

ATTACHMENT 4: CONDITIONS OF APPROVAL

1. This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1, dated February 1, 2012, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The applicant is requesting to amend the land use designation of the property from RES-20 to RES-30 and rezone the property from SR-H-20 to SR-H-30; and to demolish the existing fraternity house and develop a total of 33 new affordable residential apartments and common area facilities, including 26 studio apartments, six one-bedroom apartments, and one two-bedroom apartment for the apartment manager. Common area facilities would include a lobby, meeting rooms, a community room, and a kitchen to provide meeting space and space for training opportunities for the residents of the site. The rezone requires establishment of a new density of 30 units per acre under the existing SR-H zone district in Article II. The project includes a request to add restrictive language to the rezone ordinance to require that for any site rezoned to SR-H-30, all units would be affordable. Total square footage for the project would be 21,031 square feet. The maximum building height is proposed to be 35 feet. The project would include 34 parking spaces, in conformance with State Density Bonus Program allowances, and 68 bicycle parking spaces. Two oak trees would be removed and replaced. Grading for the project would total approximately 208 cubic yards of cut and 261 cubic yards of fill.

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.

ISLA VISTA MASTER PLAN EIR MITIGATION MEASURES

The conditions under this section were developed as part of the Isla Vista Master Plan EIR for the downtown area. Because these conditions were drafted as mitigation measures, plan requirements/timing and monitoring provisions have been added to transform them into project specific conditions. Mitigation measures that did not directly apply to the proposed project were removed for clarity.

2. **Mitigation AES-4.1:** Construction and/or employee trash shall be prevented from blowing offsite. **Plan Requirements/Timing:** Covered receptacles shall be provided onsite prior to commencement of grading or construction activities. The applicant or their designee shall retain a clean-up crew to ensure that trash and all excess construction debris is collected daily and placed in provided receptacles throughout construction. **Monitoring:** Permit Compliance shall respond to complaints.

3. **Mitigation AIR-1:** Dust generated by project construction shall be kept to a minimum by following the dust control measures listed below:
- a. Water trucks or sprinkler systems shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, such areas shall be watered down in the late morning and after completion of work at the end of the day. The frequency of watering shall be increased when wind speeds exceed 15 miles per hour if soils are not completely wet. If wind speeds increase to the point that the dust control measures cannot prevent dust from leaving the site, construction activities shall be suspended. Reclaimed water shall be used whenever possible.
 - b. Vehicle speeds on the construction site shall be limited to 15 miles per hours or less.
 - c. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - d. Trucks transporting fill material/soil to and from the site shall be tarped from the point of origin. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - e. After clearing, grading, earth moving, or excavation is completed, the disturbed area shall be treated by watering, revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. A person or persons shall be designated by the contractor or builder to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Such monitoring responsibilities shall include holiday and weekend periods when work may not be in progress. The contractor shall provide the name and telephone number of such person to the APCD and the County prior to approval of any land use clearance for any project grading or construction activities.

Plan Requirements: All requirements shall be shown on grading and building plans.
Timing: Condition requirements shall be adhered to throughout all grading and construction periods.
Monitoring: Permit Compliance shall ensure measures are on plans. P&D Grading and Permit Compliance staff shall spot check and ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

4. **Mitigation Measure AIR-3.1:** The following energy conservation measures shall be incorporated into project building plans unless the applicant proves that incorporation of a specific measure is infeasible:
- Will meet the California Title 24 Energy Code or exceed for all relevant applications.
 - Heat transfer modules shall be installed in all furnaces.
 - Installation of solar panels for water heating systems for residential and other facilities where feasible.
 - Passive solar cooling/heating design elements shall be included in building designs where feasible.
 - New development must include design elements that maximize the use of natural lighting where feasible.
 - New development must include provisions of the installation of energy efficient appliances and lighting.
5. **Mitigation AIR-3.2:** To reduce daily ROG, NO_x and PM₁₀ emissions during winter days from combined project sources, only advanced combustion or natural gas fireplaces shall be

allowed. **Plan Requirements/Timing:** This condition shall be printed on all building plans. **Monitoring:** P&D plan check staff shall check plans prior to issuance of Building Permits.

