

**ATTACHMENT 3.1: CONDITIONS OF APPROVAL**

**Case No. 12TPM-00000-00006, TPM 14,791**

- 1. Proj Des-01 Project Description.** This Tentative Parcel Map is based upon and limited to compliance with the project description, the Board of Supervisors hearing exhibits marked Attachment “6 (Exhibit H)”, dated July 1, 2014, 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:

**Tentative Parcel Map 14,791 would subdivide the existing 10.25-acre parcel into two resultant parcels of 3.04 acres (Proposed Parcel A) and 7.21 acres (Proposed Parcel B) in size.**

**A development exclusion area located primarily on proposed Parcel B would be placed to avoid impacts to cultural resources. Building envelopes on proposed Parcels A and B would contain all future structural development.**

**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 in accordance with the conditions included with the Parcel Map.**
- **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 within 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 a narrow area between the lower and middle terraces, as shown on the Parcel Map. All other roadways must be located outside of the exclusion area.**

**Building envelopes on proposed Parcels A and B would contain all future structural development such as residential and accessory structures. These envelopes are outside of the riparian corridor and associated buffer (which is 100 ft from the 2006 canopy of the riparian corridor), ordinance-defined property line setbacks, and the slope stability and bluff retreat setbacks calculated for the proposed project.**

**Development that could occur outside of the building envelopes would include non-structural development such as patios, hardscape, driveways and septic systems, provided that such items are located outside of the development exclusion area.**

**Development within the riparian corridor and buffer would be limited to habitat restoration planting as approved in the Habitat Restoration Plan, and maintenance**

**of project elements approved with 11CDH-00000-00006 such as the gabion wall and drainage features.**

**The property would continue to be served by the Montecito Water District for domestic water and a private well near the Padaro Lane entrance for irrigation of landscaping and restoration plantings. Waste disposal would be provided by either a private EHS-approved drywell type of septic system or, if available, connection to public sewer lines at Padaro Lane. Fire protection would be provided by the Carpinteria-Summerland Fire Protection District. Access to proposed Parcel B would be taken from an existing driveway at the northeast corner of proposed Parcel B. Parcel A would also have frontage on Padaro Lane to allow access and utility connections to be taken directly from Padaro Lane. A drainage acceptance agreement is also proposed on Parcel B for the benefit of Parcel A.**

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. Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for all current and future projects on both resultant parcels. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous SBAR approvals under Case No. 12BAR-00000-00070. **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Coastal Development 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.
- 4. Aest-06 Building Materials.** For all current and future projects on both resultant parcels, natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures,

including water tanks and fences, except for residential development otherwise subject to review of the South Board of Architectural Review (SBAR). For residential structures, materials shall be in conformance with those approved by the SBAR. **PLAN REQUIREMENT:** Materials shall be denoted on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.

5. **Aest-10 Lighting.** For all current and future projects on both resultant parcels, the Owner/Applicant shall ensure any exterior night lighting proposed on either of the resulting parcels 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. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR and P&D approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit or Coastal Development Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.
6. **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 construction on either Parcel. 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 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.
7. **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:

**Board Letter Attachment 3.1 – Conditions of Approval for 12TPM-00000-00006**

Beach Club Lot Split, Gabion Wall and Grading, and New Single Family Residence Project

12TPM-00000-00006, 11CDH-00000-00006, 11CDH-00000-00054

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- a. 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.
- b. Species shall be from locally obtained plants and seed stock.
- c. 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.
- d. 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.
- e. 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.
- f. 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 which 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.

- 8. Bio-20 Equipment Storage-Construction.** For all current and future projects on both resultant parcels, 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 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 designated 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.

**9. Bio-20a Equipment Washout-Construction.** For all current and future projects on both resultant parcels, 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 designated 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.

**10. 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;
- 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.

- 11. Special Condition CulRes-02: Structural Demolition & Retention of Foundations in Place.** 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:** The Owner/Applicant shall print this condition on all grading

and building plans. Prior to issuance of the Coastal Development Permit 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 map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054.

