

ATTACHMENT C

**APPROVAL/INTENT TO ISSUE
A DISCRETIONARY APPEALABLE
COASTAL DEVELOPMENT PERMIT (CDP)**

Case No.: 01CDH-00000-00058 **Planner:** Jackie Campbell
Project Name: Santa Claus Removal/Relocation and Demolition
Project Address: 3819 Santa Claus Lane
A.P.N.: 005-450-009



The Board of Supervisors *grants approval* of this discretionary Coastal Development Permit for the development described below, subject to the attached conditions and final issuance of the Coastal Development Permit.

APPROVAL DATE: February 25, 2002

COASTAL COMMISSION APPEAL PERIOD STARTS:

COASTAL COMMISSION APPEAL PERIOD ENDS:

APPEALS: The Board of Supervisors' final decision may be appealed to the California Coastal Commission.

DATE OF PERMIT ISSUANCE:

PROJECT DESCRIPTION AND CONDITIONS: See Exhibit A, hereby incorporated by reference.

EXPIRATION: Upon permit issuance, the permit shall be valid for two years. Failure to obtain a required construction or demolition permit and to lawfully commence development within two (2) years of permit issuance shall render this Coastal Development Permit null and void.

Board of Supervisors Approval:

_____/_____
Chair of the Board Signature / Date

ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

_____/_____
Print Name / Signature / Date

Planning & Development Issuance by:

_____/_____
Name / Date

EXHIBIT A
PROJECT DESCRIPTION AND CONDITIONS

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the Memorandum of Understanding (MOU) adopted by the Board of Supervisors on December 11, 2001, the hearing exhibit marked Board of Supervisors' Exhibit A, dated February 25, 2002, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The owner shall remove the Santa and chimney (Santa figure) and restore/repair the roof of the building at 3819 Santa Claus Lane upon approval and issuance of the CDP-H and Demolition/Relocation permits by the Board of Supervisors. Prior to said removal, photodocumentation of the Santa 'in situ' shall occur pursuant to the County's standards as outlined in Condition 3 below. The owner shall retain the Santa figure behind the building at 3819 Santa Claus Lane until January 22, 2003. During the retention period, the owner shall maintain a fence or crate around the Santa figure to preserve it from damage or other vandalism. The maintenance of the fence or crate shall constitute the owner's sole obligation to preserve the Santa figure from vandalism or other damage. In the event that the exterior of the Santa or chimney is damaged during the process of removal from the roof of the building, or transportation to its new location, the owner shall only be responsible for cosmetic repair up to a maximum cost of \$500.00. During the retention period the county shall be solely responsible for seeking alternative locations for the Santa figure. Relocation of the Santa figure during the retention period shall be subject to the terms of the MOU paragraphs 3 (e) through (h). If no alternative location is found within the retention period, the owner shall be entitled to proceed with removal from the property and demolition without any further approvals from any department or agency of the County. The owner shall commemorate the Santa figure's history through a photographic exhibit on the property at 3819 Santa Claus Lane and a commemorative plaque as recommended by a qualified independent historian, subject to a maximum obligation of \$4,000.00. If the Santa figure is relocated to a site selected by the county, the owner's financial obligation to provide a commemorative exhibit shall be reduced by the amount of actual and reasonable relocation costs.

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

2. The Santa figure shall be temporarily fenced or crated with material authorized by P&D during the removal activities and the retention period. **Plan Requirements:** The fencing or crating shall be shown on approved removal/demolition plans. **Timing:** Plans shall be approved and the crating shall be in

place prior to the start of removal. The fencing or crating shall be in place throughout the retention period.

Monitoring: P&D shall verify installation of fencing/crating by reviewing photodocumentation or by site inspection during and after relocation activities.

3. The historical features of the Santa figure shall be documented by a P&D-approved historian. **Plan Requirements and Timing:** Prior to removal of the Santa Claus, the applicant shall provide for documentation of all historical resource features using historic and archival quality photography. A copy of these photographs shall be provided to P&D and the Carpinteria Valley Historical Society.

Monitoring: Permit Compliance staff shall verify that the photo-documentation has occurred prior to commencement of removal activities.

4. Prior to issuance of the CDP to allow the removal of the Santa, applicant shall submit photo-documentation of the structures along Santa Claus Lane addressed as 3785 to 3821 (but not including 3813) Santa Claus Lane. Photos shall be submitted to the Carpinteria Valley Historical Society.

Monitoring: Prior to issuance of the CDP, P&D shall ensure that the Carpinteria Valley Historical Society has received the photographs.

5. The Santa Claus figure shall be relocated from the roof of the building at 3819 Santa Claus Lane to a new location in the yard behind the building. **Plan Requirements and Timing:** Removal and relocation plans shall be reviewed and approved by P&D prior to issuance of the Coastal Development Permit. The removal/relocation shall occur prior to May 1, 2002.

Monitoring: Permit Compliance shall perform a site inspection to ensure compliance.

6. The Santa Claus figure shall be preserved on-site until January 22, 2003. However, earlier removal from the property shall be allowed if the County locates and approves a new site for the Santa prior to that date pursuant to the MOU. After removal from the roof, any structural modifications to Santa shall be designed by a P&D approved architectural historian. **Plan Requirements and Timing:** Any proposed modifications to the Santa shall be submitted to P&D for review and approval.

Monitoring: Permit Compliance shall perform site inspections to ensure the Santa is maintained on the property throughout the retention period.

7. If the Board of Supervisors determines at a noticed public hearing that the permittee is not in compliance with the MOU or any conditions of this permit pursuant to the provisions of section 35-169.9 of Article II of the Santa Barbara County Code, the Board of Supervisors may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.

8. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

9. The Board of Supervisors' approval of this Appealable CDP shall expire one year from the date of approval or, if appealed, the date of action by the Board of Supervisors or the California Coastal Commission on the appeal, if the permit for use, building, demolition or structure permit has not been issued.
10. The use and/or construction of the building or structure, authorized by this approval cannot commence until the Coastal Development Permit has been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied prior to issuance of the Coastal Development Permit must be satisfied. Plans accompanying this Coastal Development Permit shall contain all project conditions.
11. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
12. If the applicant request a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.