6. **Mitigation CH-1.1:** In the event archeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archeological Guidelines and funded by the applicant. This mitigation measure will prevent the destruction of unknown, buried archeological resources during grading activities. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. P&D shall check plans prior to approval of Land Use Permits. **Monitoring:** Permit Compliance staff shall spot check in the field.
7. **Mitigation HAZ-1.3:** If previously unknown soil and/or groundwater contamination is found to exist onsite during excavation and/or as a result of any assessment, work is to cease immediately in the impacted area and a workplan to determine the lateral and vertical extent of the contamination shall be submitted to FPD and a site remediation plan shall be submitted to the FPD or the RWQCB for review and approval. **Plan Requirements/Timing:** Construction contingency plans and a Site Health and Safety Plan shall be prepared as necessary. The APCD shall be contacted to determine the permitting requirements. This requirement shall be noted on all grading and building plans. **Monitoring:** Permit Compliance personnel shall perform periodic inspections.
8. **Mitigation HAZ-2.1:** Prior to remodeling/demolition activities of a residential building with less than four units or an institutional, industrial, or commercial building involving pre-1979 structures, the applicant shall determine whether the structure(s) proposed for demolition contains asbestos that is friable (i.e. brittle) during demolition or disposal. If the structure does contain friable asbestos, a contractor who is state-certified for asbestos removal shall remove the asbestos. **Plan Requirements/Timing:** Prior to demolition, the applicant shall obtain departmental sign-off from the Santa Barbara County Air Pollution Control District. **Monitoring:** P&D shall confirm sign-off from APCD prior to issuing demolition permit and shall spot-check in the field to confirm compliance.
9. **Mitigation HAZ-2.2:** Prior to demolition activities, an APCD Asbestos Demolition and Renovation Compliance Checklist shall be completed and a certified asbestos consultant shall conduct asbestos sampling and develop a plan for removal, as deemed necessary by the APCD and County Fire. Depending upon the amount and type of asbestos and the type of project, advanced notification to the APCD may required before asbestos is disturbed and/or removed. As determined necessary by APCD, notification requirements may also include notifying local residents and occupants of buildings where asbestos work is being done. **Plan Requirements/Timing:** Prior to demolition, the applicant shall obtain departmental sign-off from the Santa Barbara County Air Pollution Control District. **Monitoring:** P&D shall confirm sign-off from APCD prior to issuing demolition permit and shall spot-check in the field to confirm compliance.
10. **Mitigation HAZ-3.1:** Potential exposure of construction workers to LBP shall be minimized through disclosure of the potential presence of LBP for demolition and renovation of structures that were constructed prior to 1979. **Plan Requirements/Timing:** Prior to any demolition of any painted surfaces, a LBP survey shall be conducted by the applicant to

determine the level of risk posed to construction workers, building occupants, business owners and their employees from exposure to the paints present. Results of the LBP survey shall be documented with the applicable County agencies. Any recommendations made in that survey related to the paints present at the project site shall be implemented prior to the demolition or renovation of the painted surfaces. **Monitoring:** P&D shall confirm compliance with this condition prior to issuing Demolition permits. P&D Building Inspectors shall site inspect to confirm compliance during demolition activities.

11. **Mitigation HAZ-3.2:** If a determination is made that LBP is present in a building slated for demolition or renovation, the applicant shall implement a LBP abatement plan, which shall include the following components:

1. A site Health and Safety Plan, as needed.
2. Containment of all work areas to prohibit off-site migration of paint chip debris.
3. Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the survey recommendations.

Plan Requirements/Timing: Prior to the issuance of a demolition permit, the LBP abatement plan shall be prepared by a consulting firm certified in LBP removal and documented with the applicable County agencies (APCD). Undergoing this process will limit unnecessary exposure to construction workers and occupants present at the project site. **Monitoring:** P&D shall confirm compliance with this condition prior to issuing Demolition permits. P&D Building Inspectors shall site inspect to confirm compliance during demolition activities.

12. **Mitigation HYD-1:** At a minimum, the following BMPs designed to reduce or eliminate construction site pollutants shall be incorporated into all project plans as a condition of approval and be implemented during construction:

Construction Site Planning BMPs, including but not limited to:

- a) only the minimum amount of vegetation necessary for construction shall be removed.
- b) the clearing limits, setbacks, protected habitat areas, trees, drainage courses, and buffer zones shall be delineated on plans and in the field to prevent excessive or unnecessary soil disturbance and exposure.
- c) excavation and grading shall be avoided during the rainy season.
- d) grading operations shall be phased to reduce the extent of disturbed areas and length of exposure.
- e) concrete, asphalt, and seal coat shall be applied during dry weather only; storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc.

