

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA  
CLERK OF THE BOARD OF SUPERVISORS

\* \* \* \* \*

MINUTE ORDER

May 9, 1983, at 2:00 p.m.

Present: Supervisors David M. Yager,  
William B. Wallace, DeWayne Holmdahl and  
Toru Miyoshi; and Howard C. Menzel, Clerk (Coffey)

Absent: Chairman Robert E. Kallman

Vice-Chairman Holmdahl in the Chair

RE: Hearing - Request of SPE Corporation and Frank and Helen Rodriguez, Jr. to consider Tentative Map 13,345, Southpoint Estates, a division of 55.72 acres into 92 lots zoned 10-R-1-PR and 10-R-1-0-PR; AP No. 105-020-25, -48, -49, -50, -51, -52, -53, and 105-180-39, located west of the Orcutt Expressway, Orcutt area, Fifth District. (7358)

Planning Commission Secretary, Albert McCurdy, made three corrections to the action letter of the Planning Commission dated April 13, 1983, as follows:

- Item C.2. Public Works letter dated March 28, 1983.
- Item C.7. Park Department letter dated April 4, 1983.
- Item C.10. The word "or" be inserted between the words "lot 79" and "the SFD . . ."

Dennis Bethel, engineer representing the applicants, answered questions from Supervisor Wallace regarding staff comments on their report dated March 24, 1983.

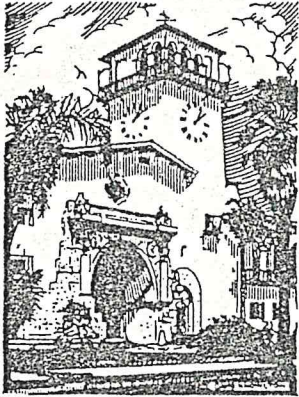
Upon motion of Supervisor Miyoshi, seconded by Supervisor Yager and carried with Supervisor Kallman absent, it is ordered that Tentative Map of Tract No. 13,345 be approved, subject to conditions and findings made by the Planning Commission on April 13, 1983.

xc: RMD, C. King

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COUNTY OF SANTA BARBARA  
CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF. 93101  
PHONE: (805) 963-7135

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*Changes below*

Meeting of April 13, 1983

PLANNING COMMISSION

TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

In the matter of:

TM 13,345 Southpoint Estates Orcutt  
82-EIR-18

Hearing to consider a division of 55.72 acres into 92 lots zoned 10-R-1-PR and 10-R-1-0-PR; APN 105-020-25, -50, -51, -48, -49, -52, -53, and 105-180-39, located west of the Orcutt Expressway, Orcutt Area, Fifth Supervisorial District.

Planning Commission Recommendation:

Commissioner Johnson moved that the Commission recommend the following to the Board of Supervisors:

- A. That the Board find that significant impacts identified in 82-EIR-18 have been reduced to an acceptable level and that a Statement of Overriding Consideration is not required;
- B. That the Board find that the project is not a variance or inconsistent with the provisions of Sections 66473.1, 66473.5 and 66474 of the Government Code.
- C. That the Board of Supervisors approve TM 13,345 subject to the following conditions:
  1. Resource Management Department Conditions 1-8.
  2. Public Works letter dated March 28, 1982. **1983**
  3. Fire Department letter dated February 10, 1982.
  4. Flood Control letter dated May 26, 1982.
  5. Transportation Division letter dated October 13, 1982 and March 31, 1983.

