

ATTACHMENT 4

April 6, 2018

Robert Egenolf and Bente Millard
1415 Chapala Street
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF APRIL 4, 2018

***RE: Raemer Crest, LLC and Brilliant Projects, LLC Appeal of Feldman Residence;
14APL-00000-00010***

Hearing on the request of Robert Egenolf and Bente Millard, attorneys for the owners, Raemer Crest, LLC (745 Sand Point Road) and Brilliant Projects, LLC (735 Sand Point Road) to consider Case No. 14APL-00000-00010 [application filed on April 15, 2014] to appeal the Zoning Administrator's approvals of Case Nos. 13MOD-00000-00001 and 13CDH-00000-00001 in compliance with Section 35-182.2 of the Article II Coastal Zoning Ordinance, on property zoned 10-R-1, and to adopt the Mitigated Negative Declaration (15NGD-00000-00006) dated January 16, 2018, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: biological resources, geologic processes, noise, water resources/flooding. The MND and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or online at: <http://sbcountyplanning.org/environmental/Documents/Feldman%20ND%20New.pdf> The MND is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street, Santa Barbara. The application involves Assessor Parcel No. 005-460-043, located at 755 Sand Point Road in the Carpinteria area, First Supervisorial District.

Dear Mr. Egenolf and Ms. Millard:

At the Planning Commission hearing of April 4, 2018, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 1 (Brown no) to:

1. Deny the appeal, Case No. 14APL-00000-00010;
2. Make the required findings for approval of the project, Case Nos. 13MOD-00000-00001 and 13CDH-00000-00001, included as Attachment A of the staff report dated March 14, 2018, including CEQA findings;
3. Adopt the MND (15NGD-00000-00006) and adopt the mitigation monitoring program contained in the conditions of approval, included as Attachment C of the staff report dated March 14, 2018; and,

4. Grant *de novo* approval of the project, Case Nos. 13MOD-00000-00001 and 13CDH-00000-00001, subject to the conditions included as Attachment B of the staff report dated March 14, 2018.

The attached findings and conditions reflect the Planning Commission's actions of April 4, 2018.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on April 16, 2018 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,

Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 14APL-00000-00010
Planning Commission File
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Owner: Janice Feldman, 755 Sand Point Road, Carpinteria, CA 93013
Attorney: Howard Weinberg, The Weinberg Law Group, 2550 Via Tejon, Suite 2B, Palos Verdes, CA 90274
Appellant: Raemer Crest, LLC/Brilliant Projects, LLC, c/o Carey Lovelace, 1415 Chapala Street, Santa Barbara, CA 93101
Marc Chytilo, Law Office of Marc Chytilo, Post Office Box 92233, Santa Barbara, California 93190
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Das Williams, First District Supervisor
Michael Cooney, First District Planning Commissioner

Jenna Richardson, Deputy County Counsel
Nicole Lieu, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval

JW/dmv

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 NEGATIVE DECLARATIONS

1.1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

1.1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the mitigated negative declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1.1 MODIFICATION FINDINGS

A. Findings required for all Modifications. In compliance with Section 35-179.6 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Modification the decision-maker shall first make all of the following findings:

1. The project is consistent with the Coastal Act, Comprehensive Plan including the Coastal Land Use Plan and any applicable Community Plan.

As discussed in Section 6.3 of this Staff Report, dated March 14, 2018, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, Coastal Act and Coastal Land Use Plan. Therefore, this finding can be made.

2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and the Article II Coastal Zoning Ordinance.

As discussed in Section 6.4 of this Staff Report, dated March 14, 2018, and incorporated herein by reference, the proposed project complies with all requirements of the 10-R-1 zone district and the Article II Coastal Zoning Ordinance. Therefore this finding can be made.

3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review), and/or will result in greater resource protection than the project without such Modification.

The modification would allow a cumulative 146.7 sq. ft., or 2% of the 5,995 sq.ft. roof to extend a maximum of 2 feet and 8 inches above the zoning height limit of 28 feet. The project is located in a flood hazard area and, as conditioned by Flood Control (Attachment B-1, Condition No. 27), the lowest horizontal member of the dwelling must be 13.6 (NAVD 1988 datum) feet above mean sea level. This condition places the finished floor of the proposed dwelling at 15 feet above sea level. Further, the architecture of the proposed dwelling is defined by a 45 degree roof pitch. The proposed project was reviewed by the South County Board of Architectural Review (SBAR) on November 16, 2012, February 1, 2013, and March 1, 2013. On March 1, 2013, the SBAR moved to grant preliminary approval of the project based on good design and asked for the applicant to return for final approval following action by decision maker. Therefore, the Board of Architectural Review found that the proposed height Modification would result in better architectural design and this finding can be made.

4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.

