staples, Agent	Property Owner: Hammett Family Trust
Parcel Number: 013-240-001 County 013-240-003 City <i>Note: Two parcel numbers but only one legal lot exists.</i>	Lot Area: 9.33 acres County 2.18 acres City Total 11.51 acres
General Plan: Residential 2 units/acre	County Zoning: 1-E-1 City Zoning: A-2 Single Family Residential
Existing Use: Residential	Topography: 30 % County 26 % City
Adjacent Land Uses: North - Residential East - Residential South - Residential West - Residential	

**B. PROJECT STATISTICS**

The portion of the existing lot which is located in the City's jurisdiction will not be developed with any additional improvements. Portions of the existing driveway and oak woodland currently exist within this portion and are to remain unaltered. Although the City does not allow accessory structures on parcels without a residence, the accessory structure on Parcel 1 is in the County where it is allowed. The attached Montecito Planning Commission Staff Report outlines how the proposal is consistent with County General Plan and Zoning Ordinances.

Parcel #	Lot Area (Net)	Development Envelope Slope	Living Area (sq. ft.)	Garage (sq. ft.)	Accessory Space (sq. ft.)
1	6.05 acres	> 20%	N/A	N/A	216
2	5.01 acres	> 20%	2,352	789	N/A

**V. ZONING ORDINANCE CONSISTENCY**

The project site is zoned A-2, One Family Residential. In the A-2 district, the minimum lot size requirement is 1/2 acre (21,780 square feet). The proposed project would meet the requirements of the A-2 Zone, with the exception of the modification to allow the creation of Parcel 1 without the required 100 linear feet of public street frontage and a street waiver for a private driveway which serves more than two lots. Slope density requirements are applied to the site in recognition of the steep topography, which increases the required minimum lot size based on the slope of the lot. Project compliance with these requirements is identified in the following table:

Lot #	Development Envelope Slope	Estimated Slope for Entire Parcel	Required Lot Area with Slope Density (Net)	Proposed Lot Size (Net/Gross)
1	< 20%	30%*	1.5 acres	5.01/5.01 acres
2	< 20%	> 26%*	1.5 acres	6.44/6.50 acres

\* Estimated Slopes for entire parcel are based on the City's GIS information for the APNs 013-240-001 & -003.

**VI. ISSUES**

**A. PUBLIC STREET FRONTAGE WAIVER**

Santa Barbara Municipal Code Section 22.60.300 requires that each lot created by a new subdivision front upon a public street or private driveway serving no more than two lots, unless this requirement is waived by the Planning Commission. Staff generally supports public street frontage waivers when no more than four lots would be served by the private road/driveway. Currently, two parcels take access off this private road. Following the proposed subdivision, three parcels would take access off the private road. Findings for the Street Frontage Waiver are included in Section VII below.

**C. LOT FRONTAGE MODIFICATION**

Santa Barbara Municipal Code, Section 28.15.080 (Lot Frontage Requirements) requires that newly created parcels in the A-2 Zone have no less than 100 feet of frontage on a public street. In the proposed project, one of the newly created lots would not have any frontage on a public street, as the subject parcel is landlocked and the only access is via an easement. Therefore, a Modification of this requirement for each lot is necessary. This is a common occurrence in the surrounding area. Findings for the Lot Frontage Modifications are included in Section VII below.

**D. ENVIRONMENTAL REVIEW**

Santa Barbara County has determined the project can be found exempt from environmental review pursuant to Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. Section 15315 specifically exempts minor land divisions located in urbanized areas resulting in four or fewer parcels when the division is in conformance with the Local General Plan and zoning requirements, the project site has adequate access and can be served by the appropriate service districts, and the parcel was not involved in a division of a larger parcel within the previous two-years. The City of Santa Barbara has adopted, by City Council Resolution, a list of Categorical Exemptions which includes the use of this CEQA exemption for lots which have an average slope of greater than 20%, provided that the development envelope does not exceed 20% slope.

## **VII. FINDINGS**

The Planning Commission finds the following:

### **A. LOT FRONTAGE MODIFICATION (SBMC §28.15.080 AND §28.92.110.A)**

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot. The proposed lot configuration is consistent with the surrounding pattern of development and the location of the existing residence limits the amount of available street frontage for a newly created parcel. There are adjacent parcels in the neighborhood that have less than 100 feet of street frontage or no street frontage at all.

### **B. PUBLIC ROAD WAIVER (SBMC §22.60.300)**

In order to waive the public street frontage requirement, the Planning Commission must find that:

1. The proposed roadway, lane, drive or driveway will provide adequate access to the subject property and other properties using said roadway, lane, drive or driveway.
2. The proposed roadway, lane, drive or driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed private road, lane, drive or driveway by either of the following:
  - a. There is a recorded agreement that provides for adequate maintenance of said road, lane, drive or driveway, or
  - b. The owner of the subject property has agreed to adequately maintain said private road, lane, drive or driveway and said agreement has been or will be recorded prior to recordation of the final or parcel map.
4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

### **C. THE TENTATIVE MAP (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the slope density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

Planning Commission Staff Report  
2067 Eucalyptus Hill Road (MST2007-00288)  
August 09, 2007  
Page 6

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter
- D. Montecito Planning Commission Staff Report, dated March 9, 2007
- E. Montecito Planning Commission Action Letter, dated March 30, 2007

PLANNING COMMISSION CONDITIONS OF APPROVAL

2067 EUCALYPTUS HILL ROAD

TENTATIVE SUBDIVISION MAP, MODIFICATION, STREET FRONTAGE WAIVER

AUGUST 16, 2007

I. Said approval is subject to the County Conditions of Approval listed in the County Planning Action Letter dated March 30, 2007:

- A. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Montecito Planning Commission hearing exhibits marked A-D, dated March 29, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning & Development Department for conformity with this approval. Deviations may require modification to the map and/or further environmental review. Deviations without the above described approval will constitute a violation of approval.

The project description is as follows:

The request is for a Tentative Parcel Map (TPM 14,674) to divide one legal lot of 11.51 gross acres into two lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2.) Proposed Parcel 1 is currently undeveloped and no new development is proposed as part of the lot split request. Development envelopes have been designated on both proposed parcels to confine site preparation activities (grading for utilities, access, future structures, etc.). Existing and future structural development would also be restricted to the area within the building envelopes depicted on the map. Proposed Parcel 1 would have two development envelopes and Proposed Parcel 2 would have one envelope. The southerly building envelope on Proposed Parcel 1 would be limited to unplumbed structures.

The proposed lot line would run north-south. The majority of the project site would be located within the jurisdiction of Santa Barbara County. However, the southern portion of the existing lot and portions of both proposed parcels would be located within the City of Santa Barbara's jurisdiction.

The property is currently developed with an existing 2,352 square foot single-family residence (located on Proposed Parcel 2) with an attached 789 square foot garage and a 216 square foot shed. An existing gardener's shed located on Proposed Parcel 1 would be removed as part of the project.

Access to the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. The existing residence (to be located on Proposed Parcel 2) is currently served by the City of Santa Barbara Water District, the Montecito Fire District and the Montecito Sanitary District. All future development on Proposed Parcel 1 would be served by the Montecito Sanitary District, the Montecito Water District and the Montecito Fire Department. Proposed Parcel 1 has an existing Montecito Water District meter and an existing connection to the Montecito Sanitary District sewer main is stubbed out for future service. A private lift station for the sewer system would be required in order to serve future development on Proposed Parcel 1.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and

**EXHIBIT A**

preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**B. County Rules And Regulations.** Compliance with Departmental letters required as follows:

1. Air Pollution Control District dated July 12, 2005
2. Environmental Health Services dated February 27, 2007
3. Parks Department dated February 1, 2007
4. County Surveyor dated July 8, 2005
5. Public Works Department dated January 24, 2007

**C. Project Specific Conditions**

1. **Montecito Board of Architectural Review:** The design, scale and character of future residences and accessory residential structures shall be compatible with vicinity development. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures.