6. Environmental Health Services letter dated March 24, 1983.
7. Parks Department letter dated ~~March 4, 1982~~ *April 1, 1983*.
8. Lots 87, 88, 89, 92, and 93 shall be labeled "Open Space Not a Building Site" on the Final Map.
9. Prior to recordation the applicant shall submit an acoustical analysis to recommend ways to bring the project into conformance with the Noise Element and the measures shall be incorporated into the Final Map, or a surety bond shall be posted prior to recordation to accomplish the same and any measures shall be implemented at the time of construction or before.
10. Prior to recordation a variance shall be granted for the reduced rear-yard setback for the existing SFD on lot 79. *02* The SFD shall be brought into conformance with zoning regulations by relocating the structure or adjusting the lot lines.
- ✓ 11. Lots 32 and 33 shall be removed as building sites and included in the Open Space on the Final Map.
12. Prior to recordation the concrete slab on lot 72 shall be removed.
13. Prior to recordation the applicant shall enter into an agreement with the County to provide 25 percent (22) of the units at prices in the middle income price range or below. At least 25 percent of each phase shall consist of these middle income units. *DL*
14. Prior to recordation the applicant shall request that DRE include information on drought resistant landscaping in its Subdivision Report (White Paper) information available at RMD.
15. All proposed streets shall be named according to the County's recently adopted street naming ordinance.
- ✓ 16. Provide \$500.00 per lot pursuant to the Board of Supervisors' Resolution No. 3130 as required by the Laguna Sanitation District. Said sum to be paid at the rate of \$50.00 per lot before the final map is signed by the Clerk of the Board and the balance thereafter.
- ✓ 17. The applicant shall offer for dedication those streets planned to remain "private" at the time of tentative map approval.
18. File the final map, which is the "precise plan: under the provisions of the PR regulations, for review by the Planning Commission for a "substantial conformity determination" with the approved tentative map.

19. The tract perimeter shall be planted with drought tolerant plants to the satisfaction of the County's Landscape Planner. The applicant shall provide surety for the installation and maintenance of these areas for 5 years.
20. Provide all Open Space in a sufficient amount with each unit of development in order to maintain a balanced density and an average lot area equal to the required base zone lot size.
21. Title to the common Open Space shall be held by a nonprofit association of property owners or by any other individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County of Santa Barbara the rights to develop such property with anything except Open Space or noncommercial recreation.
22. The C.C.&R's shall require that the Home Owners Association shall assume responsibility for maintenance of the creek area and retention basin.

The motion was seconded by Commissioner Stillman and it carried by a vote of 4 (Wells, Hamister, Stillman, Johnson) to 1 (Philbrick).

PROCEDURE:

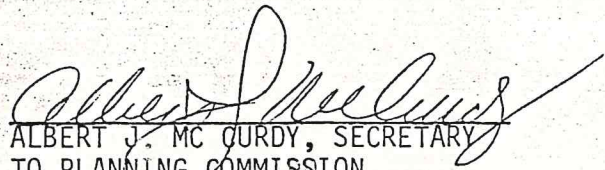
- Upon filing of this report the Board must consider it at its next regular meeting and set for hearing within 30 days, G.C., Sec. 66452.2.
- Board must take final action within 30 days of filing of this report (G.C. 66452.2) but before June 2, 1983 since project is on a 90-day extension, 65957.
- Mailed notice required to property owners within 300 feet of project, G.C., Sec. 66451.4(a).

RESPECTFULLY SUBMITTED:  
April 18, 1983

DIANNE GUZMAN, DIRECTOR  
RESOURCE MANAGEMENT DEPARTMENT

cc: Deputy County Counsel, R. Coit  
D.O.T.  
Fire Department  
Flood Department  
Environmental Health Dept.  
Public Works Dept.  
Park Department  
Environmental Review Div.  
Dianne Guzman  
Kit Faubion, North County  
Frank & Helen Rodriguez Jr., Owners  
SPE Corporation, Applicant  
✓ Dennis Bethel & Assoc., Engineer  
Case File TM 13,345  
Permanent File

By:

  
ALBERT J. MC CURDY, SECRETARY  
TO PLANNING COMMISSION  
CURRENT PLANNING DIVISION

ATTACHMENTS: Staff Report and 300 foot Property-Owner Mail Labels

SANTA BARBARA COUNTY PLANNING COMMISSION  
STAFF REPORT AND RECOMMENDATIONS

P/C Date: 4/13/83  
Date of Report: 3/24/83  
Sup. Dist.: Fifth  
Area: Orcutt  
Staff: Irigoin

*P/S Hearing (24)  
5/9 2:00pm*

TTM 13,345 SPE Corp. and Rodriguez

<u>OWNER</u>	<u>OWNER/APPLICANT</u>	<u>AGENT/ENGINEER</u>
Frank and Helen Rodriguez Jr. 4743 Orcutt Road Santa Maria, CA 93455	SPE Corp 647 Camino de Los Mares #200 San Clemente, CA 92672	Dennis Bethel & Assoc. 122 C West El Camino Santa Maria, CA 93454

APPLICANT REQUEST: Request of SPE Corp. and Mr. and Mrs. Rodriguez, Jr. to divide 55.72 acres into 93 lots including 86 residential; 5 open space and 2 lots for private streets.