Sand Point Road was initially developed around the 1940's/50's with seasonal beach cottages and has been redeveloped with larger homes over the years. This is reflected in the massing and architectural style of homes that exist along Sand Point Road today. The massing and architectural style of homes varies considerably, and includes modern, cape-cod, Mediterranean, and California bungalow style structures that range from estate-sized homes to beach cottages. Existing homes along Sand Point Road range from 1,530 sq.ft. (for a home built in 1958) to 7,043 sq.ft. (for a home built in 2003). The floor area ratio (FAR) for homes along Sand Point Road ranges from 0.9% to 23.5%, with an average of 5.2%. The proposed home would have total habitable area of 5,995 sq.ft. and a FAR of 2.2%. Thus, the proposed home is within the range of sizes and FAR of existing homes along Sand Point Road, and below the neighborhood average FAR. The proposed residence is of a modern architectural style which, as stated above, is already represented in a

number of homes along Sand Point Road. The proposed project received preliminary approval from the South County Board of Architectural Review (SBAR) on March 1, 2013. The SBAR found that the design of the project is a “successful design because even though it’s a large building, it’s broken up” and that it is a “strong piece of architecture.” (Please see the SBAR minutes, included as Attachment-D.) Therefore, the proposed project is consistent with, and would not result in adverse impacts to, the existing community character and aesthetics.

The proposed new dwelling would be located further away from the public beach than the existing dwelling and behind an existing rock revetment. Consequently, the proposed home would not block views up and down the public beach. Homes on Sand Point Road are distantly visible from HWY-101, which comes within approximately ¼ mile of the subject parcel. Ocean views from HWY-101 generally are not visible over the Sand Point Road community and are not visible in the area of the proposed development due to distance, existing vegetation, and the backdrop of the Santa Barbara coastline. Construction of the home would not detrimentally impact public views of the ocean as viewed from HWY-101. Therefore this finding can be made.

5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

The proposed project does not request any Modification to parking or loading zone requirements and, therefore, this finding does not apply.

6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.

The proposed project includes widening of an existing access driveway in order to improve access to the site, and in compliance with zone district parking requirements. Pool equipment would be enclosed in a mechanical room with noise abating insulation located approximately 51’-5” from the west property line and approximately 61’-0” from the east property line. The project includes the use of a high efficiency pool pump that will emit approximately 45 decibels at the source, which is already below the County’s standard of 65 decibels at the property line. Accordingly, the project would not negatively affect ambient noise levels. The proposed dwelling would be located outside of the required setbacks and would include windows to provide light, ventilation and ingress/egress per building code requirements. New light fixtures proposed as a part of the project would be low wattage, hooded and directed downward. The proposed dwelling would be single story, with a roofline defined by multiple hips and gables, thereby allowing for corridors for solar exposure.

The applicant submitted a Shade/Shadow Study prepared by CAJA Environmental Services, LLC, dated November 13, 2017 (Attachment J). The study includes a discussion and exhibits regarding the shading caused by the existing home on the subject property as compared to the proposed home. The study shows that the neighboring residences at 735 and 745 Sand Point Road are currently shaded at certain times of the year by the existing residence at 755 Sand Point Road but would receive reduced overall shading with the proposed project. Therefore, overall, the proposed project would result in improved solar exposure for the homes at 735 and 745 Sand Point Road, as compared to existing conditions. The study shows increases in shading of the garage structures at 735 and 745 Sand Point Road during

certain times of the year; however, the Shade/Shadow Study notes that garages are not a “shadow-sensitive use.” Shadowing of the residence at 775 Sand Point Road would increase by 2 hours in the morning at the height of winter solstice. However, the shadowing would occur for only approximately 4.5 months of the year (personal communication with Seth Wulkan of CAJA Environmental Services, February 21, 2018). Considering both the improved (increased) solar exposure to 735 and 745 Sand Point Road, and decreased solar exposure to 775 Sand Point Road for a maximum of 2 hours or less for less than half the year, the proposed project would not have an overall detrimental impact to solar exposure. Therefore, the project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site, and this finding can be made.

7. Any adverse environmental impacts are mitigated to a level of insignificance.

As discussed in the Mitigated Negative Declaration (15NGD-00000-00006) (Attachment C) that was prepared for the proposed project and incorporated herein by reference, all adverse impacts would be mitigated to less than significant, and this finding can be made.

2.2 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS

2.2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

A. Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The subject property is currently and would continue to be served by the Carpinteria Valley Water District, Carpinteria/Summerland Fire Protection District, and Carpinteria Sanitary District. The Carpinteria/Summerland Fire Protection District reviewed the proposed project and found the proposed driveway expansions included in the project to be acceptable for fire access requirements. Access would continue to be provided via Sand Point Road.

B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. [CDPs that are processed in conjunction with a discretionary permit and are appealable to the CCC] In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
 - b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161**

(Nonconforming Use of Land, Buildings and Structures).

As discussed in Sections 6.2 and 6.3 of this staff report dated March 14, 2018, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan, and with all requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2. The proposed development is located on a legally created lot.

The project is proposed on a legal lot created in its present configuration as recorded in Parcel Map 11,085, recorded September 29, 1969, in Map Book 6, page 33. Therefore this finding can be made.