**Plan Requirement and Timing:** Materials shall be denoted on building plans. The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to approval of Land Use Permit. Grading plans, if required, shall be submitted to County P&D concurrent with or prior to Montecito Board of Architectural Review plan filing.

2. **Night Lighting:** Any exterior night lighting installed, as part of future residences or accessory residential structures shall be of low intensity, low glare design, and shall be fully hooded to direct light downward. **Plan Requirements/Timing:** Future plans submitted to the Building & Safety Division shall include the locations of all exterior lighting fixtures, catalogue cut sheets of the fixtures showing the method for shielding the light source and reducing glare, information on the illumination levels, and provisions for automatic shut-off after 10 pm. **Monitoring:** County P&D shall ensure that the final architectural building plans, the final landscape plans, and the final lighting plans are included in the plan set accompanying the building and electrical permits.
3. **Construction Hours:** All future site development and/or noise generating construction and construction equipment maintenance shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday–Friday only and shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-noise generating construction activities, such as interior painting, are not subject to these restrictions.

4. **Wash-Out Area:** During future construction, the washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs.

**Plan Requirements/Timing:** A washout area, acceptable to County P&D, shall be shown on all grading and building plans prior to issuance of a Building Permit. This condition shall be printed on all grading and building plans.

**Monitoring:** The washout area(s) shall be in place and maintained throughout construction. County P&D staff shall site inspect throughout the construction period to ensure proper use, location, and maintenance of the washout area(s).

5. **Erosion Control:** Prior to issuance of the Land Use Permit, a grading and erosion control plan shall be prepared to minimize erosion from any grading and construction activities during all phases of development on the site. The plan shall include the best available erosion and sediment control measures to prevent erosion and siltation into drainage courses and environmentally sensitive habitat areas. Mechanisms such as temporary berms, silt fencing, straw bales, sediment basins, and spot grading shall be used in combination with one another during all grading and site construction activities.

Graded areas not to be covered with structures or landscaping shall be re-vegetated within four weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established. If the site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation: seeding and watering to re-vegetate graded areas and/or spreading of soil binders. Mulch and weed control should also be used to protect soils and minimize weed establishment. Erosion and 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. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.

**Plan Requirements:** This condition shall be printed on all grading plans.

**Timing:** The plan shall be implemented prior to the commencement of grading/construction.

**Monitoring:** County P&D staff shall perform site inspections throughout the construction phase to ensure compliance with the approved plan.

6. 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 and sediment 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 4 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 4 weeks of grading completion.

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

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

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

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

8. **Archeological Resources:** In the event that archaeological resources and/or remains are encountered during grading activities, activities shall be temporarily suspended in the area of the find and the applicant shall retain a County P&D-approved archaeologist and Native American observer to carry out a Phase 1 archaeological investigation pursuant to County Archaeological Guidelines to evaluate the significance of the find. If resources are found to be significant, the applicant shall fund a Phase 2 or Phase 3 data recovery program pursuant to the County's Archaeological Guidelines. County P&D shall prepare the scope of work for all investigations.

**Plan Requirements:** This condition shall be printed on all building and grading plans.

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

9. Prior to recordation, the applicant shall provide County P&D staff with evidence of approval of this subdivision from the City of Santa Barbara or documentation of their need to not review the project.
10. Prior to recordation, the applicant shall provide evidence that the existing shed located in the northwest corner of the property has been removed.
11. Prior to recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D, to reserve two easements for ingress and egress purposes:
  - a. Over Parcel #2 in favor of Parcel #1 at the time of conveyance of either parcel.
  - b. Over Parcel #1 in favor of Parcel #2 at the time of conveyance of either parcel.

**Timing:** This agreement is to be recorded with the Final Map.

**D. Tentative Parcel Map Conditions**

1. Prior to recordation of the tentative map and subject to County 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 Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
2. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
3. Three copies of the map to finalize the Tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of County P&D conditions before County 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.
4. If, prior to the Board action on the map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D

Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.

5. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
6. All new utilities required for future development shall be installed underground.
7. The Tentative Parcel Map (TPM 14,674) shall expire three years after approval or conditional approval by the final review authority unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

E. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Parcel Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

F. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

II. Said approval is subject to the City Conditions of Approval as follows:

A. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, *prior to recordation of Parcel Map*:

1. **Dedication(s).** Road Easement described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
  - a. Identify City Resolution No. 2737 for Eucalyptus Hill Road frontage on the Parcel Map, and clearly identify the offered easement on the Parcel Map with a detail identifying bearings and distances.
  - b. Add a separate City Council Statement, and signature line to the Parcel Map for James L. Armstrong, City Clerk, City of Santa Barbara, for the City to accept the offer, and provide an opportunity for the City of Santa Barbara Real Property staff and Engineering staff to review the Draft Parcel Map, prior to recordation.

- c. A reciprocal access easement (16 feet in width) for vehicles and pedestrians as described above in County Condition I.C.11.

- B. **Design Review.** The following items are subject to the review and approval of the City's Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following conditions have been satisfied.

**Single Family Design Board (SFDB) Review.** The portion of the site that is located within the City jurisdiction would be subject to the review such as alterations to the design and/or materials for the existing drainage, existing private driveway or that involve grading, tree or vegetation removal other than required by the Fire Department must be reviewed and approved by the SFDB.

- C. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

**Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.

- D. **City Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Planning Commission's action approving the Tentative Map shall expire ~~two (2)~~ three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.





EXHIBIT B



1" = 50'

# Hammett Tentative Map

EXHIBIT B

**Owner**

Hammett Family Partnership, a California General Partnership  
c/o Benjamin Hammett  
2067 Eucalyptus Hill Road  
Santa Barbara, CA

**Agent**

Jim Staples  
23083 SR 525  
Greentown, WA 98253  
360-478-5572 fax  
jim.staples@vultron.net

**Surveyor**

Jon McKellar, PLS  
910 East Stewart Road, Suite 107  
Santa Maria, CA 93454  
805-928-8173 fax  
jmk@jmmckellar.com

**Services**

Water - City of Santa Barbara (Pd 2)  
Water - Montecito Water Dist. (Pd 1)  
Sewer - Montecito Sanitary Sewer Dist.  
Gas - Southern CA Gas Company  
Electric - Southern CA Edison  
Telephones - General Telephone Co.

**Site Information**

APN 013-240-001 & 003  
2067 Eucalyptus Hill Road  
Santa Barbara, CA 93108

Existing Parcel = 11.91 acres

Proposed Parcel One = 5.01 acres gross, 4.95 acres net

Proposed Parcel Two = 6.90 acres gross

**Owners Statement**

I hereby certify that the contents of the division of real property shown on this plat and hereby that I am the legal owner or the authorized agent representing said owner and that the information shown hereon is true and correct to the best of our knowledge and belief.