**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 field work.

**12. Special Condition CulRes-03: Cap Significant Site Areas.** After demolition of the house and accessory structure, 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-00000-00054 and 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. 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:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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 map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. 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.

**13. 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 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

**14. Special Condition CulRes-05: Cultural Resources Monitor.** For all current and future projects on both resultant parcels, 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

- 15. 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.
- 16. Special Condition CulRes-07: Compliance with plans.** For all current and future projects on both resultant parcels, 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

**17. 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 in accordance with the conditions included with the Parcel Map.
- 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. All other roadways must be located outside of the exclusion area.

**Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054, and shall be recorded graphically with 12TPM-00000-00006. The area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site shall be mapped graphically on a separate informational sheet and designated as “Development Exclusion Area”. This sheet shall be recorded with the final map. **Monitoring:** P&D shall ensure that this condition is met prior to map recordation.

**18. Special Geologic Protection Measures.** For all current and future projects on both resultant parcels, all construction techniques and onsite development shall conform to the recommendations contained in the relevant Geotechnical Engineering Reports prepared by Earth Systems and any other reports required by P&D. **PLAN REQUIREMENTS:** For proposed development on both newly created parcels, 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 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.

**19. WatConv-03: Erosion and Sediment Control Revegetation.** For all current and future projects on both resultant parcels, 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 revegetate 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.

- 20. 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 resultant parcels, 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.
  
- 21. 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.

## **PROJECT SPECIFIC CONDITIONS**

**22. Special Condition DevEnv-04 - Exclusion Area for Maps.** The Board of Supervisors has determined an exclusion envelope is necessary to identify areas onsite that are excluded from all uses and development. Exclusion envelopes shall be identified for those areas shown on Board of Supervisors Attachment 6 (Exhibit H), dated July 1, 2014 to avoid impacts to significant cultural resources. No development of any kind, including grading, stockpiling, access ways, development, vegetation removal, construction equipment operation or storage shall occur in the identified exclusion area(s) with the exception of the following activities:

- Fill material shall be placed on top of a geogrid fabric layer to protect significant cultural resources in accordance with the conditions included with the Parcel Map.
- Shallow-rooted landscaping shall be placed entirely within the fill on top of the geogrid fabric.
- A protective fence may be installed along the bluff top, with fenceposts placed entirely within the fill soil above the geogrid fabric layer.
- The applicant may retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces, as shown on the Parcel Map. All other paved or unpaved driveways and access routes must be located outside of the exclusion area.

**Plan Requirements:** The exclusion area shall be recorded concurrently with and cross-referenced on the map. The exclusion area shall also be described by metes and bounds and shown on all plans submitted for Coastal Development Permits, Zoning Clearances, Grading Permits and Building Permits. **Timing:** This condition shall be recorded with the final map. **MONITORING:** During plan check of any permit on Parcel A or Parcel B, the P&D permit processing planner shall confirm that no development would occur within the development exclusion envelope with the exception of activities explicitly permitted by permit no. 11CDH-00000-00006.

**23. Special Condition DevEnv-01 Building Envelopes.** All structural development on both newly created lots shall be limited to the building envelopes designated on Board of Supervisors Attachment 6 (Exhibit H), dated July 1, 2014. The building envelopes identify the location of proposed structures, construction storage and staging while allowing other uses such as grading, stockpiling, utilities, paving, etc. to occur outside the building envelope, subject to applicable permits. **PLAN REQUIREMENTS:** The building envelopes shall be described by metes and bounds and with this condition shall be recorded with the final map on the deed. The building envelopes shall also be recorded with and cross-referenced on the map. Finally, the building envelopes shall be depicted on all plans submitted for Coastal Development Permits or Zoning Clearances, and Building Permits. **TIMING:** The building envelopes shall be staked in the field prior to

approval of any Coastal Development Permit. **MONITORING:** During plan check, the P&D permit processing planner shall confirm that all structural development is confined to the approved building envelope. Staking shall be verified by compliance monitoring staff at the preconstruction meeting or prior to building permit approval. P&D building inspectors and compliance monitoring staff shall ensure that structural development is confined to the building envelopes and that staking remains in place during construction.