BMPs to Minimize Soil Movement, including but not limited to:

- a) exposed stockpiles of soil and other erosive materials shall be covered during the rainy season.
- b) soil stabilizers shall be employed, as appropriate.
- c) disturbed soils shall be restored and revegetated as soon as practicable.
- d) sediment and construction materials shall be dry-swept from finished streets the same day they are deposited.

- e) tire wash stations, gravel beds, and/or rumble plates will be installed at site entrance and exit points to prevent sediment from being tracked onto adjacent roadways.
- f) any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- g) site runoff control structures, such as earth berms, gravel bags, silt fences, drainage swales, and ditches that reduce erosion and convey surface runoff during construction into temporary or permanent sediment detention basins shall be installed and made operational in the initial phase of construction, as necessary.

Good Housekeeping BMPs, including but not limited to the following requirements:

- a) all storm drains, drainage patterns, and creeks located near the construction site prior to construction shall be identified to ensure that all subcontractors know their location to prevent pollutants from entering them.
- b) storm drain inlets shall be protected from sediment-laden waters for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
- c) all leaks, spills, drips shall be immediately cleaned up and disposed of properly.
- d) one or more emergency spill containment kits shall be placed on-site in easily visible locations and personnel will be trained in proper use and disposal methods.
- e) vehicles and heavy equipment shall be refueled and serviced in one designated site located at least 500 feet from creeks and drainage swales; vehicles and heavy equipment that are leaking fuel, oil, hydraulic fluid or other pollutants shall be immediately contained and either repaired immediately or removed from the site.
- f) temporary storage of construction equipment shall be limited to a 50- x 50-foot area and shall be located at least 100 feet from any water bodies.
- g) trash cans shall be placed liberally around the site and properly maintained.
- h) dry clean-up methods shall be used whenever possible.
- i) construction material and waste management practices shall be identified, including temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.
- j) washing of concrete trucks, paint, equipment, or similar activities shall be at least 100 feet from any storm drain, water body or sensitive biological resources and 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.
- k) all subcontractors and laborers shall be educated about proper site maintenance and storm water pollution control measures through periodic “tailgate” meetings.

Plan Requirements: An erosion and sediment control plan which includes at a minimum the BMPs listed above, shall be submitted to and approved by P&D and Flood Control prior to approval of Land Use Permits. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of grading/construction. **Monitoring:** Permit Compliance staff shall perform site inspections throughout the construction phase.

13. **Mitigation DT-HYD-1:** Preliminary drainage plans shall be submitted to the County Public Works Department for review to determine if site runoff would impact storm drain capacity and whether BMP’s to retain or detain runoff onsite would be required. **Plan Requirements:** A drainage study shall be submitted to and approved by P&D and Flood Control prior to

approval of Land Use Permits. The study shall provide detailed calculations of expected site runoff for flood events as determined by Flood Control and the capacity of storm drains downstream of the site. **Timing:** Any on-site or off-site improvements to drainage infrastructure recommended in the plan shall be installed prior to occupancy clearance of the first residential/commercial unit. **Monitoring:** Permit Compliance/Flood Control staff shall ensure implementation of the study's recommendations prior to occupancy clearance.

14. **Mitigation NSE-1:** Construction activity and equipment maintenance shall be limited to non-holiday weekdays between the hours of 8 AM and 5 PM only. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** Three (3) 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:** Permit Compliance respond to complaints.
15. **Mitigation NSE-2:** Construction equipment that generates noise exceeding 65 dBA at the nearest sensitive receptors shall be located the maximum feasible distance from nearby sensitive uses and shall be shielded with noise attenuation barriers or muffling devices to reduce to 65 dBA. **Monitoring:** Permit Compliance respond to complaints.
16. **Mitigation NSE-3:** The project applicant shall provide a construction schedule to adjacent property owners at least seven days in advance of construction activities. **Plan Requirements:** A draft of the notice shall be submitted to and approved by P&D prior to issuance of Land Use Permits. **Timing:** The notice shall be sent to adjacent property owners prior to the commencement of grading/construction. **Monitoring:** Evidence of mailed notices shall be provided to P&D prior to demolition permit issuance.
17. **Mitigation DT-SW-1:** Future and existing development (private and public) shall develop and implement a Solid Waste Program. The program shall include, but not be limited to, the following measures (as applicable to land use types):
 - Implementation of a residential and parkland green waste source reduction program. The program shall include, but not be limited to, the creation of lot or common composting areas, and the use of mulching mowers for all common open space lawns.
 - Provision of a designated space or bins for storage of recyclable materials including office paper, cardboard, and beverage containers at residential, commercial, industrial, and public recreational areas.