Jim Staples, Authorized Agent

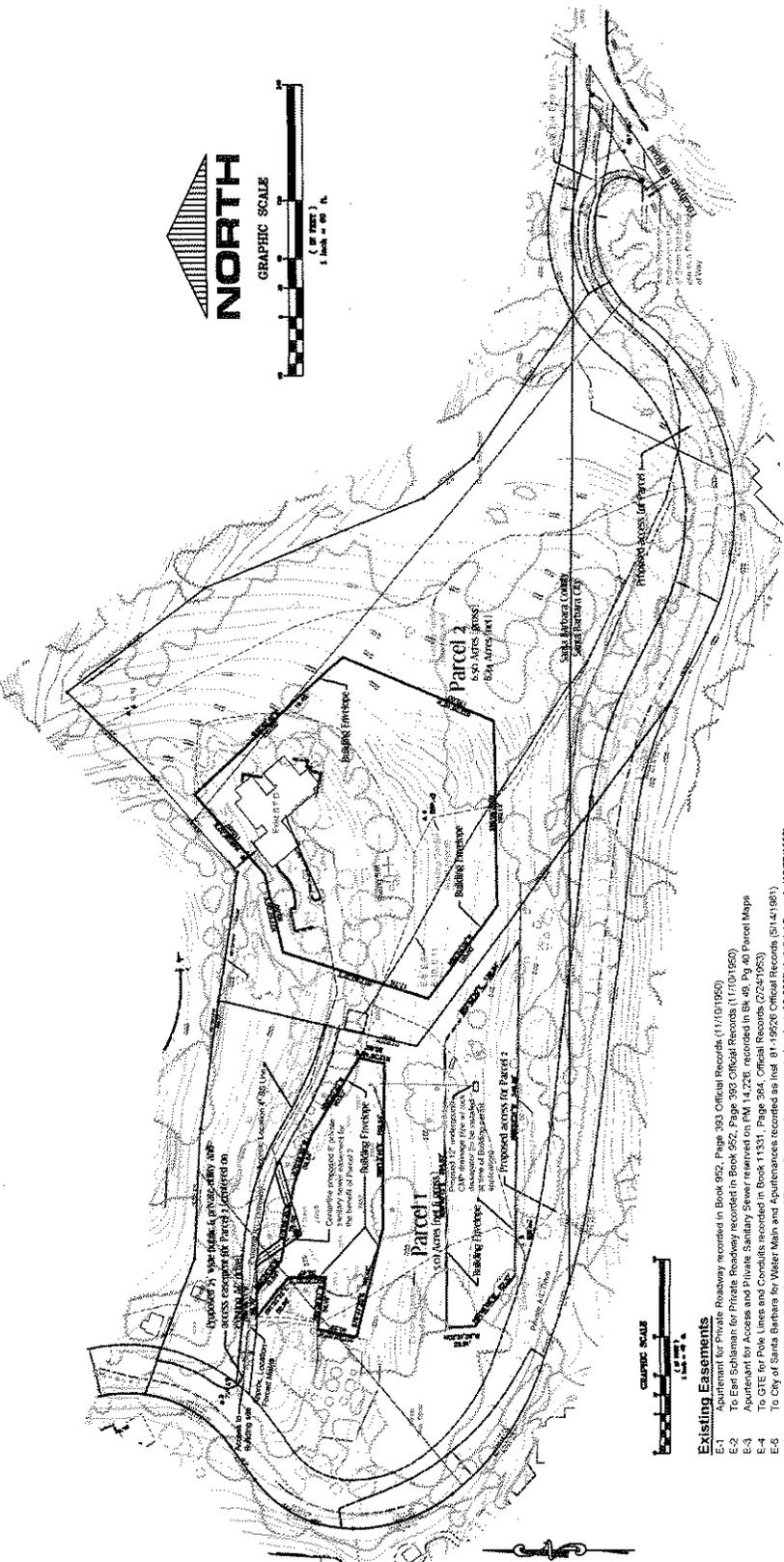
**Surveyor's Statement**

I hereby certify that the information shown hereon was prepared in accordance with the requirements of the Professional Land Surveyors Act in September of 2004. Topographic data shown hereon was derived from aerial photography flown in July 2004, by Golden State Aerial Surveys, Inc. Elevation information shown hereon is based on the data combined with the Preliminary Title Report issued by First American Title dated June, 4, 2004 (#403-152887 (LC)).

Jon McKellar  
PLS 7579  
License Expiration Date: 12/31/2007

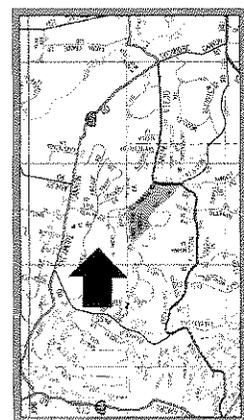


GRAPHIC SCALE  
1 inch = 100 ft.



**Existing Easements**

- E-1 To Easement for Public Utility, recorded as Insl. 95-37229 Official Records (11/11/1995)
- E-2 To Easement for Private Roadway recorded in Book 952, Page 383 Official Records (11/01/1992)
- E-3 To Easement for Private Sanitary Sewer recorded in Book 952, Page 383 Official Records (11/01/1992)
- E-4 Agreement for Access and Private Sanitary Sewer reserved on PM 14,226, recorded in Bk. 49, Pg. 40 Parcel Maps
- E-5 To GTE for Pole, Lines and Conduits recorded in Book 11331, Page 384, Official Records (2/25/1993)
- E-6 To City of Santa Barbara for Water Main and Apertances recorded as Insl. 81-19226 Official Records (5/14/1981)
- E-7 To Lawrence Hammett for Private Access and Private Sanitary Sewer recorded as Insl. 93-063742 Official Records (10/23/1992)
- E-8 To SCE for Public Utilities recorded as Insl. 94-96576 Official Records (11/28/1994)
- E-9 To GTE for Pole, Lines and Conduits recorded as Insl. 95-37229 Official Records (11/11/1995)
- E-10 To City of Santa Barbara for Public Utilities recorded as Insl. 95-37230 Official Records (11/11/1995)
- E-11 To City of Santa Barbara for Public Utilities recorded as Insl. 95-37231 Official Records (11/11/1995)



Vicinity Map  
N 13 2006

# Tentative Parcel Map No. 14,674

being a division of Parcel One of Parcel Map No. 14,226, lying partly in the City and County of Santa Barbara, State of California, as recorded in Book 49 of Parcel Maps, Pages 40 to 43, in the office of the County Recorder of said County and State.



## CITY OF SANTA BARBARA REQUEST

The owner requests that the city review the lots approved by the county for the attached project description, and to approve a street lot frontage modification for proposed Parcel 1. The county's approval by the Montecito Planning Commission on March 29, 2007 (action letter enclosed) created two large lots as shown on the attached Tentative Map. Each lot has development envelopes that preclude any future development to occur within the City's jurisdiction. It is clear to state that the area of the two large lots within the city's jurisdiction will remain undeveloped and in its current natural state as depicted by the color aerial photo enclosed. The city action will acknowledge this fact with a letter to the County sent to Errin Briggs, Case Planner.



**MONTECITO PLANNING COMMISSION**  
**Staff Report for the Hammett Lot Split**

**Hearing Date: March 29, 2007**  
**Staff Report Date: March 9, 2007**  
**Case No.: 05TPM-00000-00011**  
**Environmental Document: Exempt pursuant to**  
**Section 15315 (Minor Land Divisions) of the State**  
**CEQA Guidelines**

**Assistant Director: Dianne Black**  
**Division: Development Review South**  
**Staff Contact: Errin Briggs**  
**Phone #: 568-2047**  
**Supervising Planner: Anne Almy**

VICINITY MAP

OWNER:

Benjamin Hammett  
301 Lowell Avenue  
Palo Alto, CA 94301  
(650) 324-1431

AGENT:

Jim Staples  
23083 SR 525  
Greenbank, WA 98253  
(360) 678-0467

SURVEYOR:

Jon McKellar  
910 E. Stowell Rd. Suite 107  
Santa Maria, CA 93454  
(805) 680-1895

**Unable To Display  
Map Data...**

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The site is identified as APN's 013-240-001 & -003, located at 2067 Eucalyptus Hill Road, approximately one-half mile south of the intersection of Sycamore Canyon Road and Eucalyptus Hill Road, Montecito Area, First Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Jim Staples, agent for the owner Benjamin Hammett, to consider Case No. 05TPM-00000-00011, [application filed on June 25, 2005] for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to divide 11.51 acres into 2 lots of 6.50 and 5.01 acres, on property zoned 5-E-1; and to accept the Exemption pursuant to Section 15315 (Minor Land Divisions) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 013-240-001 & -003, located at 2067 Eucalyptus Hill Road, in the Montecito area, First Supervisorial District.