- 24. Can and Will Serve Letters.** Prior to map recordation, the owner/applicant shall obtain can and will serve letters from the Montecito Water District for both lots created by 12TPM-00000-00006.
- 25. Public Sewer Connection.** Within six months of the time of availability of public sewer service from the Carpinteria Sanitary District on Padaro Lane at the property boundary of both resultant parcels, the applicant shall connect to District services and shall abandon the private septic system, subject to EHS permit requirements.
- 26. Special Condition GRD-1 Location of Stockpile Areas.** All stockpiles shall be located within designated building envelopes. **TIMING:** Stockpile locations shall be graphically depicted on all land use and grading permits. **MONITORING:** P&D processing planner shall ensure stockpile locations are within building envelopes. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite.

## **TENTATIVE PARCEL MAP CONDITIONS**

- 27. Map-01 Maps-Info.** Prior to recordation of the map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
- 28. Map-01a Maps-Future Lots.** Any lot created by the recordation of this map is subject to the conditions of this map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this map, each set of plans accompanying any permit for development shall contain the conditions of this map.
- 29. Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the map, the Owner/Applicant shall submit a map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.

- 30. Map-08 Water and Sewer Connections.** If, prior to the Board action to approve the recording of the Final Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
- 31. Map-09 Drainage Easement.** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve a drainage easement over Lot B in favor of Lot A at the time of conveyance of either parcel. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.
- 32. Map-10 Public Utility Easements.** Prior to recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
- 33. Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.

## **COUNTY RULES AND REGULATIONS**

- 34. Special Condition Rules-04 Additional Approvals Required.** Approval of this Tentative Parcel Map is subject to the Board of Supervisors approving permit no. 11CDH-00000-000016, which resolves an active zoning violation on the subject parcel.
- 35. Rules-23 Processing Fees Required.** Prior to map recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions and applicable law in effect when paid.
- 36. DIMF-24e DIMF Fees-Parks (Quimby Fee).** 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 \$1,226.00 per lot. This is based on a project

type of a single-family dwelling. **TIMING:** Parks DIMFs shall be paid to the County Parks Department prior to map recordation.

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

- a) Air Pollution Control District dated August 3, 2012
- b) Environmental Health Services Division dated March 28, 2013
- c) Carpinteria-Summerland Fire Protection District dated August 15, 2012
- d) Parks Department dated November 15, 2013

**38. 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.

**39. 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 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.

**40. 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.

**41. Rules-36 Map/LLA Expiration.** This map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.



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):** 12TPM-00000-00006, 11CDH-00000-00054

**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 the single family dwelling, (4) removal of the accessory structure, (5) removal of a retaining wall, (6) removal of the play structure, (7) abandonment of an existing well, (8) grading for sensitive resource capping, (9) installation of a split-rail safety fence, and (10) removal of a legal nonconforming gate located across Toro Canyon Creek.

**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 July 22, 2014. 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 July 23, 2014 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 – 11", dated July 1, 2014, 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, (3-6) demolition of existing structures, (7) abandonment of an existing well, (8) grading for sensitive resource capping, (9) installation of a split-rail safety fence, and (10) removal of a gate across Toro Canyon Creek, as follows:

- (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 placed in the area of the previously permitted watchman's trailer. In addition, construction of the gabion wall required approximately 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

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Case No.: 11CDH-00000-00006

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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). 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

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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.

