



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

Assessor's Parcel No.: 005-260-018

Applicant Name: Beach Club Family Trust

The Board of Supervisors hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Associated Case Number(s): 13APL-00000-00029

Project Description Summary: The request is for (1) as-built grading; (2) modifications to the biological resources restoration plan titled "Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California" dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014; (3) removal of an existing retaining wall; (4) removal of an existing play structure; (5) abandonment of an existing well; (6) grading for sensitive resource capping; (7) installation of a split-rail safety fence; (8) removal of the gate portion of a legal nonconforming gate across Toro Canyon Creek, while leaving the support pillars in place; (9) establishment of a building envelope; and (10) establishment of a development exclusion area to protect sensitive resources.

Project Specific Conditions: See Attachment A.

Permit Compliance Case: Yes No

Permit Compliance Case No.: _

Appeals: The approval of this Coastal Development Permit may be appealed to the California Coastal Commission by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the California Coastal Commission at 89 South California Street, Suite 200, Ventura, California, 93001-2801, by 5:00 p.m. on or before March 27, 2015. A fee is not required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on March 27, 2015 above, provided an appeal of this approval has not been filed.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

- 1. Proj Des-01 Project Description.** This Coastal Development Permit with Hearing is based upon and limited to compliance with the project description, the Board of Supervisors hearing exhibits marked “Attachments 1 – 12”, dated March 17, 2015, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project consists of (1) as-built grading; (2) modifications to the biological resources restoration plan titled “Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California” dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014; (3) removal of an existing retaining wall; (4) removal of an existing play structure; (5) abandonment of an existing well; (6) grading for sensitive resource capping; (7) installation of a split-rail safety fence; (8) removal of the gate portion of a legal nonconforming gate across Toro Canyon Creek, while leaving the support pillars in place; (9) establishment of a building envelope; and (10) establishment of a development exclusion area to protect sensitive resources.

- (1) *Permit grading that was performed without benefit of permit.*** The requested permit would allow total grading of approximately 341 cubic yards of cut and 3,390 cubic yards of fill, consisting of 66 cubic yards of cut to widen the existing driveway, 275 cubic yards of cut to improve onsite access and 3,390 cubic yards of fill to be placed in the area of the play structure to be removed. In addition, construction of the gabion wall required 8 cy of cut and fill. This grading was conducted without permits and was not a part of the approved or proposed habitat restoration activities.
- (2) *Requested changes to the originally approved restoration plan.*** The request includes changes to the *Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California” dated April 9, 2009 (Plan)* that was previously approved under Case no. 08CDH-00000-00014. The intent of the originally approved Plan was to restore Toro Canyon Creek and the creek buffer area within the subject parcel by restoring canopy coverage and native understory consistent with direction given by the California Coastal Commission. Changes to the approved Plan are requested in order to more effectively accommodate on-the-ground conditions that were encountered during Plan implementation. Specific components of the revised Plan are detailed in the proposed Plan Addendum by Hunt & Associates (on file with P&D and available for review) and would consist of the following:
 - a. *Gabion wall.*** The originally approved Plan required removal of non-native vegetation and planting of native vegetation within the riparian corridor. The proposed changes would modify the plan to legalize construction of a gabion retaining wall along a slope that separates the stream terrace from the site’s “upper landform”. This slope was originally sparsely vegetated with non-native, invasive species and would not otherwise be stable enough to accept plantings because it was formed of loose non-compacted material, construction debris and trash introduced to the site prior to current ownership. The nearly vertical slope would

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 2

be stabilized with an approximately 80 ft long, 13 foot high series of stepped, rock-filled cage gabions that would form a retaining wall between the stream terrace level and the upper landform. Soil would be added to the rock-filled cage gabions to further anchor and stabilize the wall and support plantings. The purpose of the wall is to allow implementation of the restoration plan, prevent the steep, unstable slope from eroding into the terrace and lagoon area, and to protect sensitive resources located at the top of, and immediately behind, the slope. The gabion design would allow the restoration plantings to root into the retaining wall and result in a more natural solution as compared to a standard concrete retaining wall. A new split-rail safety fence would be installed along the top row of the gabion wall (fence posts would be installed completely in fill soil). Completion of the gabion wall to meet existing grade would require an additional approximately 8 cubic yards of balanced cut and fill. After completion of the wall, it would be wrapped with and covered in an approximately 8 inch thick cap of soil, and native vegetation would be planted as part of the habitat restoration.