Application Filed:	June 28, 2005
Application Complete:	December 21, 2005
Processing Deadline:	60 days from NOE

## 2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 05TPM-00000-00011 marked "Officially Accepted, March 21, 2007, Montecito Planning Commission Exhibits A-D", based upon the project's consistency with the Comprehensive Plan, including the Montecito Community Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including the California Environmental Quality Act (CEQA) findings.
2. Accept the exemption, included as Attachment B of this staff report, pursuant to Section 15315 (Minor Land Divisions) of the State Guidelines for the implementation of CEQA.
3. Approve the project, Case No. 05TPM-00000-00011 subject to the conditions included as Attachment C of this staff report.

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

## 3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based upon Section 21-6(a) of Chapter 21 which states:

- (a) Planning Commission or Zoning Administrator. The Santa Barbara County Planning Commission shall be the decision-maker, except that the Zoning Administrator shall be the decision-maker for the following:
  - (1) Tentative Parcel Maps that are determined by the County to be exempt from environmental review.

Pursuant to the Santa Barbara County Code, Chapter 2 Section 2-25.2(a), the Montecito Planning Commission shall assume the powers and duties given to the Zoning Administrator in the inland portions of Chapter 35 within the Montecito Planning Area. These provisions require that projects in the Montecito Planning Area be heard by the Montecito Planning Commission rather than the Zoning Administrator.

## 4.0 ISSUE SUMMARY

The project includes subdividing an existing 11.51 acre lot, located in an urban area and zoned 5-E-1, into two resulting lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2)

in size. The existing site is currently one legal lot, although two APN's are identified for tax purposes. The majority of the existing lot is located within the County of Santa Barbara jurisdiction and is known as APN 013-240-001. This portion of the lot is located in the urban, inland portion of the Montecito Planning Area. The southern portion of the existing lot is within the jurisdiction of the City of Santa Barbara and is known as APN 013-240-003. The project would be concurrently reviewed by the County and the City. Because of this, the map has been conditioned to record only after project approval by both agencies.

The project site is characterized by a gentle north to south slope, ranging from flat to over 30% in some areas. A mixture of native (including mature oak trees) and non-native landscaping surrounds the existing residence and the access driveway. The property has been brushed and cleared in the center with scattered oaks located along the access driveway and the western portion of the lot. A dense cluster of oak trees and other non-native trees is located in the southwestern corner. In order to avoid development on steep slopes and the need to remove native vegetation, residential building envelopes have been designated on both lots by the applicant to contain all existing development, as well as future development and associated ground disturbances. Both existing development and the proposed building envelopes would be located in the northern portion of the existing lot within the County jurisdiction.

Proposed Parcel 1 is currently vacant and would be served by the Montecito Sanitary District. In order to provide adequate service to a future residence, a private sewer lift station, pressure line and sewer service lateral would need to be maintained by the property owner at no cost to the District. Recordation of a Notice to Property Owner document would be required to ensure such maintenance and is included as a condition of approval for the project.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<b>Site Information</b>	
Comprehensive Plan Designation	Urban, SRR-0.2, Semi-Rural Residential (One dwelling unit per five acres), Montecito Community Plan Area
Ordinance, Zone District	Inland Montecito Land Use Development Code, 5-E-1, residential (5 acre minimum parcel size)
Site Size	11.51 acres (gross)
Present Use & Development	Residential/Single-Family Residence (located on proposed Parcel 2)
Surrounding Uses/Zoning	North: Residential, 2-E-1 South: Residential, City of Santa Barbara East: Residential, 2-E-1 West: Residential, 2-E-1
Access	Private Driveway via Eucalyptus Hill Road

<b>Site Information</b>	
Public Services	Water Supply: Montecito Water District (Proposed Parcel 1) Santa Barbara City Water (Proposed Parcel 2) Sewage: Montecito Sanitary District (lift station required for Proposed Parcel 1) Fire: Montecito Fire Department

## 5.2 Description

The request is for a Tentative Parcel Map (TPM 14,674) to divide one legal lot of 11.51 gross acres into two lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2.) Proposed Parcel 1 is currently undeveloped and no new development is proposed as part of the lot split request. Development envelopes have been designated on both proposed parcels to confine site preparation activities (grading for utilities, access, future structures, etc.). Existing and future structural development would also be restricted to the area within the building envelopes depicted on the map. Proposed Parcel 1 would have two development envelopes and Proposed Parcel 2 would have one envelope. The southerly building envelope on Proposed Parcel 1 would be limited to unplumbed structures.

The proposed lot line would run north-south. The majority of the project site would be located within the jurisdiction of Santa Barbara County. However, the southern portions of both proposed parcels would be located within the City of Santa Barbara's jurisdiction.

The property is currently developed with an existing 2,352 square foot, one-story single-family residence (located on Proposed Parcel 2) with an attached 789 square foot garage and a 216 square foot shed. An existing gardener's shed located on Proposed Parcel 1 would be removed as part of the project.

Access to both of the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. The existing residence (to be located on Proposed Parcel 2) is currently served by the Montecito Sanitary District, the City of Santa Barbara Water District, and the Montecito Fire District. All future development on Proposed Parcel 1 would be served by the Montecito Sanitary District, the Montecito Water District and the Montecito Fire Department. Proposed Parcel 1 has an existing Montecito Water District meter and an existing connection to the Montecito Sanitary District sewer main is stubbed out for future service. A private lift station for the sewer system would be required in order to serve future development on Proposed Parcel 1.

## 5.3 Background Information

The subject lot was created as parcel one of parcel map 14,226 as approved by the County Planning Commission on October 7, 1992. The existing residence was approved under Case No. 94-LUS-320 on August 23, 1994 and constructed shortly thereafter.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

The project can be found exempt from environmental review pursuant to Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. Section 15315 (Minor Land Divisions) specifically exempts minor land divisions located in urbanized areas resulting in four or fewer parcels when the division is in conformance with the local General Plan and zoning requirements, the project site has adequate access and can be served by the appropriate service districts, the parcel was not involved in a division of a larger parcel within the previous two years and the parcel does not have an average slope of greater than 20%.

### 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><b>Land Use Element LUD Policy 4:</b> <i>Prior to the issuance of a use permit, the County shall make the finding that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the development.</i></p> <p><b>Land Use Element LUD Policy 5:</b> <i>Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such services are available.</i></p>	<p><b>Consistent:</b> Access to the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. This driveway would need to meet Montecito Fire District requirements prior to approval of a Land Use Permit for future development of a residence on Proposed Parcel 1. The existing residence (located on Proposed Parcel 2) is currently served by the City of Santa Barbara Water District, the Montecito Fire District and the Montecito Sanitary District. Future development on Proposed Parcel 1 would be served by the Montecito Fire Department, Montecito Water District and the Montecito Sanitary District. A new private lift station would be required to provide sewer service to Proposed Parcel 1. The Montecito Sanitary District would require the owner to enter into an agreement to maintain the pump station and force line in perpetuity. The adjacent road network is adequate to serve the existing residential use and the potential traffic generated by the construction of a future residence on Proposed Parcel 1.</p>
<p><b>Land Use Element Hillside and Watershed Protection Policy 1:</b> <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p><b>Land Use Element Hillside and Watershed</b></p>	<p><b>Consistent:</b> Building envelopes have been designated on both proposed parcels in order to limit ground disturbance associated with future development and to avoid future grading and development from occurring on slopes greater than 20%. No grading is proposed as part of the project and due to the designation of building envelopes, on-site features (including numerous</p>