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- (3) **Demolition** of an approximately 1,350 square foot single family dwelling and removal of the attached 1,079 square foot deck (deck supports to be cut off at grade and slab foundation to remain in place).
- (4) **Demolition and removal** of the existing 1,118 square foot detached residential second unit (DRSU) and accessory structure (slab foundation to remain in place).
- (5) **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.
- (6) **Removal of an existing play structure** from within the 100 ft setback from edge of canopy/riparian.
- (7) **Removal 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.
- (8) **Resource Capping.** The slab foundations associated with the residence and DRSU would be left in place and all existing utility lines would be abandoned in place. The areas around the slabs, extending down to the proposed split rail fence would be capped with fill soils totaling approximately 2,400 cubic yards on Proposed Parcel B and approximately 415 cubic yards on Proposed Parcel A 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.
- (9) **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 (Proposed Parcel B of 12TPM-00000-00006).
- (10) **Gate Removal.** Removal of the central metal gate portion of a legal nonconforming gate and pillars located across Toro Canyon Creek immediately south of Padaro Lane and partially on the subject parcel. The gate's concrete support pillars would be left in place in order to avoid ground disturbance within the creek corridor

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

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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 construction on either Parcel. 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 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.

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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.** For all current and future projects on both resultant parcels, 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 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 designated 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.** For all current and future projects on both resultant parcels, 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 designated 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

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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;
  - 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

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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.**

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:** The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit 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 map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. **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 field work.

- 9. Special Condition CulRes-03: Cap Significant Site Areas.** After demolition of the house and accessory structure, 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-00000-00054 and 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. 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:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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

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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 map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. 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 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.** For all current and future projects on both resultant parcels, 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. This condition shall be shown on all building and grading plans. Prior to issuance of

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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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.** For all current and future projects on both resultant parcels, 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 applies to 11CDH-00000-00006, 11CDH-00000-00054

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and shall be recorded with 12TPM-00000-00006. 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 in accordance with the conditions included with the Parcel Map.
- 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. All other roadways must be located outside of the exclusion area.

**Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054, and shall be recorded graphically with 12TPM-00000-00006. The area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site shall be mapped graphically on a separate informational sheet and designated as "Development Exclusion Area". This sheet shall be recorded with the final map. **Monitoring:** P&D shall ensure that this condition is met prior to map recordation.

**15. Special Geologic Protection Measures.** For all current and future projects on both resultant parcels, all construction techniques and onsite development shall conform to the recommendations contained in the relevant Geotechnical Engineering Reports prepared by Earth Systems. **PLAN REQUIREMENTS:** For proposed development on both newly created parcels, 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.** For all current and future projects on both resultant parcels, 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 resultant parcels, 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. 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

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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 1<sup>st</sup> and April 15<sup>th</sup> of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

- 20. Special Condition GRD-1 Location of Stockpile Areas.** All stockpiles shall be located within designated building envelopes. **TIMING:** Stockpile locations shall be graphically depicted on all land use and grading permits. **MONITORING:** P&D processing planner shall ensure stockpile locations are within building envelopes. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite.
- 21. 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.
- 22. 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.
- 23. 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

- 24. 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

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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].

- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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
- 30. 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.
- 31. 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:

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- 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 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.

**32. 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.

**33. Special - Removal of Gate.** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall remove the gate across Toro Canyon Creek immediately south of Padaro Lane. Only the gate 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 gate has been removed, the pillars remain, and no ground disturbance has occurred. .



COUNTY OF SANTA BARBARA

## Planning and Development

### COASTAL DEVELOPMENT PERMIT

**Case No.:** 11CDH-00000-00054

**Project Name:** Beach Club Single Family Dwelling

**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):** 12TPM-00000-00006, 11CDH-00000-00006

**Project Description Summary:** Construction of a new single family residence of 5,576 square feet with a 500 square foot basement and a 750 square foot attached garage. The average height of the residence would be less than 16 feet. Project also includes Construction of approximately 500 linear feet of courtyard retaining walls, between 1 and 4 feet in height, landscaping, a split rail fence, storm drain, and removal and relocation of trees.