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

As discussed in Sections 6.2 and 6.3 of the staff report, and incorporated herein by reference, the property would be in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of the Article II Coastal Zoning Ordinance. On August 27, 2015, the California Coastal Commission (CCC) issued a Notice of Violation indicating that the existing rock revetment on and along the southwest side of the properties located on Sand Point Road was expanded and modified in 1983 without the benefit of permits. However, Santa Barbara County Public Works is working with the CCC and affected property owners to resolve the unpermitted to resolve notice of violation. s. In addition, the Wave Study prepared for the proposed project demonstrates that the project can withstand sea level rise and wave uprush in the absence of the rock revetment and the home is located approximately 45 feet away from the existing revetment. Consequently, the construction of the project would in no way impede potential future solutions to the violation such as revetment removal or relocation. Therefore this finding can be made.

4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The proposed new dwelling would be located further away from the public beach than the existing dwelling, behind an existing rock revetment, and no closer to the beach than the structures on adjacent parcels. Consequently, the proposed home would not block views up and down the public beach. The property is located on Sand Point Road, which is a private road. The nearest public roadway from which the project site is visible is HWY-101. Homes on Sand Point Road are distantly visible from HWY-101, which comes within approximately ¼ mile of the subject parcel. Ocean views are generally not visible over the Sand Point Road community and are not visible in the area of the proposed development due to distance, existing vegetation, and the backdrop of the Santa Barbara coastline. Therefore, the proposed development would not significantly obstruct public views of the ocean as seen from HWY-101.

Therefore, the development will not significantly obstruct public views from any

public road or from a public recreation area to, and along the coast, and this finding can be made.

5. The proposed development will be compatible with the established physical scale of the area.

Existing homes along Sand Point Road range from 1,530 sq.ft. (for a home built in 1958) to 7,043 sq.ft. (for a home built in 2003). The floor area ratio (FAR) for homes along Sand Point Road ranges from 0.9% to 23.5%. The proposed home would have total habitable area of 5,995 sq.ft. and a FAR of 2.2%. Thus, the proposed home is well within the range of square footage and FAR of existing homes along Sand Point Road, and below the neighborhood average FAR. The proposed residence is single level/single story above an uninhabitable understory space which is a result of the Flood Control requirement to elevate the living area of the structure. The majority of homes along Sand Point Road contain similar understory areas, which are driven by the Flood Control requirement to elevate homes above base flood elevation. Therefore, the proposed development will be compatible with the established physical scale of the area and this finding can be made.

6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The proposed project will not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization. Public beach access would continue to be available at Carpinteria State Beach, located approximately 1.25 miles to the southeast of the subject parcel. Therefore, the development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan and this finding can be made.

C.

Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay. In compliance with Section 35-97.6 of the Article II Coastal Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay District the decision-maker shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.

Section 35-97.9 establishes development standards for wetland habitats. Each applicable standard is listed and responded to below.

4. Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as: a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at

prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

The subject property abuts El Estero (Carpinteria Slough) and the on-site wetland is hydrologically connected to El Estero, and therefore, pursuant to the provision above, is not required to meet a 100 foot wetland setback. The project would be set back between 73 and 81 feet from the on-site wetland. No native wetland vegetation would be removed. Vegetation removed in any area less than 100 feet from the wetland (currently occupied by iceplant) is proposed to be removed and replaced with native vegetation pursuant to a proposed Restoration and Habitat Enhancement Plan. Therefore, the project is consistent with this Development Standard.

6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.

No wastewater would be discharged into the wetland. This subject property is, and will continue to be connected to and served by the Carpinteria Sanitary District. Therefore, the project is consistent with this Development Standard.

9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

Conditions have been applied to the proposed project that require preparation of an erosion and sediment control plan (Attachment B-1, condition 6) and designation of a washout area (Attachment B-1, condition 20) during construction. These measures would prevent contaminated runoff from exiting the construction site and would help to prevent pollution of surface, ground and ocean waters. To ensure that construction activities do not detrimentally impact the on-site wetland, MM-Bio-03 (condition 9) requires biological resource training for construction workers, MM-Bio-04 (condition 10) requires a biological monitor during construction activities, MM-Bio-05 (condition 11) prohibits construction during rain events and MM-Bio-06 (condition 12) requires that construction work and staging occur at the maximum feasible distance from the wetland.

The project will incorporate a variable wetland buffer extending south from the wetland area and ranging from 73 to 81 feet (with the exception of the required hydrant, which is located within the existing Sand Point road right-of-way, 8.7 feet from the wetland). The buffer area is currently defined by invasive ice plant and pampas grass, and would be restored to its natural state according to the proposed Restoration Plan. Restoration and maintenance of the buffer area will help to protect the on-site wetland and to restore the biological productivity of the buffer area. As the existing wetland is currently located adjacent to Sand Point Road and the existing on-site residence, there would not be permanent noise impacts associated with the proposed development. In order to reduce potential

temporary noise impacts associated with construction activity, MM-Noise-02 limits the days and hours of construction and condition 17 provides for shielding of construction equipment. Therefore, the project is consistent with this Development Standard.

As discussed above, the proposed project would be consistent with all applicable development standards in Section 35-97.8 through Section 97.19. Therefore this finding can be made.

ATTACHMENT B1: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project will include a Coastal Development Permit with height a height Modification as described below:

Case No. 13MOD-00000-00001. Modification to height regulations in compliance with Section 35-179 of the Article II Coastal Zoning Ordinance, to allow 146.65 sq. ft. feet of the proposed dwelling's roof ridges to extend to a height of 30.8 feet instead of the allowed 28 feet.