- b. *Retention of drainage/bioswale and access path to stream terrace.*** The approved Plan called for abandonment, stabilization and re-vegetation (with native plants) of the lower (southern) road to the stream terrace, to achieve a bioswale function. The proposed project would revise the Plan to narrow the road to a walking path to retain private pedestrian access for the purpose of ongoing habitat maintenance of the lower stream terrace while disallowing vehicular access. Drainage would be directed to an existing rock-lined drainage swale along the south side of the access path that would be filled with fill soil and planted with appropriate riparian plants. Boulders would continue from the western terminus of the drainage swale for approximately 25 ft. Removal of existing non-native plants and re-vegetation with native plants would continue to occur per the Plan in order to narrow the access path and control erosion.
- c. *Boulders for slope stabilization.*** The approved Plan permitted the use of mechanical erosion control measures (e.g., boulder rip-rap) which are to be implemented in consultation with a consulting engineer during non-native plant control and revegetation (p. 28, Section 6.4.3 of the approved plan). In accordance with this approval, the proposed project would include placement of 6-inch to 24-inch diameter rocks for slope stabilization, with grading for placement of boulders and tree wells along the western slope of the stream terrace as shown on sheet 3 of the engineering plan set for 11CDH-00000-00006. This work would occur along the streambank and within the 100 ft riparian setback area.
- d. *Stream terrace plantings.*** The approved Plan called for planting up to four species of native grasses on the northern and southern stream terraces. Currently, three species already occur there. The proposed project would revise the Plan to remove some of the existing additional plantings of *Carex pragracilis* and intersperse the existing plantings with the three other species that occur in the area to give the

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 3

restoration more species diversity. All grasses would be allowed to grow and remain in their natural forms (i.e. unmowed).

- e. **Seeding methods.** Tables 5 and 6 of the approved Plan call for hydroseeding of the terraces and coastal bluff with appropriate seed mixes. The proposed project would allow seed mixes to be hand-applied and raked into the soil, which would result in less damage to in-place container plants and avoid the necessity of spraying water on areas prone to erosion. Section 6.4.2 of the approved Plan (see Table 7) also calls for hydroseeding of specific species at the mouth of Toro Canyon Creek. Because two of these species are already present at this location, the proposed project would instead remove non-native vegetation in this dune habitat area, allowing the existing natives to proliferate; and additional appropriate native species would be installed as container plants. These changes would be implemented as illustrated in the proposed Plan Addendum.
- f. **Planting area, planting density and species richness.** The proposed project would permit deviations from the approved Plan which are intended to result in a more diverse assemblage and larger area of food plant species to be planted with the intent of supporting larval and adult monarch butterflies in onsite coastal bluff scrub and riparian scrub. Proposed changes are as follows:
- 8% decrease in coast live oak-sycamore riparian woodland area,
 - 129% increase in southern coastal bluff scrub area,
 - 567 % increase in freshwater marsh area,
 - 33% increase in southern foredune (coastal strand) area,
 - 61 additional native species and 4,555 additional plants planted in habitat restoration area, and
 - Increase in size of restoration area from 3.18 acres to 3.42 acres.
- g. **Convert existing lawn** to the east of the existing power pole by covering it with geofabric and fill soil, and re-planting with native species. Plantings would be placed in fill soils. 12-inch tall tree wells would be constructed above the geofabric around existing trees at the edge of the lawn area to protect from erosion.

All other aspects of the Plan would be implemented as originally approved. Equipment used for construction of the gabion wall would consist of a small excavator, shovels and cage gabions. Cages would be filled with rock currently stored on-site outside of the ESH. All mechanized work would be conducted from the existing access road at the top of the east-facing slope; workers at the bottom of the slope would rake fugitive soil back into the project area. Irrigation for the restoration areas and landscaping would be provided by the remaining onsite well located at the northeast corner of the property near the existing entry gate.

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 4

- (3) **Remove existing 2-4' retaining wall** located within the 100 ft riparian corridor setback, and re-plant northern path to stream terrace maintaining only a pedestrian path for purposes of habitat restoration and maintenance.
- (4) **Removal of an existing play structure** from within the 100 ft setback from edge of canopy/riparian.
- (5) **Abandonment of an existing water well** and associated vault located in the creek terrace level and within the 100 ft riparian corridor setback in the eastern portion of the property.
- (6) **Resource Capping.** Placement of sterile fill over the area designated in Lebow 2012 (p. 54, Figure 4-2) as a significant archaeological site. The significant site area would be capped with fill soils totaling approximately 2,815 cubic yards and ranging from 12 to 18 inches deep. The fill soils would be non-reactive, “clean”, certified fill soil and placed over a geofabric layer. All landscaping and other ground disturbance within the sensitive area would occur in fill soils only. The capping would occur in two phases, as follows:

Phase 1 – Fill soil would be installed in the area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site, tapering at the footprint of the existing single family dwelling and residential second unit.