**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 July 22, 2014. 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 July 23, 2014 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 – 11", dated July 1, 2014, 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:

**This Coastal Development Permit with hearing is a request to allow a single family dwelling and grading, as follows:**

- (1) Construction of a new single family residence of 5,576 square feet with a 500 square foot basement and a 750 square foot attached garage. The average height of the residence would be less than 16 feet (Proposed Parcel A of 12TPM-00000-00006);**
- (2) Construction of approximately 500 linear feet of courtyard retaining walls, between 1 and 4 feet in height, associated with the residence (Proposed Parcel A of 12TPM-00000-00006);**
- (3) Landscaping associated with the SFD: proposed landscaping would be selected to discourage foot traffic along the bluff edge. Plants are proposed to be low water, low root-spread varieties. Planting within the resource boundary would be installed above the proposed geofabric layer only to avoid disturbance to resources. A new split-rail fence would also be added along the bluff; within the resource boundary, footings would be located entirely in fill soil (proposed Parcels A and B of 12TPM-00000-00006).**
- (4) Installation of approximately 90 feet of existing, underground 24-inch storm drain to connect to an existing drain well located on the east side of the property. (Proposed Parcels A & B of 12TPM-00000-00006);**
- (5) Tree removal and relocation. Two existing eucalyptus trees at the western property line of proposed Parcel A would be removed and an existing fig tree would be boxed and relocated onsite to facilitate construction of the residence. Removal of these trees would be mitigated through completion of the restoration plan which calls for planting of 75 additional trees beyond the 131 planted thus far during restoration.**

**The total amount of grading for the single family dwelling site would be approximately 1,030 cubic yards of cut and 3,055 cubic yards of fill with 2,025 cubic yards of import. The property would continue to be served by the Montecito Water District (for domestic water), private septic systems (or, if available, connection to a public sewer line at Padaro Road) and the Carpinteria-Summerland Fire Protection District. Water for landscaping would be provided by an onsite well on proposed Parcel B and a shared water system agreement to benefit proposed Parcel A. . Access would be taken via a private drive from Padaro Lane**

**Board Letter Attachment 3.3, Project Conditions of Approval**

Case No.: 11CDH-00000-00054

Project Name: Beach Club Single Family Dwelling

Project Address: 2825 Padaro Lane

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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. Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for all current and future projects on both resultant parcels. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous SBAR approvals under Case No. 12BAR-00000-00070. Additionally, any future entry gates or fencing on both resultant parcels shall maintain filtered blue water views on behalf of the public from Padaro Lane. **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Coastal Development 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.
- 4. Aest-06 Building Materials.** For all current and future projects on both resultant parcels, natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences, except for residential development otherwise subject to review of the South Board of Architectural Review (SBAR). For residential structures, materials shall be in conformance with those approved by the SBAR. **PLAN REQUIREMENT:** Materials shall be denoted on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.
- 5. Aest-10 Lighting.** For all current and future projects on both resultant parcels, the Owner/Applicant shall ensure any exterior night lighting proposed on either of the resulting parcels is of low intensity, low glare design, minimum height, and shall be hooded to direct light

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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. **PLAN**

**REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR and P&D approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit or Coastal Development Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

- 6. 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 construction on either Parcel. 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 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.
- 7. Bio-20 Equipment Storage-Construction.** For all current and future projects on both resultant parcels, 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 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 designated 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.
- 8. Bio-20a Equipment Washout-Construction.** For all current and future projects on both resultant parcels, 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.

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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 designated 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.

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

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:** The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit 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 map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. **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 field work.

**10. Special Condition CulRes-03: Cap Significant Site Areas.** After demolition of the house and accessory structure, 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-00000-00054 and 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. All work related to capping shall be guided by the archaeologist and

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monitored by an archaeologist and a Native American observer. **Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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 map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. 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.

**11. 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 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

**12. Special Condition CulRes-05: Cultural Resources Monitor.** For all current and future projects on both resultant parcels, 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

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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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

**13. 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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

**14. Special Condition CulRes-07: Compliance with Plans.** For all current and future projects on both resultant parcels, 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

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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 applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006. 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.