Case No. 13CDH-00000-00001. The applicant also is requesting approval of Coastal Development Permit to allow the demolition of an existing 1,774 square foot dwelling and the construction of a new 5,995 gross sq. ft. dwelling, with 5,800 gross sq. ft. of lower level storage area, an attached garage (1,335 gross sq. ft.), and pool and hot tub (486 sq. ft.). The driveway access to the proposed dwelling would be widened to 20 feet per request of the CFD. A new fire hydrant would be installed in the Sandpoint Road right-of-way in accordance with CFD requirements. The proposed structures would maintain a buffer ranging from 73 and 81 feet from an on-site wetland. No native wetland vegetation would be removed. Vegetation removed in any area less than 100 feet from the wetland (currently occupied by iceplant) is proposed to be replaced with native vegetation pursuant to a proposed Restoration and Habitat Enhancement Plan. The project will require 350 cubic yards of cut and no fill or export of soil. No native or specimen trees would be removed.

In addition, the project applicant has proposed conditions of approval 32-36 listed below and incorporated herein by reference.

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-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development.
TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to CDP issuance. 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 staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.
4. **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.
5. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.
PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.
MONITORING: P&D permit processing planner shall check plans prior to issuance of COASTAL DEVELOPMENT PERMIT and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
6. **Geo-02 Erosion and Sediment Control Plan:** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, 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 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 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.

PLAN REQUIREMENTS: The grading ESCP shall be submitted for review and approved by P&D prior to issuance of the grading permit. 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 ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

MONITORING: P&D staff shall perform site inspections throughout the construction phase.

7. **MM-Bio-01 Restoration Plan.:** The applicant shall implement the proposed Restoration and Habitat Enhancement Plan concurrently with construction activities. **Plan Requirements and Timing:** The applicant shall comply with all elements of the Restoration Plan. **Monitoring:** Restoration success will be monitored three times a year by a County-qualified biologist (April, July, October) during Years 1 and 2 to document weed maintenance and plant survival, and annually in October in Years 3, 4, and 5, or until native vegetation covers more than 75 percent of the restored habitat. Performance standards will be measured and monitored according to the requirements of the Restoration Plan. Monitoring reports shall be provided to P&D Permit Compliance staff annually. P&D Permit Compliance staff shall conduct site visits as-needed and prior to release of performance securities as specified in MM-Bio-02.
8. **MM-Bio-02 Restoration Plan Performance Security:** Two performance security deposits shall be provided by the applicant prior to Coastal Development Permit issuance. One security deposit shall be equal to the value of installation of all items listed in section (a) below (labor and materials). The second security deposit shall be equal to the value of maintenance and/or replacement of the items listed in section (a) for five (5) years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to the approved Restoration Plan may require a substantial conformity determination or an approved change to the plan. The first security deposit shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D shall release the maintenance security

five (5) years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may use the security deposit amounts to complete the mitigation work on the project site. The installation security shall guarantee compliance with the provision below:

- a) Installation of all components of the Restoration Plan including vegetation, irrigation, and any necessary erosion control components.
- b) Maintenance and/or replacement of the items listed in section (a) for five (5) years after installation.

Monitoring: P&D Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

Monitoring: P&D Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

9. **MM-Bio-03 Worker Training:** The applicant shall hire a P&D-qualified biological monitor to provide pre-construction training to the contractor and construction personnel working on the driveway, fire hydrant, and associated waterlines. Training will cover wetland and biological resources to be protected in the vicinity of the work area (both sides of Sand Point Road). On-site training will include instruction about wetland plants and associated animals (especially birds, invertebrates, and fish) associated with the Carpinteria Marsh and adjacent wetlands. Training will require a minimum of 20 minutes, and will include hands-on inspection of wetland habitats that occur within 50 feet of the work area and a color hand-out that describes local wetland functions and values. Timing: Training shall occur prior to the initiation of grading and construction activities. Monitoring: The applicant shall provide documentation to P&D Permit Compliance staff to confirm completion of the training.
10. **MM-Bio-04 Biological Monitor:** The applicant shall hire a P&D-qualified biological monitor shall to be on-site during any ground disturbance within 100-feet of the on-site wetland. A record of observations must be kept on-site for examination by County staff during construction. Timing: During any ground disturbance within 100-feet of the on-site wetland, weekly monitoring reports shall be submitted to P&D Permit Compliance staff. The reports shall document any potential compliance issues and how they will be/were addressed. Monitoring: P&D Permit Compliance staff shall review reports and conduct site inspections as necessary.
11. **MM-Bio-05 No Construction During Rain Events:** The general contractor/project manager shall monitor weather reports. If the National Weather Service predicts a 25% or more chance of rain within 24 hours, all construction activities within 100 feet of Waters of the State (i.e. the on-site wetland) must cease and the applicant must install effective erosion and sediment control measures. Erosion control measures must be kept on site and immediately available for

installation. Earth disturbance activities within 100 feet of Waters of the State may commence and/or resume after the rain event has passed and site conditions are dry enough to work without additional risk of discharging to Waters of the State, as determined by a P&D-qualified biologist, P&D Permit Compliance staff, or the County Grading Inspector. Timing: Compliance with this measure shall be documented in the weekly reports prepared by the biological monitor as specified under MM-Bio-04. Monitoring: P&D Permit Compliance staff shall review reports and conduct site inspections as necessary.