Phase 2 – Prior to occupancy clearance of any new residence constructed on the parcel, the existing dwelling and second unit would be removed. The slab foundations associated with the residence and DRSU would be left in place and all existing utility lines would be abandoned in place. Fill soil would be added in that location, to complete capping of the significant site area that occurred in Phase 1.
- (7) **Safety Fence.** Construction of a new, approximately 250-linear foot split-rail safety fence along the edge of bluff and western top of bank of Toro Canyon Creek.
- (8) **Gate Removal.** Removal of the portion of a legal nonconforming metal gate located across Toro Canyon Creek immediately south of Padaro Lane and partially on the subject parcel. Only the portion of the metal gate located on the subject parcel would be removed. The gate’s concrete support pillars would be left in place in order to avoid ground disturbance within the creek corridor.
- (9) **Building Envelope.** Establish a building envelope to contain all future structural development such as residential and accessory structures. This envelope would be outside of the riparian corridor and associated buffer (100 ft from edge of the riparian canopy as mapped in 2006), outside of ordinance-defined property line setbacks; and outside of the slope stability and bluff retreat setback that was defined for this project. Development that could occur outside of the building envelope would be limited to non-structural development such as patios, hardscape, driveways and septic systems, provided that such items are located outside of the development exclusion area described in item (12), below.

(10) Development Exclusion Area. A development exclusion area would be placed on the subject parcel to avoid impacts to cultural resources. Within the development exclusion area, no structural development or ground disturbance of any kind would occur with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources.
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.
- A protective fence would be installed along the bluff top, with fence posts placed entirely in the fill soil above the geogrid fabric layer.
- The applicant could retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces shown in Lebow 2012 (p. 54, Figure 4-2). All other roadways must be located outside of the exclusion area.

The property would continue to be served by the Montecito Water District (for domestic water), private septic systems and the Carpinteria-Summerland Fire Protection District. Water for landscaping would be provided by a permitted onsite well. Access would be taken via a private drive from Padaro Lane.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM 13NGD-00000-00012:

- 3. Special Condition Bio-01: Nesting Birds.** The applicant shall retain and pay for a P&D approved biologist to inspect and monitor the project site for bird and raptor nesting activity prior to grading or construction. If construction is to take place during the nesting season (March to September), a P&D approved biologist shall conduct a pre-construction bird and raptor nesting inspection not more than one week prior to the proposed beginning of construction activity. If birds or raptors are determined to be nesting on or within the vicinity of the project site, no construction activities, including, but not limited to grading or heavy equipment operation, shall take place within 500 feet of the raptor nest or within 300 feet (or the property line, whichever is closer) of a bird nest. Certain construction activities may be allowed on a case-by-case basis as reviewed and approved by P&D. **Plan**

Requirements and Timing: At a minimum of two days prior to the proposed beginning of grading or construction activity, the results of the survey shall be reviewed and approved by P&D. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** P&D staff shall perform site inspections throughout the construction phase and receive the report from the P&D approved biologist.

4. Bio-12 Habitat Restoration. The Owner/Applicant has submitted a draft Habitat Restoration Plan titled "Restoration As-Built Report and Addendum to Conceptual Habitat Restoration and Revegetation Plan" prepared by Hunt & Associates and dated May 25, 2012. The Owner/Applicant shall submit for P&D approval a final version of the Hunt & Associates Habitat Restoration Plan. The report shall include the following components:

1. Project landscaping in areas within Toro Canyon Creek shall be with, but not limited to, native riparian species such as coast live oak, western sycamore and numerous others as identified in the draft plan. Restoration plantings within and adjacent to the creek shall be planted as identified in the draft Plan.
2. Species shall be from locally obtained plants and seed stock.
3. The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
4. When work occurs within 100 feet of the top of bank of Toro Canyon Creek, the creek area shall be fenced with orange construction fencing or similar to protect restoration plantings, staked a minimum of every six feet or as necessary to keep fencing from collapsing. Fencing shall be located as far away from the creek as possible but at least 25 feet from the top of bank unless such placement inhibits the work activity.
5. All plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and/or gopher fencing as appropriate during the maintenance period. Fencing for plantings in resources areas shall be anchored in fill soils above a geofabric layer only.
6. Non-native species identified in the Hunt & Associates Plan, shall be removed from the creek, however, removal of native species in the creek shall be prohibited.