**15. 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 in accordance with the conditions included with the Parcel Map.
- 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. All other roadways must be located outside of the exclusion area.

**Plan Requirements and Timing:** This condition applies to 11CDH-00000-00006, 11CDH-00000-00054, and shall be recorded graphically with 12TPM-00000-00006. The area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site shall be mapped graphically on a separate informational sheet and designated as “Development Exclusion Area”. This sheet shall be recorded with the final map. **Monitoring:** P&D shall ensure that this condition is met prior to map recordation.

**16. Special Geologic Protection Measures.** For all current and future projects on both resultant parcels, all construction techniques and onsite development shall conform to the recommendations contained in the relevant Geotechnical Engineering Reports prepared by Earth Systems and any other reports required by P&D. **Plan Requirements:** For proposed development on both newly created parcels, 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 review and

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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 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.

**17. WatConv-03: WatConv-03: Erosion and Sediment Control Revegetation.** For all current and future projects on both resultant parcels, 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 reseeding 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.

**18. 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 resultant parcels, 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.

**19. 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

- 20. Special Condition DevEnv-01 Building Envelopes.** All structural development on both newly created lots shall be limited to the building envelopes designated on Exhibit H, dated December 4, 2013. The building envelopes identify the location of proposed structures, construction storage and staging while allowing other uses such as grading, stockpiling, utilities, paving, etc. to occur outside the building envelope, subject to applicable permits. **PLAN REQUIREMENTS:** The building envelopes shall be described by metes and bounds and with this condition shall be recorded with the final map on the deed. The building envelopes shall also be recorded with and cross-referenced on the map. Finally, the building envelopes shall be depicted on all plans submitted for Coastal Development Permits or Zoning Clearances, and Building Permits. **TIMING:** The building envelopes shall be staked in the field prior to approval of any Coastal Development Permit. **MONITORING:** During plan check, the P&D permit processing planner shall confirm that all structural development is confined to the approved building envelope. Staking shall be verified by compliance monitoring staff at the preconstruction meeting or prior to building permit approval. P&D building inspectors and compliance monitoring staff shall ensure that structural development is confined to the building envelopes and that staking remains in place during construction.
- 21. Special Condition GRD-1 Location of Stockpile Areas.** All stockpiles shall be located within designated building envelopes. **TIMING:** Stockpile locations shall be graphically depicted on all land use and grading permits. **MONITORING:** P&D processing planner shall ensure stockpile locations are located within building envelopes. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite.
- 22. 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

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shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1<sup>st</sup> and April 15<sup>th</sup> of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

- 23. Shared Water for Landscaping.** Prior to occupancy clearance, the applicant shall submit an application and receive entitlement for a Minor Conditional Use Permit to allow a shared water system for the agricultural water well on Parcel B, to serve irrigation purposes on Parcel A.
- 24. Public Sewer Connection.** Within six months of the time of availability of public sewer service from the Carpinteria Sanitary District on Padaro Lane at the property boundary of both resultant parcels, the applicant shall connect to District services and shall abandon the private septic system, subject to EHS permit requirements.

## COUNTY RULES AND REGULATIONS

- 25. 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].
- 26. Special Condition Rules-04 Additional Approvals Required.** Approval of this Coastal Development Permit is subject to the Board of Supervisors approving permit no. 11CDH-00000-000016, which resolves an active zoning violation on the subject parcel.
- 27. 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.
- 28. 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.

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- 29. 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.
- 30. 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 ordinances and resolutions and applicable law in effect when paid.
- 31. 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 \$2,047.00. This is based on a project type of one single family dwelling. **TIMING:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to final building inspection.
- 32. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a) Air Pollution Control District dated May 17, 2012
  - b) Environmental Health Services Division dated March 28, 2013
  - c) Carpinteria-Summerland Fire Protection District dated November 1, 2013
  - d) Parks Department dated November 15, 2013
  - e) Transportation Division dated November 5, 2013
- 33. 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.
- 34. 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 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

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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.

**35. 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.