<p><b>Protection Policy 2:</b> <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms...shall be preserved to the maximum extent feasible. Areas of the site not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p><b>Policy GEO-M-1.2:</b> <i>Grading from future ministerial and discretionary projects in Montecito shall be minimized to the extent feasible in order to prevent unsightly scars in the natural topography due to grading, and to minimize the potential for earth slippage, erosion, and other safety risks.</i></p>	<p>oak trees) and landforms would be preserved in the event of future development.</p>
<p><b>Land Use Element Hillside and Watershed Protection Policy 3:</b> <i>For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.</i></p> <p><b>Land Use Element Hillside and Watershed Protection Policy 4:</b> <i>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 through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.</i></p> <p><b>Land Use Element Hillside and Watershed Protection Policy 5:</b> <i>Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of</i></p>	<p><b>Consistent:</b> Conditions of approval nos. 6 and 7 would require all future site preparation be subject to best management practices including erosion and sediment control measures to prevent erosion and siltation from migrating off-site.</p>

<p><i>native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</i></p>	
<p><b>Land Use Element Hillside and Watershed Protection Policy 7:</b> <i>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.</i></p>	<p><b>Consistent:</b> For all future development, condition of approval no. 5 would require a designated washout area where polluted water and materials could be contained for subsequent removal from the site.</p>
<p><b>Visual Resources Policy 3:</b> <i>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.</i></p> <p><b>Policy VIS-M-1.3:</b> <i>Development of property should minimize impacts to open space views as seen from public roads and viewpoints.</i></p> <p><b>Policy LU-M-2.2:</b> <i>Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.</i></p>	<p><b>Consistent:</b> Although the project site is surrounded by numerous homes, the majority of the site is only visible from area roadways at higher elevations than Eucalyptus Hill Road. Additional partial views may be available from distant roadways. The surrounding neighborhood comprises residential properties and structures which vary in size. Large-lot residential estates ranging from 1 to 5 acres in size are located to the north and east of the project site and residential lots of one-half to one acre in size are located to the south and west. Houses in the surrounding neighborhood are a mix of one and two stories and vary in size from approximately 2,000 square feet to approximately 8,500 square feet. As the development envelopes are located within the Montecito Planning Area, Montecito Board of Architectural Review (MBAR) would be required for any future development. According to the Montecito Architectural Guidelines Recommended Maximum Floor Area, Proposed Parcel 1 (5.01 acres) could support a 10,050 square foot residence and Proposed Parcel 2 (6.51 acres) could support an 11,032 square foot residence. Residences of such size would be the largest in the neighborhood. However, due to the site's topography, future development would be subject to the Hillside/Ridgeline Ordinance and therefore must comply with the Hillside/Ridgeline Development Guidelines height limit of 25 feet for urban areas. This limitation, in concert with MBAR review would ensure that future development would be compatible with the surrounding neighborhood. Condition of approval no. 2 requires that Montecito Board of Architectural Review approval be obtained prior to issuance of a land use permit</p>

	<p>for future development. Night lighting associated with future development would also be reviewed by the MBAR, ensuring that it would be shielded and directed downward so as to prevent spillover to adjacent parcels (Condition no. 3.)</p>
<p><b>Visual Resources Policy 5:</b> <i>Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</i></p>	<p><b>Consistent.</b> To ensure that future development on proposed Parcels 1 and 2 is consistent with this policy requirement, the project has been conditioned to require undergrounding of all new utilities (Condition no. 18.)</p>
<p><b>Montecito Community Plan Policy BIO-M-1.17:</b> <i>Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture, shall be carried out in such a manner as to avoid damage to native oak trees.</i></p>	<p><b>Consistent:</b> The proposed project would protect on-site oak trees by designating building envelopes so as to contain future development in areas away from existing oak trees. No oaks would be removed or damaged as a result of the project.</p>
<p><b>Montecito Community Plan Policy CR-M-2.1:</b> <i>Significant cultural, archeological, and historic resources in the Montecito Area shall be protected to the maximum extent feasible.</i></p>	<p><b>Consistent:</b> In the event that archaeological resources and/or remains are encountered during grading activities, condition of approval no. 9 requires that activities shall be temporarily suspended in the area of the find and the applicant shall retain a P&amp;D-approved archaeologist and Native American observer to carry out appropriate archaeological investigation.</p>
<p><b>Montecito Community Plan Policy N-M-1.1:</b> <i>Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.</i></p>	<p><b>Consistent:</b> The proposed project would have the potential to create short-term construction related noise impacts on sensitive receptors nearby. Therefore, the project has been conditioned to limit the hours of operation between 7:00 a.m. and 4:30 p.m. (Condition no. 4).</p>
<p><b>Montecito Community Plan Policy AQ-M-1.3:</b> <i>Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be consistent with the Air Quality Attainment Plan and Air Pollution Control District guidelines.</i></p>	<p><b>Consistent:</b> The project has the potential to generate emissions associated with construction. Condition no. 8 assures consistency with this policy.</p>

### **6.3 Ordinance Compliance**

The proposed project does not include any development or activities subject to the provisions of the Inland Montecito Land Use Development Code. Existing development on-site is currently consistent with all requirements of the Inland Montecito Land Use Development Code with the exception of an existing shed which would be located on Proposed Parcel 1. The use of the shed is considered an accessory use. Because a primary use has not yet been established on the proposed parcel and would not be established as part of the project, it has been conditioned to require removal of the shed prior to recordation of the parcel map.

### **6.4 Subdivision/Development Review Committee**

The project was reviewed by the Subdivision/Development Review Committee on October 13, 2005. Departmental condition letters are included with Attachment C.

### **6.5 Montecito Board of Architectural Review**

The project does not include any development and therefore is not required to be reviewed by the Montecito Board of Architectural Review (MBAR). Any future development on the resulting parcels would be reviewed by the MBAR.

## **7.0 APPEALS PROCEDURE**

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$443.

## **ATTACHMENTS**

- A. Findings
- B. Exemption
- C. Conditions of Approval with Attached Departmental Letters
- D. Site Plan

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

Find that the project is exempt from CEQA based upon Section 15315 of the State CEQA Guidelines. Section 15315 (Minor Land Divisions) specifically exempts minor land divisions located in urbanized areas resulting in four or fewer parcels when the division is in conformance with the local General Plan and zoning requirements, the project site has adequate access and can be served by the appropriate service districts, the parcel was not involved in a division of a larger parcel within the previous two years and the parcel does not have an average slope of greater than 20%.

### 2.0 ADMINISTRATIVE FINDINGS

#### TENTATIVE PARCEL MAP FINDINGS:

**2.1 Pursuant to the Subdivision Map Act and Chapter 21 of the County Code, a Tentative Parcel Map is required for all proposed subdivisions of four or fewer lots in any zone district. Pursuant to the Subdivision Map Act, the Montecito Planning Commission shall deny TPM 14,674 if any of the following Subdivision Map Act Findings (Government Code Sections 66474 and 66474.6) cannot be made:**

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

As the resultant parcels of the lot split would be 6.50 and 5.01 acres in size, there would be ample southern exposure as well as ample area for planting to allow for passive heating or cooling systems to be provided on site for existing and future residential development. Solar array panels may be feasible subject to obtaining the necessary permits.

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

The proposed project is consistent with the Comprehensive Plan and the Montecito Community Plan as discussed in Section 6.2 of this staff report and incorporated herein by reference. The proposed project is not located within a specific plan area.