PLAN REQUIREMENTS/ TIMING: The Final Plan shall be submitted to P&D for review and final approval prior to issuance of the first Coastal Development Permit (CDP) for any building or project element that requires a CDP. The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for three (3) years. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

5. Bio-20 Equipment Storage-Construction. The Owner/Applicant shall designate one or more construction equipment filling and storage areas within the designated Building Envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 7

to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The equipment storage area may be located outside the Building Envelope with approval from P&D. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development, Building & Grading Permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

6. Bio-20a Equipment Washout-Construction. The Owner/Applicant shall identify within the designated Building Envelope one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as needed. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The equipment washout area may be located outside the Building Envelope with approval from P&D. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development Permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

7. Special Condition CulRes-1: Analysis of Existing Collections. The Applicant shall fund an archaeological study to complete the Phase 2 work begun by Compass Rose Archaeological, Inc. (Romani et al. 2008). Archaeological remains collected from intact site deposits by Applied EarthWorks, Inc. during an impact assessment (Lebow 2012) would be included in the Phase 2 completion study. Completing the Phase 2 work shall include:

- Sorting the remaining unsorted screen residues;
- Analysis of lithic debris (debitage, tools, and fire-altered rock);
- Identification of vertebrate faunal remains to the lowest possible taxa;
- Identification of invertebrate faunal remains to the lowest possible taxa
- Analyses of pigment and asphaltum; and
- Documentation of the results.

Using the materials recovered during the Compass Rose and Applied EarthWorks excavations, the Applicant shall also fund special studies typical of a Phase 3 investigation. Specifically, special Phase 3 studies shall include:

- Radiocarbon analysis sufficient to accurately delineate the chronology of site use;
- Identification of all shell beads and placement of the beads in the site chronology;
- Microscopic edge-wear analysis of all flaked stone tools;

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 8

- Archaeobotanical analysis of macrobotanical remains from flotation completed by Compass Rose;
- Geological sourcing and hydration rim measurement of obsidian specimens (if recovered); and
- Preparation of a Phase-3 level report. The report shall be synthetic by including both the Phase 2 and Phase 3 work. It shall provide a research design; present a site chronology; detail the results of the Phase 2 and Phase 3 technical analyses; and interpret the results. Interpretations shall consider the site in the context of data from a nearby site or sites. The report shall include an updated site form and shall be filed with the Central Coast Information Center at the University of California, Santa Barbara.

The Applicant shall fund curation, in perpetuity, of the cultural materials collected from the site.

Plan Requirements: The Owner/Applicant shall submit a work plan and timeline to the County for review and approval. After completion of the work, the Owner/Applicant shall submit the required archaeological studies for P&D review and approval. **Timing:** The work plan shall be submitted to the County prior to issuance of Coastal Development Permit for 11CDH-00000-00006. P&D planning staff shall approve the work plan prior to issuance of the Coastal Development Permit. The final report shall be submitted to P&D and shall be consistent with the approved proposal and timeline. Prior to issuance of 11CDH-00000-00006, the Owner/Applicant shall post a performance security prior to issuance of the Coastal Development Permit in the amount necessary to complete the analysis and prepare the report. **Monitoring:** P&D planning staff shall review and approve a draft study report prior to submittal of final report. The Owner/Applicant shall submit to P&D compliance monitoring staff the final report consistent with the approved proposal and timeline. The performance security shall be released upon satisfactory completion of the final report.