LOCATION: Assessor Parcel numbers 105-180-39; 105-020-25,-55,-51,-48,-49,-52,-53, located along Hartnell Road, west of the Orcutt Expressway, Orcutt Area, Fifth Supervisorial District.

ZONING: 10-R-1-PR, 10-R-1-0-PR

COMPREHENSIVE PLAN: Urban Area, Residential 3.3 units/acre maximum

ENVIRONMENTAL REVIEW: 82-EIR-18, 3/7/83

DEADLINES: 50 day: 4/14/83  
1 year: waived to 6/2/83

GENERAL INFORMATION

1. Size of project site: 55.72 acres
2. Present use: Vacant
3. Access: Hartnell Road
4. Water supply: Southern California Water Company
5. Sewage disposal: Laguna County Sanitation District
6. Fire protection: Santa Barbara County Fire Department
7. Surrounding Zoning and Uses:

North: 10-R-1: Residential Tract	East: 10-R-1: Residential Tract
South: DR-25-K: Residential	West: 10-R-1: Residential
	DR-8-T: Trailer Park across street

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PROJECT DESCRIPTION:

1. The site received previous review as Tract 12,679. Units I and II were recorded and are mostly built. Unit III was not able to record before the Tentative Map expired. The current application is a resubmittal of Unit III.
2. A total of 93 lots are proposed: 86 residential; 5 open space; 2 lots for the private roads. The streets throughout the tract will be private with planted median dividers. The dividers will be broken approximately every 300 feet to allow turn around traffic. All of the street entrances to the Tract will be controlled by access gates.

continues

PROJECT DESCRIPTION continued:

3. Orcutt Creek runs from east to west through the southern portion of the property. The Creek bisects the open space lots which will contain picnic and Bar-B-Que areas as well as tennis courts. The west end of the open space will also serve as a recharge basin.
4. The residential lots will be developed on the higher land above the creekbed. The project is designed under the open space subdivision provisions of the PR zone. The lot sizes have been reduced but an area of compensating open space has been provided. The open space subdivision takes advantage of the better building area and avoids the floodplain.
5. The existing structures on lots 74 and 79 will remain. The dwelling on lot 79 does not meet the required 25' rear yard setback. Staff will address this problem later in the report. The cement slab located on lot 72 will be removed.

STAFF COMMENTS:

1. The steep slopes bordering the creek and the large creek area raises concerns on grading and flood hazard. As noted in the EIR, Hillside and Watershed Protection Policy # 1 requires that the grading be minimized and Flood Hazard Area Policy # 1 prohibits construction and grading in the floodway. The open space design is a good way of meeting these policies for the majority of the tract. Lots 32 and 33 at the southern end of Pacific Street pose a problem. Both lots will require extensive fill in the flood zone to create buildable sites. While the majority of the tract may be found consistent with these policies, lots 32 and 33 are not.

Lots 32 and 33 also fall within the area of unknown flood hazard on the ERME maps. ERME Category C states that development should be prohibited in these areas. For the above reasons staff feels that lots 32 and 33 should not be created as building sites and should be incorporated into the open space.

2. Housing Element: Policy 25 suggests that 25% of any residential project should be affordable to low, moderate or middle income households. The applicant is proposing a price range of \$95,000-\$106,000 for the homes, the same price range that Phase II is selling for. The current ceiling for units available to middle income households are \$107,550 and \$114,250 for 3 and 4 bedroom units respectively. The proposed prices appear to fall within the middle income price range. Staff will require that 25% (22 units) of the units be affordable to at least the middle income households. The 22 units should be scattered throughout the project with at least 25% of each unit providing some affordable units.