Plan Requirements: The Solid Waste Program plan shall be submitted to and approved by P&D and Public Works prior to issuance of Land Use Permits. **Timing:** The plan shall be implemented for the life of the project. **Monitoring:** Permit Compliance staff shall confirm implementation prior to occupancy granted to the first residential or commercial unit.

PROJECT SPECIFIC CONDITIONS

18. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping of common open areas) shall be compatible with vicinity development.

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

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

19. **Aest-02 Trash Storage Area.** A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. All trash bins shall be covered. The trash storage area shall be maintained in good repair.

PLAN REQUIREMENT: Location and design of trash storage area shall be denoted on project plans.

TIMING: Trash storage area shall be installed prior to Final Building Inspection Clearance.

MONITORING: P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.

20. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m or are on motion sensors.

PLAN REQUIREMENTS: The Owner/Applicant shall depict the locations and height of all exterior lighting fixtures on the plans submitted to BAR for review and approval.

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

MONITORING: P&D compliance monitoring staff and BAR shall review a Lighting Plan for compliance with this measure prior to Final Building Inspection Clearance to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

21. No signs of any type are approved with this permit action unless otherwise specified. All signs require a separate Coastal Development Permit and Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations).

22. **Bio-01b Tree Protection Plan – Construction Component.** The Owner / Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect the existing oak trees proposed to remain on-site during construction. The Owner Applicant shall comply with and specify the following as notes on the TPP and Grading and Building Plans:

1. Fencing of all trees to be protected at least six feet outside the dripline if feasible with chain-link (or other material satisfactory to P&D) fencing at least 3 ft high, staked to

- prevent any collapse, and with signs identifying the protection area placed in 15-ft intervals on the fencing.
2. Fencing/staking/signage shall be maintained throughout all grading and construction activities.
 3. All trees located within 25 ft of buildings shall be protected from stucco and/or paint during construction.
 4. No irrigation is permitted within 6 ft of the dripline of any protected tree unless specifically authorized.
 5. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist:
 - a. Any trenching required within the dripline or sensitive root zone of any specimen.
 - b. Cleanly cutting any roots of one inch in diameter or greater, encountered during grading or construction.
 - c. Tree removal and trimming.
 6. Special equipment: If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff and under the direction of a P&D approved biologist.
 7. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.

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

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

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

23. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road right of way to the extent feasible. In the event on-site parking and staging is infeasible, the develop shall identify an off-site area subject to review and approval by P&D. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

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

TIMING: A copy of the written notice shall be submitted to P&D permit processing staff prior to Land Use Permit issuance. This restriction shall be maintained throughout construction.

MONITORING: P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require redistribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

24. **WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging 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 to the extent feasible.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Land Use, Grading, and Building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

25. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site at least once each week or more often as needed to prevent spillage. The area shall be located at least 100 feet from any storm drain to the extent feasible.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Land Use, Grading, and Building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

26. **NPDES-10 Storm Drain Labels.** The Owner/Applicant shall label all on-site storm drain inlets, new or existing, to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). Label shall be in both English and Spanish.

PLAN REQUIREMENTS: Show location of storm drain inlets and proposed storm water labels on site, building and grading plans prior to issuance of Land Use Permit and grading permits. Label design shall be equivalent or similar to that used by Public Works Department - Project Clean Water. Alternate label designs shall be shown on the plans and submitted to P&D for approval prior to issuance of Land Use Permit and grading permits.

TIMING: Labels shall be affixed to storm drain inlets prior to Final Building Inspection Clearance.

MONITORING: P&D building staff shall site inspect prior to Final Building Inspection Clearance.

27. **NPDES-23 SWQMP-Operation.** The Owner/Applicant shall submit and implement a Storm Water Quality Management Plan (SWQMP) designed to prevent the entry of pollutants from the project site into the storm drain system after development. The SWQMP shall identify:

1. A combination of structural and non-structural Best Management Practices (BMPs) from the California Storm Water BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association), or other approved methods;
2. Potential pollutant sources that may affect the quality of the storm water discharges;
3. Design and placement of structural and non-structural BMPs to address identified pollutants;
4. Inspection and maintenance program;
5. Method for ensuring maintenance of all BMPs over the life of the project.