12. **MM-Bio-06 Construction Staging:** The construction work area must be clearly delineated, and all work staged the maximum feasible distance from the wetland. The proposed Construction Corridor will utilize a 50-foot wide corridor (narrowing to 15 feet wide near Sand Point Road) that is adjacent to the new residence, but is within the permanent 100-foot wide buffer area. The applicant shall not use any portion of the 100-foot buffer area other than the Construction Corridor for staging materials, parking vehicles, or as a pathway for construction workers and equipment. No refueling may occur or fuel storage or porta-johns stored within 100 feet of wetlands. Equipment clean-out and staging areas will be clearly delineated on all project plans and construction documents. Spoils must be stockpiled on non-wetland side of excavation, and stored on a tarp or removable material. Staging locations must be clearly marked in the field. Timing: These requirements must be included as notations and graphically shown on project plans prior to Coastal Development Permit issuance. The biological monitor and Permit Compliance staff must approve proposed work area boundaries in the field prior to the start of work. Monitoring: P&D Permit Compliance staff shall ensure clear delineation of work areas and staging areas prior to the start of construction and shall conduct periodic site checks.
13. **MM-Bio-07 Additional Wetland Protective Measures:** This mitigation measure amends the Best Management Practices recommended in the original Restoration Plan (Native Plant Restoration and Habitat Enhancement Plan, Althouse and Meade, January 6, 2018). The Restoration Plan shall indicate that no herbicides will be applied within 20 feet of the wetland. All ice-plant will be removed by hand-crews in areas located 100-feet or less from the on-site wetland. Only minor spot-application will be used to treat new weeds more than 20 feet from wetland habitat. The application of herbicides will be done by sponge or roller, and not sprayed. Materials proposed to be used will be approved by a licensed PCA with experience working in the Coastal Zone, familiar with wetland protection and the value of the Carpinteria Salt Marsh. The proposed 225 square feet of additional driveway at the edge of the 100-ft wetland setback shall be permeable gravel. A steel edge shall be placed along the wetland buffer side of the driveway to prevent discharge of gravel and run-off into the wetland buffer. Proposed temporary impacts for construction staging shall be mitigated at a ratio of 2:1 and permanent driveway impacts shall be will be mitigated at a ratio of 3:1. A total of 24,902 square feet of wetland and wetland buffer area will be restored with native plants. Plan Requirements and Timing: The applicant shall comply with all elements of the

Restoration Plan. The updated plan shall be submitted to P&D prior to Coastal Development Permit issuance. Monitoring: The updated Restoration Plan shall be reviewed and approved by P&D prior to Coastal Development Permit issuance.

14. **MM-Geo-01:** Building design and construction shall comply with all recommendations of the following reports:

1) Earth Systems Southern California "Geotechnical Engineering Report for 755 Sand Point Drive, Sandyland Cove Area, Santa Barbara County, California," dated November 19, 2013;

2) Earth Systems Southern California, "Supplemental Vertical Pile Capacities and Lateral Pile Analyses, 755 Sand Point Drive, Sandyland Cove Area of Santa Barbara County, California," dated January 24, 2014;

3) Earth Systems Southern California, "Review of Structural Engineering Plans, 755 Sand Point Drive, Sandyland Cove Area of Santa Barbara County, California," dated May 5, 2015;

4) Streamline West, "Sea Level Rise and Wave Run-Up Analysis," dated October 2017.

Plan Requirements and Timing: Building Plans shall comply with the recommendations of the above-referenced reports. This condition shall be included as a notation on project plans prior to Coastal Development issuance and Building Permit issuance. Monitoring: P&D staff shall check plans for notations prior to permit issuance. B&S staff shall ensure compliance with recommendations during plan check review and in the field.

15. **MM-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.

16. **MM-Wat-01:** Building design and construction shall comply with all recommendations of the Tier 1 Stormwater Control Plan (Ashley Vance Engineers, March 14, 2014). Plan Requirements and Timing: Grading and drainage plans shall comply with the recommendations of the above-referenced plan. This condition shall be included as a notation on project plans prior to Coastal Development issuance and Grading Permit issuance. Monitoring: P&D staff shall check plans for

notations prior to permit issuance. B&S staff shall ensure compliance with recommendations during plan check review and in the field.

