

ATTACHMENT 3: CONDITIONS OF APPROVAL

- 1. Proj Des-01 Project Description.** This permit is based upon and limited to compliance with the project description, the hearing exhibits, 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 is a Coastal Development Permit to allow three areas of first floor residential additions totaling 29 square feet, a 422 square foot second floor residential addition, two areas of garage additions totaling 130 square feet, a 169 square foot carport addition, demolition of approximately 83 square feet of the existing residence, demolition and reconstruction of a pool, construction of a new wall and entry gates, installation of new landscape and hardscape materials and approximately 72 cubic yards of cut and 26 cubic yards of fill. No trees or native vegetation would be removed. The application involves AP No. 007-380-021, located at 1717 Fernald Point Lane, in the Montecito area, First Supervisorial District.

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.
- 3. Special-Construction Parking Plan.** Prior to Coastal Development Permit issuance the applicant shall prepare a Construction Parking Plan.

PLAN REQUIREMENTS: The Construction Parking Plan shall include a construction timeline that indicates each phase of work to completed, the location or construction parking during each phase of construction, the number of vehicles required for each construction phase and the estimated timeframe for each phase of construction. The timeline shall be accompanied by a site plan that graphically illustrates the location of each parking area. Construction parking shall occur on-site to the maximum extent feasible. If construction parking cannot be accommodated during any phase of construction, the parking plan shall note the location of the proposed offsite parking. Offsite parking locations shall be reviewed and approved by P&D staff. Offsite parking shall not impede the flow of traffic along Fernald Point Lane and shall not impede access to the site or through the site to the neighboring property at 1711 Fernald Point Lane. Designated construction parking areas shall occur outside of the access easement to the adjacent property at 1711 Fernald Point Lane. Traffic flaggers may be required if determined necessary by P&D staff upon review of the Parking Plan.

TIMING: The Construction Parking Plan shall be reviewed and approved prior to Coastal Development Permit issuance. Construction personnel shall comply with the requirements of the Parking Plan throughout all phases of construction.

MONITORING: P&D planner shall review and approve the Construction Parking Plan prior to permit issuance. Building inspectors shall spot check and respond to complaints.

4. **Noise-02 Construction Hours.** The Owner /Applicant, all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post 2 signs stating these restrictions at construction site entries.

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

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

5. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site on a regular basis. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all building plans.

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

MONITORING: Building and Safety staff shall ensure compliance throughout construction.

6. **Aest-06 Building Materials.** Natural building materials and colors shall be compatible with surrounding environment and neighborhood (materials shall be non-reflective).

PLAN REQUIREMENT: Materials shall be denoted on building plans.

TIMING: Structures shall be painted prior to Final Building Inspection Clearance.

MONITORING: Building and Safety staff shall inspect prior to Final Building Inspection Clearance.

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

PLAN REQUIREMENTS: The Owner/Applicant shall include these items on design and construction plans, including electrical details.

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

MONITORING: P&D planner shall review lighting cut sheets for compliance with this measure prior to permit issuance.

- 8. SolidW-03 Solid Waste-Construction Site.** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: All plans shall contain notes that the site is to remain trash-free throughout construction.

TIMING: Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

MONITORING: Building and safety staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

- 9. 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 Montecito Planning Commission. 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.

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

1. Air Pollution Control District dated March 4, 2011
2. Montecito Water District with date of application February 15, 2011

- 11. 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.

- 12. Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.