

## **ATTACHMENT 2: CONDITIONS OF APPROVAL**

### **Project Description**

- 1. Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description, 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 is for a Land Use Permit to allow construction of a new 2,541 square foot two story single-family residence, approximately 402 square foot attached 2-car garage, and 731 square feet of cantilevered decks. Associated landscaping and hardscaping are proposed. The parcel is currently vacant. The project will require 450 cubic yards of cut and approximately 80 cubic yards of fill. A total of 6 non-native trees are proposed for removal. Two existing Oak trees will be protected in place.

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.

### **Conditions By Issue Area**

- 3. Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
  - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c. During construction, use water trucks or sprinkler systems to keep all areas of

vehicle movement damp enough to prevent dust from leaving the site.

d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.

e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.

f. Order increased watering as necessary to prevent transport of dust off-site.

g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:

i. Seed and water to re-vegetate graded areas; and/or

ii. Spread soil binders; and/or

iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide B&S staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

a. Assure all dust control requirements are complied with including those covering weekends and holidays.

b. Order increased watering as necessary to prevent transport of dust offsite.

c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to first Grading or Building Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: The measures shall be printed on all Grading and Building plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

**4. Bio-01a Tree Protection Plan-Site Plan Component:** The Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to mitigate impacts to three existing Oak trees located on the property adjacent to Montrose Place. The plan shall include the following site plan components:

1. The Owner/Applicant shall comply with and depict the following on the TPP exhibit and Grading and Building Plans.

a. All Oak trees shall be preserved. No grading for buildings, accessways, easements, subsurface grading sewage disposal and well placement shall take place within the area within six feet of the dripline of any of these trees.

b. Six non-native trees. will be removed per approved plans. Depict location of these trees.

c. Depict equipment storage (including construction materials, equipment, fill soil

or rocks) and construction staging and parking areas outside of the protection area.

d. Depict the type & location of protective fencing (see below) or other barriers to be in place to protect trees in protection areas during construction.

e. Depict the location of all tree wells or retaining walls. These shall be located outside the area within six feet of the dripline of all protected trees.

f. Depict the location of all paths, driveways, and walkways, within 25 feet of dripline areas. Only pervious paving materials and caisson supports for the driveway and access are permitted within 6 feet of dripline areas.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) Submit the TPP; (2) Include all applicable components in Landscape and Irrigation Plans; (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 approval of Land Use Permit. Plan components shall be included on all plans prior to the issuance of Building permits. The Owner/Applicant shall install tree protection measures onsite prior to issuance of Building permits and pre-construction meeting.

MONITORING: The Owner/Applicant shall demonstrate to B&S staff that trees identified for protection were not damaged or removed prior to Final Building Inspection Clearance.

**5. 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 mitigate impacts to three existing Oak trees on site. The Owner Applicant shall comply with and specify the following as notes on the TPP and Grading and Building Plans:

1. Fencing of all Oak trees to be protected at least 1-6 feet outside the dripline 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 Oak 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.

5. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist:

a. Any construction activity, trenching, or grading required within the dripline or sensitive root zone of any Oak tree.

b. Cleanly cutting any roots of 1/2-inch in diameter or greater, encountered during grading or construction.

6. The following are not permitted:

- a. Tree removal and trimming.
- b. The use of root sealers.

7. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.

8. The path of utilities should avoid tree protection zones. If a utility must travel within the CRZ, boring shall be beneath roots larger than 2" in diameter.

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; (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 issuance of Land Use Permit. 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 B&S 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.

- 6. CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of building permit and B&S staff shall spot check in the field throughout grading and construction.

- 7. Geo-01b Soils Engineering Study:** The Owner/Applicant shall comply with the recommendations of the Soils Engineering Report prepared by GeoSolutions, January 28, 2021, and any successor reports required as a part of the Building and Grading permit review. PLAN REQUIREMENTS: Plans submitted for Building and Grading permit review shall incorporate recommendations of the Soils Engineering Report prepared by GeoSolutions, January 28, 2021, and any required successor reports. TIMING: The Owner/Applicant shall incorporate recommendations into Building and Grading plans prior to submittal of Building and Grading permits. MONITORING: The Owner/Applicant shall demonstrate that

the submitted plans conform to required study components. Grading and building inspectors shall ensure compliance during plan review and in the field.

- 8. Geo-02 Erosion and Sediment Control Plan:** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

**MONITORING:** B&S staff shall perform site inspections throughout the construction phase.

- 9. Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday.

No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.

Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors shall spot check and respond to complaints.

- 10. Parking-02 Onsite Construction Parking:** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way whenever feasible.

**PLAN REQUIREMENTS:** 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.

**TIMING:** A copy of the written notice shall be submitted to P&D permit processing staff prior to land use clearances for grading and building permits. This restriction shall be maintained throughout construction.

**MONITORING:** Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

- 11. 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, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all grading and building permits.

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

**MONITORING:** B&S staff shall ensure compliance prior to and throughout construction.

- 12. 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 as needed to prevent spill and at least 24 hours prior to any predicted rain event. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all grading and building permits.

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

**MONITORING:** B&S staff shall ensure compliance prior to and throughout construction.

### **County Rules and Regulations**

- 13. 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 in effect when paid.

The total Fire DIMF amount is currently estimated to be \$1,500.00 (December 18, 2023). This is based on a project type of Single Family Dwelling and a project size of 2,541 square feet.

**TIMING:** Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 14. 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 in effect when paid.

The total Parks DIMF amount is currently estimated to be \$1,709.00 (December 18, 2023). This is based on a project type of Single family dwelling and a project size of 2,541 square feet.

**TIMING:** Parks DIMFs shall be paid to the County Parks Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 15. 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 in effect when paid.

The total DIMF amount for Transportation is currently estimated to be \$2,929 per PHT(December 18, 2023). Contact Public Works Transportation staff (805-739-8785) for estimate of PHT. This is based on a project type of Single Family Dwelling and a project size of 2,541 square feet.

**TIMING:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 16. 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.
- 17. Rules-23 Processing Fees Required:** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 18. 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.
- 19. 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.
- 20. Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.