8. Special Condition CulRes-02: Structural Demolition & Retention of Foundations in Place.

Prior to occupancy clearance of any future residence constructed on the parcel, the existing single family dwelling and residential second unit shall be removed and the area capped with sterile fill in accordance with Special Condition CulRes-03. In order to avoid disturbing the surrounding deposit, all structural foundations shall remain in place. All machinery used for structural demolition shall remain on the existing gravel road. Demolition shall be accomplished using an excavator with a thumb to remove pieces of the structure and put them directly into a haul away truck also parked on gravel road. Demolition may also be accomplished by use of hand tools. In the event that any portion of the existing residence cannot be reached by equipment parked on the road, the fill required in Special Condition CulRes-3 shall be spread in front of the excavator and, when geofabric and fill are in place per that condition, the excavator may park on it to reach those portions of the house than cannot be reached from the road. Debris shall not be piled on the ground but shall instead be placed directly into a haul-away vehicle. All structural foundations shall be left in place. The work shall proceed according to a demolition plan prepared by a qualified archaeologist and approved by P&D. The demolition plan shall include both text and a large-scale figure suitable for guiding work in the field. All work related to structural demolition shall be guided by the archaeologist and monitored by an archaeologist and a Native American observer. **Plan Requirements and Timing:** Prior to occupancy clearance of any future residence constructed on the subject parcel, the existing single family dwelling and residential second unit shall

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 9

be removed in compliance with this condition. Prior to issuance of 11CDH-00000-00006, this condition shall be recorded such that it appears on the title report for the subject parcel. The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit for demolition, the Owner/Applicant shall submit to P&D for review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist consisting of a project description and scope of work (demolition plan), and once approved, shall execute the contract. The work shall be implemented after issuance of 11CDH-00000-00006 but prior to occupancy clearance of any future residence constructed on the parcel.

Monitoring: P&D shall ensure that this condition is met prior to issuance of any Coastal Development Permits on the parcel. The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American observer and P&D grading inspectors shall spot check field work.

- 9. Special Condition CulRes-03: Cap Significant Site Areas.** A layer of geotextile fabric and at least 18 inches of chemically inert fill shall be placed over the significant portions of the archaeological site identified in Lebow (2012, p. 54, Figure 4-2) and as shown on the grading plans associated with 11CDH-00000-00006. The exception to this requirement is the northernmost lobe of the site identified as significant by Lebow (2012:54), which is located on both sides of the existing driveway. In that location, no fill is required because site deposits are already overlain by approximately 2.6 ft of fill. The work shall proceed according to a capping plan prepared with the assistance of a qualified archaeologist and approved by P&D. The capping plan shall include both text and a large-scale figure suitable for guiding work in the field. The capping plan shall include tapering of the fill at the existing residence and second unit. The capping plan shall include tapering of the fill at the existing residence and second unit. A separate capping plan shall also be submitted at this time, and approved by P&D, to guide future placement of remaining fill at such time as the existing structures are removed in compliance with Special Condition CulRes-02. All work related to capping shall be guided by the archaeologist and monitored by an archaeologist and a Native American observer. **Plan Requirements and Timing:** The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit for 11CDH-00000-00006, the Owner/Applicant shall submit to P&D for review and approval a contract or Letter of Commitment between the Owner/Applicant and a County-approved archaeologist consisting of a project description (fill plan) and scope of work and once approved by P&D, shall execute the contract. The fill plan shall be implemented after issuance of 11CDH-00000-00006 but prior to issuance of any additional permits on the subject parcel. Implementation of the fill plan shall be supervised by an archaeologist and monitored by a Native American observer. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the archaeologist and Native American monitor prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm that placement of fill conforms to the approved fill plan, and P&D grading inspectors shall spot check field work.

- 10. Special Condition CulRes-04: Pre-Construction Workshop.** A pre-construction workshop shall be conducted to inform construction personnel about the archaeological issues on site. Prior to any

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 10

and all ground disturbing activities, including but not limited to structural demolition and placement of geofabric and fill, a short pre-construction workshop shall be conducted by a qualified archaeologist and a local Native American (Chumash) observer. Attendees shall include all construction supervisors, other personnel and equipment operators. New operators or supervisors shall receive the briefing by the archaeologist and Native American observer prior to commencing work. The workshop shall:

- a. Inform all workers of the cultural resource related conditions on the project, provide copies of conditions, and ensure that are understood.
- b. Review the types of archaeological artifacts that may be found during construction and on the ground surface in the vicinity of the proposed project;
- c. Provide examples of common artifacts to examine; and
- d. Discuss prohibited activities, including unauthorized collection of artifacts and associated penalties.

A sign-in sheet shall be provided to document dates and names of persons attending. **Plan Requirements and Timing:** This condition shall be shown on all grading and building plans. **Monitoring:** P&D compliance monitoring staff shall confirm attendance. The Owner/Applicant shall include attendance sheets in the final monitoring report.

