

## ATTACHMENT 6: CONDITIONS OF APPROVAL

### Project Description

1. **Proj Des-01 Project Description:** This Permit is based upon and limited to compliance with the project description, hearing exhibits, project plans 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 proposed project includes a request for a Coastal Development Permit, Variance, General Plan Amendment and Rezone. The proposed Coastal Development Permit is for after-the-fact approval of the demolition of a 1,443 square foot residence, demolition of the existing, unpermitted, partially-constructed residence, and the construction of a new 2,281 square foot residence. The proposed Variance is a request to allow a north setback of 2 feet 4 inches instead of the required 10 feet, a east setback of 8 feet instead of the required 10 feet, and zero uncovered parking spaces instead of the required 2 uncovered parking spaces. The proposed General Plan Amendment requests a Local Coastal Plan Amendment to change the land use designation of the property from Recreation/Open Space to Residential and the proposed Rezone requests a change in the zoning of the property from REC to 7-R-1.

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

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

### Conditions By Issue Area

3. **Aest-06 Building Materials:** 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.  
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.

- 4. Compliance with Geologic Recommendations:** The engineered structural and foundational plans submitted to building and Safety (B&S) shall comply with the recommendations of the following studies (and any required future studies): 1) Evaluation of Bluff Stability and Seacliff Retreat, Michael Hoover, January 6, 2012; 2) Response to Comments, Michael Hoover, July 28, 2016; 3) Coastal Hazard & Wave Runup Study, GeoSoils, Inc. 2016; 4) County of Santa Barbara Coastal Engineering Review, Geodynamics, Inc. November 17, 2016.

The plans shall incorporate specific final recommendations from the reports referenced above, in particular, the plans shall incorporate plan check comments as required by the County of Santa Barbara Coastal Engineering Review, Geodynamics, Inc. November 17, 2016. In addition, the applicant shall submit a certification from the project engineer (Michael Hoover) confirming that the final project plans conform to their engineering recommendations

PLAN REQUIREMENTS: The Owner/Applicant shall submit the plans and engineers certification for B&S review and approval as a part of the building permit submittal set. Elements of the approved study shall be reflected on grading and building plans as required.

TIMING: The Owner/Applicant shall submit plans and engineers certification prior to grading/building permit issuance.

MONITORING: Grading and building inspectors shall ensure compliance in the field.

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

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

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

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

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

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

- 6. Noise-03 Noise Study:** The project shall comply with the requirements and recommendations of the onsite noise study (Matthew McDuffee, Acentech, May 15, 2009) as follows:

-Windows on the north, west and east sides of the structure shall have a minimum STC 35 rating.

-Windows on the south side of the structure shall have a minimum STC 27 rating.

**PLAN REQUIREMENTS:** All construction techniques and recommendations of the noise study shall be incorporated into design of the project and detailed on building plans.

**MONITORING:** Building inspectors shall ensure that all noise control measures have been built or incorporated according to the approved plans. If an acoustical survey is required, P&D compliance monitoring staff will ensure recommended levels have been reached prior to Final Building Inspection Clearance.

- 7. Stormwater Control Plan:** Prior to Coastal Development Permit issuance, the applicant shall submit a Tier 1 Stormwater Control Plan to P&D and Project Cleanwater staff. Timing. The applicant shall obtain approval from Project Cleanwater staff prior to CDH issuance.

- 8. WatCons-03 Water Conservation in Landscaping:** The project is subject to the California Water Conservation in Landscaping requirements. Prior to issuance of the CDH, the owner shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Residential Water Authorization Supplemental application or Water Efficient Landscape Ordinance Supplemental application, as appropriate to the size of the landscape area.

**TIMING:** The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to issuance of the CDH. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance.

**MONITORING:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance.

**PLAN REQUIREMENTS:** The Owner/Applicant shall depict the California Water Conservation in Landscaping supplemental application landscape plans on building plans.

### **County Rules and Regulations**

- 9. DIMF-24d DIMF Fees-Fire:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Fire DIMF amount is currently estimated to be \$3,748 (September 2017). This is based on a project type of a single family dwelling and a project size of 2,218 square feet.

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

- 10. DIMF-24e DIMF Fees-Parks:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Parks DIMF amount is currently estimated to be \$1,318 (September 2017). This is based on a project type of [single family dwelling and a project size of 2,218 square feet.

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

- 11. 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 \$1,173 (September 2017). This is based on a project type of single family dwelling and a project size of 2,218 square feet. TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 12. Rules-02 Effective Date-Appealable to CCC:** The Coastal Development Permit with Variance 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].

- 13. Rules-04 Additional Approvals Required:** Approval of this Coastal Development Permit is subject to the California Coastal Commission approving the required Rezone and Coastal Plan Amendment.

- 14. 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.

- 15. 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.

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

1. Air Pollution Control District dated December 15, 2017;
2. Summerland Sanitary District dated July 31, 2017
3. Carpinteria-Summerland Fire Department dated January 20, 2009;
4. Montecito Water District dated August 14, 2015.

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

- 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. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to Coastal Development Permit issuance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include 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. Monthly invoices shall be paid by the due date noted on the invoice;
- c. Note the following on each page of grading and building plans "This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval.
- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

**18. 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.

### **Other**

- 19. Correct Plans:** Prior to issuance of the Coastal Development Permit, all elements of the project plans that show proposed construction (fencing, hardscape, etc.) on adjacent parcels that are not owned by the property owner/applicant shall be deleted from the project plans. Timing: Corrected plans, acceptable to P&D staff, shall be submitted prior to CDH issuance.
- 20. Sewer Line:** Prior to Coastal Development Permit issuance the applicant shall update the project site plan to indicate the location of the proposed sewer line and sewer line easement and any associated grading. In addition, the applicant shall provide written confirmation from the Summerland Sanitary District that the updated plans and project have complied with all District requirements for connection. Timing: The updated plans and District confirmation shall be provided to P&D staff prior to CDH issuance.
- 21. Special Condition 4 Sign Restriction:** Applicant and Applicant's successors in title shall post no signs on the property subject to this permit that (a) explicitly or implicitly indicate that the portion of the sandy beach located adjacent to the subject property is private or otherwise not open to the public; or, (b) contains similar messages that attempt to prohibit public use of the portion of the sandy beach located adjacent to the subject property. In no instance shall Applicant or Applicant's successor in title post signs that read "Private Beach" or "Private Property" seaward of the property. Prior to posting any sign other than one that identifies the street address and owner's name, the Applicant or Applicant's successor in title shall submit the content of the proposed signs to the County for review and approval.
- 22. Special Condition 5 Public Rights:**

  - A. The County's approval of this permit shall not constitute a waiver of any public rights that may exist on the subject property. Applicant and Applicant's successors in title shall not use this permit as evidence of a waiver of any public rights that may exist on the subject property now or in the future.
  - B. This permit does not authorize the permitted development to physically interfere with any public access rights that may exist on the subject property now or in the future.
- 23. UPRR Authorization:** Prior to Coastal Development Permit issuance, the applicant/owner shall either 1) obtain approval from Union Pacific Railroad (UPRR) for all project elements within the UPRR right-of-way; or 2) revise the project to remove all project elements from the UPRR right-of-way. Timing. Proof of UPRR

approval, in written form, of all project elements within the UPRR right-of-way or revised plans removing all project elements from the right-of-way shall shall be submitted to P&D staff prior CDH issuance.