STAFF COMMENTS continued:

3. Noise Element: Lots 74-79 along the frontage road on the west side of Highway 135 fall within the 65 dB critical noise contour. The noise level for these lots exceeds the acceptable noise exposure for non-sensitive uses under the Noise Element. The residences built on these lots must have interior noise levels of 45 dB or below with the doors and windows closed. An acoustical analysis must be completed to determine what measures would be required to reduce the noise to acceptable levels. Options could include a noise wall along the frontage road or sealing the structural walls nearest the noise source.
4. The existing house on lot 79 does not meet the required 25' rearyard setback. A variance must be granted to allow the 18' rearyard setback, or the structure must be relocated, or the lot line adjusted to give the required 25' of rearyard.
5. The proposed lot layout will give excellent opportunities for the use of solar energy. The streets are oriented east-west which allow the optimum solar exposure on the longest axis of the house. In addition half of the lots back onto the open space so their southern solar exposure will not be blocked by future development.
6. The EIR identifies several alternatives to the proposed project that could mitigate significant impacts. One alternative outlined is clustering. In a clustered development the units could be located outside the 65 dB critical noise contour and thus mitigate the noise impact. However, a clustered development would not fit in with the existing character of the neighborhood. The proposed single family lots are consistent with the surrounding development. The noise impact can be mitigated for this project in other ways e.g. by sealing the structural walls or by a noise wall. Staff does not feel that the alternatives offered in the EIR are more feasible or desirable than the proposed project with mitigations.

FINDINGS:

1. 82-EIR-18 identifies a significant impact on Noise that can be mitigated to insignificance. Pursuant to Section 15088(a) of CEQA Guidelines, approval of the project requires that the significant impacts have been reduced to an acceptable level.
2. 82-EIR-18 identifies certain project alternatives which may be a lesser environmental impact than the proposed project. Therefore, pursuant to Section 15088(d) of CEQA Guidelines. Approval of the project requires that findings be made that each of the alternatives identified in the Final EIR has been reviewed and found to be infeasible or less desirable.
3. The Planning Commission may make the required findings pursuant to Section 66473.1, 66473.5 and 66474 of the Government Code.

PROCEDURE:

The Planning Commission may recommend approval or denial to the Board of Supervisors, however Planning Commission action must be taken by April 14, 1983 unless the developer waives the 50 day statutory deadline.

continues

RECOMMENDATION:

That the Planning Commission adopt the findings outlined above and recommend approval of the project subject to the following conditions:

1. Resource Management Department conditions 1-8.
2. Public Works letter dated 4/28/82.
3. Fire Department letter dated 2/10/82.
4. Flood Control letter dated 5/26/82.
5. Transportation Department letter dated 10/13/82 and <sup>3/31/83</sup> 3/8/83.
6. Environmental Health Services letter dated 3/24/83.
7. Parks Department letter dated 3/4/82.
8. Lots 37, 88, 89, 92, and 93 shall be labeled "Open Space Not a Building Site" on the Final Map.
9. Prior to recordation the applicant shall submit an acoustical analysis to recommend ways to bring the project into conformance with the Noise Element. These measures shall be incorporated into the Final Map.
10. Prior to recordation a variance shall be granted for the reduced rear-yard setback for the existing SFD on lot 79. The SFD shall be brought into conformance with zoning regulations by relocating the structures and adjusting the lot lines.
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17. The requirement to offer for dedication those streets planned to remain "private" at the time of tentative map approval shall be waived by the Board of Supervisors.
18. File the final map, which is the "precise plan: under the provisions of the PR regulations, for review by the Planning Commission for a "substantial conformity determination" with the approved tentative map.
19. The tract perimeter shall be planted with drought tolerant plants to the satisfaction of the County's Landscape Planner. The applicant shall provide surity for the installation and maintenance of these areas for 5 years.
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STAFF REPORT  
TTM 13,345 SPE Corp./Rodriguez  
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RECOMMENDATIONS continued:

21. Title to the common Open Space shall be held by a nonprofit association of property owners or by any other individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the county of Santa Barbara the rights to develop such property with anything except Open Space or noncommercial recreation.

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ATTACHMENTS:   Impact Summary  
                  Reduced Plot Plan  
                  Department Letters