17. **Noise-04 Equipment Shielding-Construction:** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded with appropriate acoustic shielding to P&D's satisfaction.
PLAN REQUIREMENTS: The Owner/Applicant shall designate the equipment area with appropriate acoustic shielding on building and grading plans.
TIMING: Equipment and shielding shall be installed prior to construction and remain in the designated location throughout construction activities.
MONITORING: The Owner/Applicant shall demonstrate that the acoustic shielding is in place prior to commencement of construction activities. P&D compliance staff shall perform site inspections throughout construction to ensure compliance.
18. **Parking-02 Onsite Construction Parking:** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction. **PLAN REQUIREMENTS:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for CDP issuance. **TIMING:** A copy of the written notice shall be submitted to P&D permit processing staff prior to CDP issuance. This restriction shall be maintained throughout construction. **MONITORING:** Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.
19. **WatCons-03 Water Conservation in Landscaping:** The project is subject to the California Water Conservation in Landscaping requirements. Prior to issuance of the CDP, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a 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 CDP. 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.
20. **WatConv-05 Equipment Washout-Construction:** To the maximum extent feasible, the washout area will be located outside of the wetland buffer. In no case shall the washout be placed further into the buffer than the agreed upon temporary work and staging area. No discharge will occur from the washout area, as contaminated or polluted water will be captured on site and removed via truck. Location and detail for this measure will be shown on the erosion control plan.
PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved

location on all Coastal Development Permit, Grading and Building plans. TIMING: The Owner/Applicant shall install the area prior to commencement of construction. MONITORING: Building and Safety staff shall ensure compliance prior to and throughout construction.

County Rules and Regulations

21. **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].
22. **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.
23. **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 Zoning Administrator. 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.
24. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
25. **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.
26. **Rules-26 Performance Security Required:** The Owner/Applicant shall post a performance security, the amount and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of HABITAT RESTORATION. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for three years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed

HABITAT RESTORATION plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved HABITAT RESTORATION has been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved HABITAT RESTORATION, P&D may use the security to complete the work.

27. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
1. Air Pollution Control District dated February 20, 2018;
 2. Flood Control dated March 2, 2018; and
 3. Carpinteria Summerland Fire Department dated March 2, 2018
28. **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.
29. **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:
1. 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;
 2. Pay fees prior to issuance of the Coastal Development Permit 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;
 3. 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.
 4. 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.
30. **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.

31. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

Other

32. **Special Shoreline Condition-01 Removal of the Project Upon Destruction by Inundation:** As proposed by the Owner (for all Special Shoreline conditions "Owner" means the applicant and/or landowner who obtains the coastal development permit to construct the Project, together with their successors and assigns. All agreements by Owner in these Special Shoreline Conditions shall be made by Owner on behalf of itself [as of the date this permit is issued] and on behalf of its successors and assigns):
- A. By acceptance of this permit, Owner agrees that Owner shall remove the entire Project (for Special Shoreline Conditions "Project" means the residence and all related structures and improvements that are constructed pursuant to this coastal development permit including, but not limited to, the residence, any guest house, garage, deck, patios, parking area, driveway. Project also includes any future additions, modifications, renovations, repairs, and replacements of any of the foregoing elements that occur after the initial construction of the Project) if the following events occur:
- (1) The Project is Substantially Destroyed (for Special Shoreline Conditions "Substantially Destroyed" means that more than fifty percent [50%] of the habitable area of the residence has been determined to be unsafe to occupy. Substantially Destroyed does not include damage or destruction to the lower level of the Project [which is designed with break-away walls] except to the extent that such damage or destruction [such as flooding, tidal scouring, or wave action] results in substantial structural damage to Project that results in the County Building Official determination of "unsafe to occupy") as a result of Destruction by Inundation (Special Shoreline Conditions "Destruction by Inundation" means if the Project is Substantially Destroyed from any one or more of waves, erosion, storm conditions, liquefaction, or sea level rise) and, as a result, any government agency with jurisdiction over the subject property has ordered that the Project is not legally

habitable;

(2) The Project is Substantially Destroyed as a result of Destruction by Inundation, and, as a result, a court (after a final judgment in a quiet title or similar action) requires the Project to be removed from the subject property; or

(3) The Project is Substantially Destroyed as a result of Destruction by Inundation and Owner is subject to a final order from the State Lands Commission that requires more than thirty percent (30%) of the habitable area of the residence to be removed from the subject property, because that portion of the Project encroaches on to State tidelands.

B. If the Project is required to be removed from the subject property pursuant to Special Condition #1, Section A above, and prior to the date of such removal, any portions of the Project fall to the beach and/or become located seaward of the mean high tide line, then Owner agrees that Owner shall remove from the beach and from the ocean all recoverable debris associated with the Project and Owner shall lawfully dispose of the material in a disposal site that is licensed to accept such debris. Prior to commencing any such debris removal, Owner shall obtain a coastal development permit for the work.

33. Special Shoreline Condition-02 Removal of the Deck Upon Deck Destruction:

As proposed by the Owner:

A. By acceptance of this permit, Owner agrees that Owner shall remove the entire Deck (for Special Shoreline Conditions "Deck" means the deck, pool, and other improvements that are constructed on the seaward side of the residence) and replace only such portion of the Deck as the County may subsequently allow, if the following events occur: 1) Deck Destruction occurs (for Special Shoreline Conditions "Deck Destruction" means that both (a) more than fifty percent (50%) of the surface area of the Deck and more than fifty percent (50%) of the structural members supporting the Deck are damaged or destroyed as a result of a Coastal Hazard and (b) the Owner is unable to demonstrate that another Coastal Hazard event is not likely to occur within the next ten (10) year period that would likely result in damage to the Deck that meets the threshold in clause (a) above, as a result of such Coastal Hazard event. In making the demonstration of the unlikelihood of a future Coastal Event, the Owner shall apply the best available and scientifically acceptable sea level rise and wave run-up analysis approach and methodology then being used by governmental agencies. Deck Destruction does not include damage or destruction to one or a few of the footings and posts supporting the Deck if damage to such individual elements). For Special Shoreline Conditions "Coastal Hazard" means episodic and long-term shoreline retreat; episodic and long-term coastal erosion; high seas; ocean waves; storms; tidal scour; coastal flooding; and the interaction of one or more of any of the foregoing;