11. Special Condition CulRes-05: Cultural Resources Monitor. The Owner/Applicant shall have all earth disturbances including scarification and placement of fill monitored by a P&D qualified archaeologist and a Native American observer in compliance with the provisions of the County Cultural Resource Guidelines. The Native American observer shall maintain a daily field log and share this information with interested Chumash individuals and tribal members on a weekly basis. In the event that human remains are discovered on site, and the Most Likely Descendent (MLD) appointed by the Native American Heritage Commission is the acting monitor, then a new monitor shall be retained so that the monitor is not the same individual as the MLD. **Plan Requirements and Timing:** This condition shall be shown on all building and grading plans. Prior to issuance of any Coastal Development Permit, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist consisting of a project description and scope of work, and once approved, shall execute the contract. Prior to final building clearance issuance, a monitoring report shall be submitted to P&D. The report shall be written by the monitoring archaeologist and shall include the Native American observer's field log. The report shall also be submitted to the Central Coast Information Center at the University of California, Santa Barbara (CCIC). **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American observer and P&D grading inspectors shall spot check fieldwork.

12. Special Condition CulRes-06: Discovery of Features, Diagnostic Artifacts or Human Remains. In the event that archaeological features such as hearths or burials are encountered, P&D shall be notified and work shall be stopped immediately. If human remains are encountered, then the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and such remains shall be treated in accordance with California Public Resources Code

5097.98. Intact features other than human remains shall be treated in accordance with County Cultural Resources Guidelines. Diagnostic artifacts shall be documented, collected and curated. Human remains shall be returned to the Most Likely Descendent (MLD) and may, at the discretion of the MLD, be re-buried in an area of the site that will not experience any further disturbance. **Plan Requirements and Timing:** This condition shall be printed on all grading and building plans. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check fieldwork. Prior to final building clearance issuance, the applicant shall demonstrate that any collected artifacts have been appropriately documented and curated with the remainder of the collection from the site.

13. Special Condition CulRes-07: Compliance with plans. All development, including utilities and accessways, shall occur outside of the area mapped in Lebow 2012 (p.54) as significant. Habitat restoration and landscaping may occur within significant site areas only if it is located entirely in fill above the geofabric described in Special Condition CulRes-3. The exception to this requirement is the northernmost lobe of the site identified as significant by Lebow (2012:54), which is located on both sides of the existing driveway. In that location, no fill is required because site deposits are already overlain by approximately 2.6 ft of fill. All excavation for placement of plants must be located within the fill and above the geofabric (where present). Construction of the split-rail safety fence shall also occur entirely above the geofabric and within the fill. If any trees within the significant site area are proposed for removal, either as part of this project or any future projects, they shall be cut off above the level of the geofabric; they shall not be dug out and the roots shall be left in place. **Plan Requirements and Timing:** This condition shall be printed on all grading and building plans. Prior to issuance of any CDPs, P&D shall confirm that plans show that any development is occurring solely outside of the significant portion of the site, and shall confirm that the locations and depths of the landscaping and split rail safety fence are above geofabric and in fill. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite archaeological monitor(s) prior to grading/building permit issuance and pre-construction meeting. Prior to the start of any ground disturbing activity and periodically thereafter, P&D compliance monitoring staff shall confirm with the archaeologist that all work is occurring outside of the mapped boundaries of the significant portion of the site or otherwise complies with requirements to be located within fill.

14. Special Condition CulRes-08: Development Exclusion Area. In order to protect on site cultural resources, the area mapped in Lebow 2012 (p.54, Figure 4-2) as significant shall be excluded from all future development with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources.
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.
- A protective fence would be installed along the bluff top, with fenceposts placed entirely in the fill soil above the geogrid fabric layer.

- The applicant could retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces shown in Lebow 2012 (p.54, Figure 4-2). All other roadways must be located outside of the exclusion area.

Plan Requirements and Timing: The area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site shall be mapped graphically and described in metes and bounds on a separate informational sheet and designated as “Development Exclusion Area”. This sheet shall be recorded such that the development exclusion area appears on the title report for the subject parcel.

Monitoring: P&D shall ensure that this condition is met prior to issuance of any Coastal Development Permits on the parcel.