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

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

As discussed under Section 6.2 of this staff report and incorporated herein by reference, the proposed tentative parcel map is consistent with all applicable County Comprehensive Plan and Montecito Community Plan policies including those related to services, water resources, community compatibility, noise, biologic resources and geologic resources. The proposed project is not located within a specific plan area.

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

The design and improvements set forth in TPM 14,674, as conditioned, are consistent with the County's Comprehensive Plan and Montecito Community Plan as discussed in section 6.2 and 6.3 of this staff report, incorporated herein by reference.

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

As the resultant parcels of the lot split would be 6.50 and 5.01 acres in size, the site would be adequate in size, shape, location and physical characteristics to accommodate the existing residence on Proposed Parcel 2 and a reasonably foreseeable future residence to be constructed on Proposed Parcel 1.

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

The 5-E-1 zone district allows for a density of one residential unit per five acres. The proposed lot split would be consistent with the minimum size requirement of the zone district. Each resultant parcel would have a designated building envelope of ample size to construct a single-family residence and residential accessory structures. Thus, the current zoning and site characteristics are adequate to accommodate the density of existing and potential future development.

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

The proposed project is exempt from CEQA review pursuant to Section 15315. The design of the parcel map and its proposed improvements would neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

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

The existing residence is currently served and would continue to be served by the Montecito Sanitary District and the Santa Barbara City Water District. Any future development on Proposed Parcel 1 would be served by the same providers with the exception that water service would be provided by the Montecito Water District. There would be no storage of hazardous materials and the proposed project, as conditioned, would not cause any known public health problems.

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

There are no public access easements on the subject property.

***2.1.4 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.***

Current and future development of the project site would be served by the Montecito Sanitary District. Since District operation is consistent with the requirements of the Regional Water Quality Control Board and the unit on Proposed Parcel 2 is currently connected to the sewer system, discharge of waste into the existing public sewer system would not result in a violation of existing requirements prescribed by the California Regional Water Quality Control Board.

**ATTACHMENT B: NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Errin Briggs, Planning & Development, Development Review Division, South

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**Case Name/Title:** Hammett Lot Split **APN:** 013-240-001 & -003

**Case No.:** 05TPM-00000-00011

**Location:** Urban area, 2067 Eucalyptus Hill Road, Montecito Planning Area

**Name of Public Agency Approving Project:** Santa Barbara County

**Name of Person or Agency Carrying Out Project:** Jim Staples, agent for the owner

**Status:** (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Project Description:** The request is for a Tentative Parcel Map (TPM 14,674) to divide one legal lot of 11.51 gross acres into two lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2.) Proposed Parcel 1 is currently undeveloped and no new development is proposed as part of the lot split request. Development envelopes have been designated on both proposed parcels to confine site preparation activities (grading for utilities, access, future structures, etc.). Existing and future structural development would also be restricted to the area within the building envelopes depicted on the map. Proposed Parcel 1 would have two development envelopes and Proposed Parcel 2 would have one envelope. The southerly building envelope on Proposed Parcel 1 would be limited to unplumbed structures.

The proposed lot line would run north-south. The majority of the project site would be located within the jurisdiction of Santa Barbara County. However, the southern portion of the existing lot and portions of both proposed parcels would be located within the City of Santa Barbara's jurisdiction.

The property is currently developed with an existing 2,352 square foot single-family residence (located on Proposed Parcel 2) with an attached 789 square foot garage and a 216 square foot shed. An existing gardener's shed located on Proposed Parcel 1 would be removed as part of the project.

Access to the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. The existing residence (to be located on Proposed Parcel 2) is currently served by the City of Santa Barbara Water District, the Montecito Fire District and the Montecito Sanitary District. All future development on Proposed Parcel 1 would be served by the Montecito Sanitary District, the Montecito Water District and the Montecito Fire Department. Proposed Parcel 1 has an existing Montecito

Water District meter and an existing connection to the Montecito Sanitary District sewer main is stubbed out for future service. A private lift station for the sewer system would be required in order to serve future development on Proposed Parcel 1.

**Cite specific CEQA Guideline Section:** Section 15315 (Minor Land Divisions)

**Reasons to support exemption finding:** Section 15315 (Minor Land Divisions) of the Guidelines for the implementation of CEQA exempts Section 15315 (Minor Land Divisions) specifically exempts minor land divisions located in urbanized areas resulting in four or fewer parcels when the division is in conformance with the local General Plan and zoning requirements, the project site has adequate access and can be served by the appropriate service districts, the parcel was not involved in a division of a larger parcel within the previous two years and the parcel does not have an average slope of greater than 20%. The subject property is within an urbanized area, is in conformance with the County General Plan and zoning requirements, has adequate access and can be served by the appropriate service districts, was not involved in a division of a larger parcel within the last two years and has an average slope less than 20%.

No significant environmental impacts would be associated with the division of the existing property. Considering foreseeable construction of a residence on Proposed Parcel 1 within the designated building envelopes, there would be no obstruction of any scenic views open to the public and construction of said residence would not change the visual character of the area. The proposed project would not result in the loss of any existing native vegetation or the removal of any oak trees, would not require any substantial grading or land alteration, and would not impact any biological or known archaeological resources.

Lead Agency Contact Person: Errin Briggs

Phone Number: 805-568-2047

Department/Division Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Acceptance Date: \_\_\_\_\_

*Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.*

Date Filed by County Clerk: \_\_\_\_\_

**ATTACHMENT C: CONDITIONS OF APPROVAL**

**Case No.:** 05TPM-00000-00011

**Project Name:** Hammett Lot Split

**Project Address:** 2067 Eucalyptus Hill Road, Montecito Area

**APN:** 013-240-001 & -003

**This permit is subject to compliance with the following conditions:**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Montecito Planning Commission hearing exhibits marked A-D, dated March 21, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning & Development Department for conformity with this approval. Deviations may require modification to the map and/or further environmental review. Deviations without the above described approval will constitute a violation of approval.

**The project description is as follows:**

The request is for a Tentative Parcel Map (TPM 14,674) to divide one legal lot of 11.51 gross acres into two lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2.) Proposed Parcel 1 is currently undeveloped and no new development is proposed as part of the lot split request. Development envelopes have been designated on both proposed parcels to confine site preparation activities (grading for utilities, access, future structures, etc.). Existing and future structural development would also be restricted to the area within the building envelopes depicted on the map. Proposed Parcel 1 would have two development envelopes and Proposed Parcel 2 would have one envelope. The southerly building envelope on Proposed Parcel 1 would be limited to unplumbed structures.

The proposed lot line would run north-south. The majority of the project site would be located within the jurisdiction of Santa Barbara County. However, the southern portion of the existing lot and portions of both proposed parcels would be located within the City of Santa Barbara's jurisdiction.

The property is currently developed with an existing 2,352 square foot single-family residence (located on Proposed Parcel 2) with an attached 789 square foot garage and a 216 square foot shed. An existing gardener's shed located on Proposed Parcel 1 would be removed as part of the project.