(2) (i) The Deck suffers Deck Destruction and the State Lands Commission issues an order that requires more than fifty percent (50%) of the surface area of the Deck and more than fifty percent (50%) of the structural members supporting the Deck to be removed from the subject property, because that portion of the Deck encroaches on to State tidelands and (ii) either (x) Owner fails to challenge such State Lands

Commission order in a court action or (y) Owner challenges such State Lands Commission order in a court action and the court (and any appellate court if an appeal is filed) upholds such order.

B. If the Deck is required to be removed from the subject property pursuant to Special Condition #2, Section A above, and prior to the date of such removal, any portions of the Deck fall to the beach and/or become located seaward of the mean high tide line, then Owner agrees that Owner shall remove from the beach and from the ocean all recoverable debris associated with the Deck and Owner shall lawfully dispose of the material in a disposal site that is licensed to accept such debris. Prior to commencing any such debris removal, Owner shall obtain a coastal development permit for the work.

34. **Special Shoreline Condition-03 Coastal Hazard Risk:** As proposed by the Owner:

By acceptance of this permit, Owner makes the following representations and agreements:

- (1) **Coastal Hazards:** Owner acknowledges and agrees that the subject property and the Project are subject to Coastal Hazards.
- (2) **Owner Assumes the Risks:** Owner hereby assumes the risks to Owner and to the subject property and to the Project of bodily injury to persons and damage to property that may occur from Coastal Hazards.
- (3) **Owner Waives Claims Arising from Coastal Hazards:** Owner hereby waives and relinquishes any claims for damage or liability Owner may have against the County, its officers, agents, and employees for bodily injury to persons and damage to property that may arise out of the effect of Coastal Hazards on the subject property and/or the Project.
- (4) **Indemnification:** Owner agrees that Owner hereby agrees to indemnify and hold harmless the County, its officers, agents, and employees from any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from the County's approval of the Project that results in any injury or damage from Coastal Hazards. Notwithstanding any applicable law to the contrary, the liability of Owner under this Special Condition #3, Section (4) and any recourse by the County, its officers, agents, and employees against Owner shall be limited solely and exclusively to the interest of Owner in and to the subject property and the Project.
- (5) **Permit Intent:** Owner hereby agrees that the intent of these Special Conditions is to provide reasonably discernable limits and restrictions on the use and occupancy of the Project such that (a) the Project is not occupied after a Coastal Hazard event resulting in damage or destruction to the Project that causes the Project to no longer be safe for occupancy, as determined by the County building official and (b) the Project is not occupied if the Project ceases to be located on the Owner's subject property.
- (6) **Disclosure:** Owner agrees that prior to consummating any sale or lease of the Project (with a term exceeding one year), Owner shall provide the buyer or tenant with a copy of this permit and all of the Conditions of Approval, including without

limitation, all of these Special Conditions.

(7) Owner Responsible: Owner agrees that Owner shall be solely responsible for any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage in, on, or to the Project or persons as a result of any Coastal Hazards.

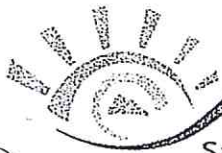
35. Special Shoreline Condition-04 Deed Restriction and Recordation of Notice of This Permit: As proposed by the Owner:

By acceptance of this permit, Owner agrees that prior to the issuance to Owner of this permit, Owner shall submit to the Director of County Planning and Development, for the Director's review and written approval, documentation demonstrating that Owner has executed and recorded a deed restriction, in a form and content acceptable to the County that contains all of the elements set forth below. The deed restriction shall include a legal description of the Owner's entire parcel or parcels. The recorded deed restriction (1) shall indicate that, pursuant to this permit, the County of Santa Barbara has approved Coastal Development Permit Case No. 13CDH-00000-00001 and Modification Case No. 13MOD-00000-00001 for subject property, subject to terms and conditions that restrict the use and enjoyment of the Project, (2) shall state that all of the Conditions of Approval (including these Special Conditions) contained in this permit constitute covenants, conditions and restrictions on the use and enjoyment of the Property and run with the land, and (3) shall state that notwithstanding an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property and the Project so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

36. Special Shoreline Condition-05 Sign Restriction:

As proposed by the Owner:

Owner agrees that Owner shall not post any signs on the subject property on, at, or seaward of the existing revetment that explicitly state or that or implicitly indicate that the portion of the sandy beach that is contained within the subject property is private property or that such portion of the beach is not open to the public. Owner shall not post any signs on the subject property on, at, or seaward of the existing revetment that explicitly state or that or implicitly indicate a message that attempts to prohibit public use of the portion of the sandy beach that is contained within the subject property. Owner shall not post any sign on the subject property on, at, or seaward of the existing revetment that reads "Private Beach" or "Private Property". Prior to posting any sign, Owner shall submit the content of the proposed sign to the County for review and approval.