- 15. Special Geologic Protection Measures.** All construction techniques and onsite development shall conform to the recommendations contained in the relevant Geotechnical Engineering Reports prepared by Earth Systems. **PLAN REQUIREMENTS:** The Owner/Applicant shall submit a soils engineering study that complies with current industry standards, addressing structure locations and access road(s) to determine structural design criteria. The Owner/Applicant shall submit the study for P&D and Public Works review and approval. The Owner/Applicant shall also submit the study for Public Works review and approval when work would occur within a public right-of-way and/or require a road encroachment permit. Elements of the approved study shall be reflected on grading and building plans as required. **TIMING:** The Owner/Applicant shall submit the study prior to approval of Coastal Development Permits. **MONITORING:** P&D permit processing planner shall review the study. The Owner/Applicant shall demonstrate that the submitted plans conform to required study components. Grading and building inspectors shall ensure compliance in the field.
- 16. WatConv-03: Erosion and Sediment Control Revegetation.** The Owner/Applicant shall revegetate graded areas upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. However, fill over the development exclusion area shall only be revegetated with shallow rooted plants. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas within one week of work stoppage or completion of work. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
- 17. WatConv-07: SWPPP.** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **TIMING:** Prior to issuance of the first Grading Permit on the subject parcel, the Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and

construction activities. **MONITORING:** P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

- 18. Noise-02:** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Three signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.

COASTAL DEVELOPMENT PERMIT CONDITIONS

- 19. Special Condition GRD-1 Location of Stockpile Areas.** All stockpiles shall be located outside of the development exclusion area and at least 100 ft from the edge of riparian canopy. **TIMING:** Stockpile locations shall be graphically depicted on all land use and grading permits. **MONITORING:** P&D processing planner shall ensure stockpile locations are outside of development exclusion area and more than 100 ft from the edge of riparian canopy. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite.
- 20. Bio-08 Fish and Wildlife.** No alteration to stream channels or banks shall be permitted (no Coastal Development Permit shall be issued) until the Owner/Applicant demonstrates receipt of all authorizations from the California Department of Fish and Wildlife and/or federal agencies for any planned alteration to stream channels or banks in accordance with the provisions and requirements of this permit.
- 21. Bio-22 Fish and Wildlife Fees.** The Owner/Applicant shall provide Planning and Development with a check payable to the "County of Santa Barbara" within 10 days of project approval as required by California Fish and Wildlife Code Section 711.4 for that Department's review of the Mitigated Negative Declaration associated with the project.
- 22. Special Condition BIO-1 Removal of Rocks in Stream Corridor.** Prior to issuance of 11CDH-00000-00006, rocks lining the western creek corridor at the bottom of the bioswale shall be removed.

COUNTY RULES AND REGULATIONS

- 23. Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 14

- 24. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 25. Rules-10 CDP Expiration-No CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Board of Supervisors. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two-year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
- 26. Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to approved Coastal Development Permit plans. Substantial conformity shall be determined by the Director of P&D.
- 27. Rules-23 Processing Fees Required.** Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County resolutions and ordinances and applicable law in effect when paid.
- 28. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a) Air Pollution Control District dated March 1, 2011
 - b) Environmental Health Services Division dated March 28, 2013
- 29. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 30. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. A separate Permit Compliance case shall be opened for monitoring of new construction on each lot and for utility/service improvements. To accomplish this, the Owner/Applicant shall:
- a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b) Pay fees prior to CDP approval for on-site utility improvements, grading and new construction, as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when

Board Letter Attachment 3, Project Conditions of Approval

Case No.: 11CDH-00000-00006

Project Name: Beach Club Gabion Wall and Grading

Project Address: 2825 Padaro Lane

APN: 005-260-018

11CDH-00000-00006 Attachment A, Page 15

deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;

- c) Note the following on each page of grading and building plans “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, conditions of approval, and mitigation measures from Negative Declaration 13NGD-00000-00012”;
- d) Contact P&D compliance staff at least two weeks prior to commencement of construction activities for on-site utility improvements and for new construction on each lot to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

31. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

32. Special - Removal of Gate. Prior to issuance of Coastal Development Permit, the Owner/Applicant shall remove a portion of the gate across Toro Canyon Creek immediately south of Padaro Lane. Only the portion of the gate on the subject property shall be removed; the supporting pillars shall remain undisturbed in place. No ground disturbance shall occur during gate removal. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006. This condition shall be shown on all building and grading plans. Prior to issuance of any Grading Permit, the Owner/Applicant shall submit photo documentation showing that the portion of the gate on the subject property has been removed, the pillars remain, and no ground disturbance has occurred. .