Access to the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. The existing residence (to be located on Proposed Parcel 2) is currently served by the City of Santa Barbara Water District, the Montecito Fire District and the Montecito Sanitary District. All future development on Proposed Parcel 1 would be served by the Montecito Sanitary District, the Montecito

**Water District and the Montecito Fire Department. Proposed Parcel 1 has an existing Montecito Water District meter and an existing connection to the Montecito Sanitary District sewer main is stubbed out for future service. A private lift station for the sewer system would be required in order to serve future development on Proposed Parcel 1.**

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

### **PROJECT SPECIFIC CONDITIONS**

- 2. Montecito Board of Architectural Review:** The design, scale and character of future residences and accessory residential structures shall be compatible with vicinity development. Natural building materials and colors compatible with surrounding terrain (earthtones and non reflective paints) shall be used on exterior surfaces of all structures. **Plan Requirement and Timing:** Materials shall be denoted on building plans. The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to approval of Land Use Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Montecito Board of Architectural Review plan filing.
- 3. Night Lighting:** Any exterior night lighting installed as part of future residences or accessory residential structures shall be of low intensity, low glare design, and shall be fully hooded to direct light downward. **Plan Requirements/Timing:** Future plans submitted to the Building & Safety Division shall include the locations of all exterior lighting fixtures, catalogue cut sheets of the fixtures showing the method for shielding the light source and reducing glare, information on the illumination levels, and provisions for automatic shut-off after 10 pm. **Monitoring:** P&D shall ensure that the final architectural building plans, the final landscape plans, and the final lighting plans are included in the plan set accompanying the building and electrical permits.
- 4. Construction Hours:** All future site development and/or noise generating construction and construction equipment maintenance shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday–Friday only and shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-noise generating construction activities, such as interior painting, are not subject to these restrictions.
- 5. Wash-Out Area:** During future construction, the washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to

the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs.

**Plan Requirements/Timing:** A washout area, acceptable to P&D, shall be shown on all grading and building plans prior to issuance of a Building Permit. This condition shall be printed on all grading and building plans. **Monitoring:** The washout area(s) shall be in place and maintained throughout construction. P&D staff shall site inspect throughout the construction period to ensure proper use, location, and maintenance of the washout area(s).

6. **Erosion Control:** Prior to issuance of the Land Use Permit, a grading and erosion control plan shall be prepared to minimize erosion from any grading and construction activities during all phases of development on the site. The plan shall include the best available erosion and sediment control measures to prevent erosion and siltation into drainage courses and environmentally sensitive habitat areas. Mechanisms such as temporary berms, silt fencing, straw bales, sediment basins, and spot grading shall be used in combination with one another during all grading and site construction activities.

Graded areas not to be covered with structures or landscaping shall be re-vegetated within four weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established. If the site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation: seeding and watering to re-vegetate graded areas and/or spreading of soil binders. Mulch and weed control should also be used to protect soils and minimize weed establishment. Erosion and 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. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.

**Plan Requirements:** This condition shall be printed on all grading plans. **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 to ensure compliance with the approved plan.

7. 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 and sediment 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 4 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 4 weeks of grading completion.

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

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

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

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

9. **Archeological Resources:** In the event that archaeological resources and/or remains are encountered during grading activities, activities shall be temporarily suspended in the area of the find and the applicant shall retain a P&D-approved archaeologist and Native American observer to carry out a Phase 1 archaeological investigation pursuant to County Archaeological Guidelines to evaluate the significance of the find. If resources are found to be significant, the applicant shall fund a Phase 2 or Phase 3 data recovery program pursuant to the County's Archaeological Guidelines. P&D shall prepare the scope of work for all investigations. **Plan Requirements:** This condition shall be printed on all building and grading plans. **Monitoring:** P&D shall check plans prior to approval of Land Use Permit and shall spot check in the field.
10. Prior to recordation, the applicant shall provide P&D staff with evidence of approval of this subdivision from the City of Santa Barbara or documentation of their need to not review the project.
11. Prior to recordation, the applicant shall provide evidence that the existing shed located in the northwest corner of the property has been removed.
12. Prior to recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D, to reserve two easements for ingress and egress purposes:
  - a. Over Parcel #2 in favor of Parcel #1 at the time of conveyance of either parcel.
  - b. Over Parcel #1 in favor of Parcel #2 at the time of conveyance of either parcel.

**Timing:** This agreement is to be recorded with the Final Map.

### **TENTATIVE PARCEL MAP CONDITIONS**

13. Prior to recordation of the tentative 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 Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
14. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
15. Three copies of the map to finalize the Tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue Final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
16. If, prior to the Board action on the map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
17. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
18. All new utilities required for future development shall be installed underground.

19. The Tentative Parcel Map (TPM 14,674) shall expire three years after approval or conditional approval by the final review authority unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

## COUNTY RULES AND REGULATIONS

20. Compliance with Departmental letters required as follows:

- a. Air Pollution Control District dated July 12, 2005
- b. Environmental Health Services dated February 27, 2007
- c. Parks Department dated February 1, 2007
- d. County Surveyor dated July 8, 2005
- e. Public Works Department dated January 24, 2007

21. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the *Tentative Parcel Map*. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

22. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

March 30, 2007

Jim Staples  
23083 SR 525  
Greenbank, WA 98253

MONTECITO PLANNING COMMISSION  
HEARING OF MARCH 29, 2007

***RE: Hammett Lot Split, 05TPM-00000-00011***

Hearing on the request of Jim Staples, agent for the owner Benjamin Hammett, to consider Case No. 05TPM-00000-00011, [application filed on June 25, 2005] for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to divide 11.51 acres into 2 lots of 6.50 and 5.01 acres, on property zoned 5-E-1; and to accept the Exemption pursuant to Section 15315 (Minor Land Divisions) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 013-240-001 & -003, located at 2067 Eucalyptus Hill Road, in the Montecito area, First Supervisorial District.

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Dear Mr. Staples:

At the Montecito Planning Commission hearing of March 29, 2007, Commissioner Burrows moved, seconded by Commissioner Overall and carried by a vote of 5 to 0:

1. Adopt the required findings for the project specified in Attachment A of the staff report dated March 9, 2007, including the California Environmental Quality Act (CEQA) findings;
2. Accept the exemption, included as Attachment B of the staff report dated March 9, 2007, pursuant to Section 15315 (Minor Land Divisions) of the State Guidelines for the implementation of CEQA; and
3. Approve the project, Case No. 05TPM-00000-00011 subject to the conditions included as Attachment C of the staff report dated March 9, 2007.

***The attached findings and conditions reflect the Montecito Planning Commission's actions of March 29, 2007.***

Decisions of the Montecito Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of

Supervisors within ten (10) calendar days of the date of the Montecito Planning Commission's decision. **The appeal period for this project ends on Monday, April 9, 2007 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA.

If this action is appealed, this letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period and to collect the required appeal fee.

Sincerely,

Dianne Meester Black  
Secretary to the Montecito Planning Commission

cc: Case File: 05TPM-00000-00011  
Montecito Planning Commission File  
Records Management  
Address File: 2067 Eucalyptus Hill Road, Santa Barbara, CA 93108  
Montecito Association, P.O. Box 5278, Montecito, CA 93150  
Owner: Benjamin Hammett, 301 Lowell Avenue, Palo Alto, CA 94301  
Surveyor: Jon McKellar, 910 E. Stowell Road, Suite 307, Santa Maria, CA 93454  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
Supervisor Carbajal, First District  
Commissioner Bierig  
Commissioner Burrows  
Commissioner Phillips  
Commissioner Overall  
Commissioner Gottsdanker  
Deputy County Counsel: David Allen  
Planner: Errin Briggs

**Attachments:      A – Findings**  
**C – Conditions of Approval**

DMB/dmv

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

Find that the project is exempt from CEQA based upon Section 15315 of the State CEQA Guidelines. Section 15315 (Minor Land Divisions) specifically exempts minor land divisions located in urbanized areas resulting in four or fewer parcels when the division is in conformance with the local General Plan and zoning requirements, the project site has adequate access and can be served by the appropriate service districts, the parcel was not involved in a division of a larger parcel within the previous two years and the parcel does not have an average slope of greater than 20%.

### 2.0 ADMINISTRATIVE FINDINGS

#### TENTATIVE PARCEL MAP FINDINGS:

**2.1 Pursuant to the Subdivision Map Act and Chapter 21 of the County Code, a Tentative Parcel Map is required for all proposed subdivisions of four or fewer lots in any zone district. Pursuant to the Subdivision Map Act, the Montecito Planning Commission shall deny TPM 14,674 if any of the following Subdivision Map Act Findings (Government Code Sections 66474 and 66474.6) cannot be made:**

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

As the resultant parcels of the lot split would be 6.50 and 5.01 acres in size, there would be ample southern exposure as well as ample area for planting to allow for passive heating or cooling systems to be provided on site for existing and future residential development. Solar array panels may be feasible subject to obtaining the necessary permits.