PLAN REQUIREMENTS: The Owner/Applicant shall (1) submit the SWQMP to P&D for review and approval prior to approval of Land Use Permit; and (2) include design and field components on land use, grading and building plans as applicable.

TIMING: SWQMP measures shall be constructed and operational prior to Final Building Inspection Clearance. The owner shall maintain the SWQMP components for the life of the project and keep a record of maintenance and submit the maintenance record to P&D compliance monitoring staff upon request. The Owner/Applicant shall record a buyer notification prior to Land Use Permit issuance that states: "IMPORTANT: BUYER NOTIFICATION" and contains the maintenance requirement language above.

MONITORING: The Owner/Applicant shall demonstrate to Public Works, Water Resources Division that SWQMP components are in place prior to Final Building Inspection Clearance. P&D compliance monitoring staff and Public Works-Water Resources Division staff will review required maintenance records upon request.

28. **NPDES-26 NPDES-Trash Container Req.** To meet NPDES requirements, all trash container areas must (1) divert drainage from adjoining paved areas, and (2) be protected and regularly maintained to prevent off-site transport of trash.

PLAN REQUIREMENTS: The Owner/Applicant shall incorporate these trash container area requirements into project design and depict on plans, including detail plans as needed.

TIMING: P&D planners shall ensure plan compliance prior to approval of Land Use Permit. The Owner shall maintain these requirements for the life of the project.

MONITORING: The Owner/Applicant shall demonstrate to compliance monitoring staff that the trash enclosure was constructed consistent with NPDES requirements prior to Final Building Inspection Clearance. P&D compliance monitoring staff and Public Works-Water Resources Division staff will periodically inspect thereafter to ensure proper maintenance. The Owner shall make the site available to P&D for periodic inspections of the trash areas for the life of the project and transfer of this responsibility is required for any subsequent sale

of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year, retain proof of inspections, submit proof to the County upon request and allow the County access to the property to inspect to ensure compliance.

29. **Project Changes:** No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan marked County Planning Commission Exhibit #1 dated February 1, 2012. The size, shape, arrangement, use, and location of interior spaces, walkways, parking areas, and provisions for parking as detailed in the project description, shall be developed in conformity with the approved development plan. Any changes made to the project that would reduce the number of physical parking spaces shall be reviewed and approved by the County Planning Commission at a regularly noticed public hearing.
30. **Right of Way Encroachments:** Prior to the issuance of a Land Use Permit, the applicant shall obtain any necessary encroachment permits and/or lease agreements for use of the public right-of-way from the Public Works Department.
31. **Hous-03 Rental Density Bonus Projects.** The Owner/Applicant shall provide 33 very low income dwelling units (100% of project units) available for rent at prices affordable to households earning 50% of Area Median Income (AMI) consistent with the provisions of Government Code § 65915-65918 (Density Bonus). The units shall remain affordable under these requirements for a period of not less than 55 years.

PLAN REQUIREMENTS: The Owner/Applicant shall enter into and record an Agreement to Provide Affordable Housing, which shall include a model Restrictive Covenant and Preemptive Right. The agreement and covenant shall be based on the County's model documents, as they may be amended from time to time and subject to review and approval by P&D, County Housing and Community Development, and County Counsel.

TIMING: The Agreement shall be entered into and recorded prior to Land Use Permit issuance. P&D processing staff shall obtain written HCD approval and confirmation of the executed and recorded Agreement, using the HCD Project Approval Form, prior to Land Use Permit issuance.

DEVELOPMENT PLAN CONDITIONS

32. **Rules-01 Effective Date-Not Appealable to CCC.** This Development Plan shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [Article II §35-169.4].
33. **Rules-04 Additional Approvals Required.** Approval of this Development Plan is subject to the California Coastal Commission certifying the required Rezoning and Coastal Plan Amendment.
34. **Rules-14 Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the

development or unless a time extension is approved in compliance with County rules and regulations.

35. **DIMF-24a DIMF Fees-Library.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for libraries. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total Library DIMF amount is assessed at \$10,240. This is based on a project type of 32 net new residential apartments and a project size of 21,031 square feet.

TIMING: Library DIMFs shall be paid to Planning & Development Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.