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

The proposed project is consistent with the Comprehensive Plan and the Montecito Community Plan as discussed in Section 6.2 of this staff report and incorporated herein by reference. The proposed project is not located within a specific plan area.

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

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

As discussed under Section 6.2 of this staff report and incorporated herein by reference, the proposed tentative parcel map is consistent with all applicable County Comprehensive Plan and Montecito Community Plan policies including those related to services, water resources, community compatibility, noise, biologic resources and geologic resources. The proposed project is not located within a specific plan area.

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

The design and improvements set forth in TPM 14,674, as conditioned, are consistent with the County's Comprehensive Plan and Montecito Community Plan as discussed in section 6.2 and 6.3 of this staff report, incorporated herein by reference.

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

As the resultant parcels of the lot split would be 6.50 and 5.01 acres in size, the site would be adequate in size, shape, location and physical characteristics to accommodate the existing residence on Proposed Parcel 2 and a reasonably foreseeable future residence to be constructed on Proposed Parcel 1.

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

The 5-E-1 zone district allows for a density of one residential unit per five acres. The proposed lot split would be consistent with the minimum size requirement of the zone district. Each resultant parcel would have a designated building envelope of ample size to construct a single-family residence and residential accessory structures. Thus, the current zoning and site characteristics are adequate to accommodate the density of existing and potential future development.

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

The proposed project is exempt from CEQA review pursuant to Section 15315. The design of the parcel map and its proposed improvements would neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

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

The existing residence is currently served and would continue to be served by the Montecito Sanitary District and the Santa Barbara City Water District. Any future development on Proposed Parcel 1 would be served by the same providers with the exception that water service would be provided by the Montecito Water District. There would be no storage of hazardous materials and the proposed project, as conditioned, would not cause any known public health problems.

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

There are no public access easements on the subject property.

**2.1.4 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.***

Current and future development of the project site would be served by the Montecito Sanitary District. Since District operation is consistent with the requirements of the Regional Water Quality Control Board and the unit on Proposed Parcel 2 is currently connected to the sewer system, discharge of waste into the existing public sewer system would not result in a violation of existing requirements prescribed by the California Regional Water Quality Control Board.

## ATTACHMENT C: CONDITIONS OF APPROVAL

Case No.: 05TPM-00000-00011

Project Name: Hammett Lot Split

Project Address: 2067 Eucalyptus Hill Road, Montecito Area

APN: 013-240-001 & -003

**This permit is subject to compliance with the following conditions:**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the Montecito Planning Commission hearing exhibits marked A-D, dated March 29, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning & Development Department for conformity with this approval. Deviations may require modification to the map and/or further environmental review. Deviations without the above described approval will constitute a violation of approval.

**The project description is as follows:**

The request is for a Tentative Parcel Map (TPM 14,674) to divide one legal lot of 11.51 gross acres into two lots of 5.01 acres (Proposed Parcel 1) and 6.50 acres (Proposed Parcel 2.) Proposed Parcel 1 is currently undeveloped and no new development is proposed as part of the lot split request. Development envelopes have been designated on both proposed parcels to confine site preparation activities (grading for utilities, access, future structures, etc.). Existing and future structural development would also be restricted to the area within the building envelopes depicted on the map. Proposed Parcel 1 would have two development envelopes and Proposed Parcel 2 would have one envelope. The southerly building envelope on Proposed Parcel 1 would be limited to unplumbed structures.

The proposed lot line would run north-south. The majority of the project site would be located within the jurisdiction of Santa Barbara County. However, the southern portion of the existing lot and portions of both proposed parcels would be located within the City of Santa Barbara's jurisdiction.

The property is currently developed with an existing 2,352 square foot single-family residence (located on Proposed Parcel 2) with an attached 789 square foot garage and a 216 square foot shed. An existing gardener's shed located on Proposed Parcel 1 would be removed as part of the project.

Access to the proposed parcels would be taken via an existing, improved 15 foot-wide private driveway from Eucalyptus Hill Road. The existing residence (to be located on Proposed Parcel 2) is currently served by the City of Santa Barbara Water District, the Montecito Fire District and the Montecito Sanitary District. All future development on Proposed Parcel 1 would be served by the Montecito Sanitary District, the Montecito Water District and the Montecito Fire Department. Proposed Parcel 1 has an existing Montecito Water District meter and an existing connection to the Montecito Sanitary District sewer main is stubbed out for future service. A private lift station for the sewer system would be required in order to serve future development on Proposed Parcel 1.

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

## PROJECT SPECIFIC CONDITIONS

2. **Montecito Board of Architectural Review:** The design, scale and character of future residences and accessory residential structures shall be compatible with vicinity development. Natural building materials and colors compatible with surrounding terrain (earthtones and non reflective paints) shall be used on exterior surfaces of all structures. **Plan Requirement and Timing:** Materials shall be denoted on building plans. The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to approval of Land Use Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Montecito Board of Architectural Review plan filing.
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4. **Construction Hours:** All future site development and/or noise generating construction and construction equipment maintenance shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday–Friday only and shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-noise generating construction activities, such as interior painting, are not subject to these restrictions.
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**Plan Requirements/Timing:** A washout area, acceptable to P&D, shall be shown on all grading and building plans prior to issuance of a Building Permit. This condition shall be printed on all grading and building plans. **Monitoring:** The washout area(s) shall be in place and maintained throughout construction. P&D staff shall site inspect throughout the construction period to ensure proper use, location, and maintenance of the washout area(s).
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basins, and spot grading shall be used in combination with one another during all grading and site construction activities.

Graded areas not to be covered with structures or landscaping shall be re-vegetated within four weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established. If the site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation: seeding and watering to re-vegetate graded areas and/or spreading of soil binders. Mulch and weed control should also be used to protect soils and minimize weed establishment. Erosion and 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. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.

**Plan Requirements:** This condition shall be printed on all grading plans. **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 to ensure compliance with the approved plan.

7. 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 and sediment 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 4 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 4 weeks of grading completion.

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

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  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

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

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10. Prior to recordation, the applicant shall provide P&D staff with evidence of approval of this subdivision from the City of Santa Barbara or documentation of their need to not review the project.
11. Prior to recordation, the applicant shall provide evidence that the existing shed located in the northwest corner of the property has been removed.
12. Prior to recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D, to reserve two easements for ingress and egress purposes:
  - a. Over Parcel #2 in favor of Parcel #1 at the time of conveyance of either parcel.
  - b. Over Parcel #1 in favor of Parcel #2 at the time of conveyance of either parcel.

**Timing:** This agreement is to be recorded with the Final Map.

#### **TENTATIVE PARCEL MAP CONDITIONS**

13. Prior to recordation of the tentative 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 Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
14. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
15. Three copies of the map to finalize the Tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue Final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
16. If, prior to the Board action on the map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building &

Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.

17. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
18. All new utilities required for future development shall be installed underground.
19. The Tentative Parcel Map (TPM 14,674) shall expire three years after approval or conditional approval by the final review authority unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

## COUNTY RULES AND REGULATIONS

20. Compliance with Departmental letters required as follows:

- a. Air Pollution Control District dated July 12, 2005
- b. Environmental Health Services dated February 27, 2007
- c. Parks Department dated February 1, 2007
- d. County Surveyor dated July 8, 2005
- e. Public Works Department dated January 24, 2007

21. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the *Tentative Parcel Map*. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

22. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.