36. ~~**DIMF-24b DIMF Fees-Public Administration.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for public administration. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total Public Administration DIMF amount is assessed at \$43,744. This is based on a project type of 32 net new residential apartments and a project size of 21,031 square feet.~~

~~**TIMING:** Public Administration DIMFs shall be paid to Planning & Development Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.~~

37. **DIMF-24c DIMF Fees-Sheriff.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the County Sheriff. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total County Sheriff DIMF amount is assessed at \$11,680. This is based on a project type of 32 net new residential apartments and a project size of 21,031 square feet.

TIMING: County Sheriff DIMFs shall be paid to Planning & Development Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.

38. **DIMF-24d DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total Fire DIMF amount assessed is \$21,047. This is based on a project type of 32 net new residential apartments and a project size of 21,031 square feet.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.

39. ~~**DIMF-24e DIMF Fees-Parks.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay~~

~~development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total Parks DIMF amount is assessed at \$142,771. This is based on a project type of 32 net new residential apartments and a project size of 21,031 square feet.~~

~~**TIMING:** Parks DIMFs shall be paid to the County Parks Department prior to final Building Inspection and shall be based on the fee schedules in effect when paid.~~

40. **DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total DIMF amount for Transportation is assessed at \$238,041. This is based on a project type of 33 new residential apartments and a project size of 21,031 square feet, with a credit granted for the existing fraternity house.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Land Use Permit issuance and shall be based on the fee schedules in effect when paid.

41. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:

1. Flood Control Water Agency dated July 7, 2011
2. Air Pollution Control District dated July 11, 2011;
3. Fire Department dated July 15, 2011;
4. Project Clean Water dated July 29, 2011
5. Parks Department dated January 10, 2012;
6. Transportation Division dated January 6, 2012.

42. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

1. 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;
2. Pay fees prior to approval of Land Use Permit 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 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;
3. Note the following on each page of grading and building plans “This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and applicable mitigation measures from the 03-EIR-08 Environmental Impact Report”;
4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance

Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

43. **Rules-07 DP Conformance.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit #1, dated February 1, 2012.
44. **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.
45. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
46. **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.
47. **Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other 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 in 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 11CDP-00000-00041

Project Name: Housing Authority of SB Pescadero Lofts Project

Project Address: 761 Camino Pescadero

Assessor's Parcel No.: 075-020-005

Applicant Name: Housing Authority of Santa Barbara County

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.

Date of Approval: _____

Associated Case Number(s): 11DVP-00000-00004, 11RZN-00000-00003, 11GPA-00000-00004, 11BAR-00000-00113

Project Description Summary: Development of a 33-unit apartment complex totaling 21,031 square feet and requiring approximately 208 cubic yards of cut and 261 cubic yards of fill

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 S. California Street, Suite 200, Ventura within 10 business days following receipt by the Coastal Commission of the County's notice of final action.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore 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 following the expiration of the appeal period provided an appeal of this approval has not been filed and all applicable conditions of approval that are required to be met prior to permit issuance have been completed.
- 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.

Owner/Applicant Acknowledgement: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

Print Name	Signature	Date
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Planning and Development Department Approval by:

Print Name	Signature	Date
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Planning and Development Department Issuance by:

Print Name	Signature	Date
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ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

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

The project description is as follows:

The applicant is requesting to amend the land use designation of the property from RES-20 to RES-30 and rezone the property from SR-H-20 to SR-H-30; and to develop a total of 33 new affordable residential apartments and common area facilities, including 26 studio apartments, six one-bedroom apartments, and one two-bedroom apartment for the apartment manager. Common area facilities would include a lobby, meeting rooms, a community room, and a kitchen to provide meeting space and space for training opportunities for the residents of the site. The spaces would not be used by outside guests or community groups. The rezone requires establishment of a new density of 30 units per acre under the existing SR-H zone district in Article II. The project includes a request to add restrictive language to the rezone ordinance to require that for any site rezoned to SR-H-30, all units would be affordable. Total square footage for the project would be 21,031 square feet. The maximum building height is proposed to be 35 feet. The project would include 34 parking spaces, in conformance with State Density Bonus Program allowances, and 68 bicycle parking spaces. Two oak trees would be removed and replaced. Grading for the project would total approximately 208 cubic yards of cut and 261 cubic yards of fill.

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, the referenced 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 exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

2. **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].
3. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

4. **Rules-11 CDP Expiration-With CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval 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. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.
5. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
6. **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.
7. **Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other 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 in 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.