Santa Barbara County
Air Pollution Control District

February 20, 2018

Nicole Lieu
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: APCD Suggested Conditions on Feldman Demo, Rebuild, and Garage, 13CDH-00000-00001

Dear Ms. Lieu:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of the demolition of an existing 1,774 square foot dwelling and the construction of a new 5,995 sq. ft. dwelling, with 5,800 sq. ft. of lower level storage area, an attached garage (1,335 sq. ft.), pool and hot tub (486 sq. ft.). The driveway access to the proposed dwelling would be widened per request of the Carpinteria Fire Department (CFD). The project will require 350 cubic yards of cut and no fill or export of soil. The subject property, a 6.15-acre parcel zoned 10-R-1 and identified in the Assessor Parcel Map Book as APN 005-460-043, is located at 455 Sand Point Road in the unincorporated Carpinteria area.

Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to grading/building permit issuance.
2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.
3. Prior to building permit issuance, APCD Authority to Construct permits must be obtained for all equipment that requires an APCD permit. Proof of receipt of the required APCD permits shall be submitted by the applicant to planning staff. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
4. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.

Aeron Arlin Genet • Air Pollution Control Officer
260 North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • 805.961.8800
OurAir.org • twitter.com/OurAirSBC

5. Advisory: The applicant should determine whether any structure(s) proposed for demolition or renovation contains asbestos that is friable or has the potential to become friable during demolition or disposal. If any structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal. For more information on asbestos in construction, please see www.ourair.org/asbestos/.
6. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 Btu/hr and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of APCD Rule 352. Please see www.ourair.org/wp-content/uploads/rule352.pdf for more information.
7. Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to building permit issuance. Please see www.ourair.org/wp-content/uploads/rule360.pdf for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the APCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
8. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
 - Energy use (energy efficiency, low carbon fuels, renewable energy)
 - Water conservation (improved practices and equipment, landscaping)
 - Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
 - Architectural features (green building practices, cool roofs)
9. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at BarhamC@sbcapcd.org.

Sincerely,

Carly Barham

Carly Barham
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: TEA Chron File



ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

Plan Requirements: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and/or recorded with maps. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-Use Off-Road Diesel Vehicles (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of mobile construction equipment are subject to the CARB Regulation for In-Use (On-Road) Heavy-Duty Diesel-Fueled Vehicles (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. On-road heavy-duty trucks shall comply with the State On-Road Regulation. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and/or recorded with maps. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



Santa Barbara County Public Works Department
Flood Control & Water Agency & Project Clean Water

March 2, 2018

Nicole Lieu, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

Re: 13CDH-00000-00001; Feldman Residence and Modification
APN: 005-460-043; Carpinteria

Dear Ms. Lieu:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The above referenced project is located within the Coastal High Hazard/Repetitive Loss Zone of the County Floodplain Management Plan, as adopted per County Resolution #92-138
- b. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/StdConditionsJan2011.pdf>)
- c. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Prior to Issuance of Permits

- a. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies and landscape plans to the District for review and approval.
- b. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- c. Development design and construction shall conform to the requirements listed in Section 15A-22, "Coastal High Hazard Areas" of the County Floodplain Management Ordinance (attached).

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Scott D. McColpin
Public Works Director

Naomi Schwartz Building
130 E. Victoria Street, Suite 200, Santa Barbara, California 93101
PH: 805 568-3440 FAX: 805 568-3434 <http://cosb.countyofsb.org/pwcd/water/>

Thomas D. Fayram
Deputy Public Works Director


- d. Development shall follow the recommendations presented in the guidance document "Coastal Construction Manual" published by the Federal Emergency Management Agency. (https://www.fema.gov/media-library-data/20130726-1538-20490-2983/fema499web_2.pdf).
- e. A registered civil engineer or architect shall certify that the design and methods of construction to be used are in accordance with said Ordinance and FEMA guidance documents.
- f. The base flood level (BFE) is elevation 13.6 feet (NAVD 1988 Datum) per County Resolution 92-138. Please show NAVD 88 Datum on all plan sheets.
- g. Foundation system needs to be shown on the plans. Per the floodplain management ordinance Chapter 15A, the structure must be elevated on columns and piles with the lowest horizontal structural member above the BFE. All new construction, substantial improvement and other proposed new development shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in section 15A-5 of this chapter.
- h. County ordinance does not allow coastal structures to be elevated on fill.
- i. Utilities for new or substantially improved structures shall be elevated 2' above 13.6 feet (NAVD 88 Datum) or be designed to eliminate infiltration of flood waters into the system.
- j. BFE for garage is 13.6' (NAVD 88). This is a non-habitable accessory structure to be used for parking and storage only.
- k. For the garage if finished floor below BFE+2', a minimum of two flood vents must be used and sized according to 15A standards of one square inch of opening per one square foot of enclosed space subject to flooding, the openings shall be installed on at least two walls and bottom of openings shall be no higher than one foot above grade.
- l. The applicant shall pay the appropriate ministerial fee at the time of the initial submittal of plans and studies.

3. Prior to Occupancy Clearance

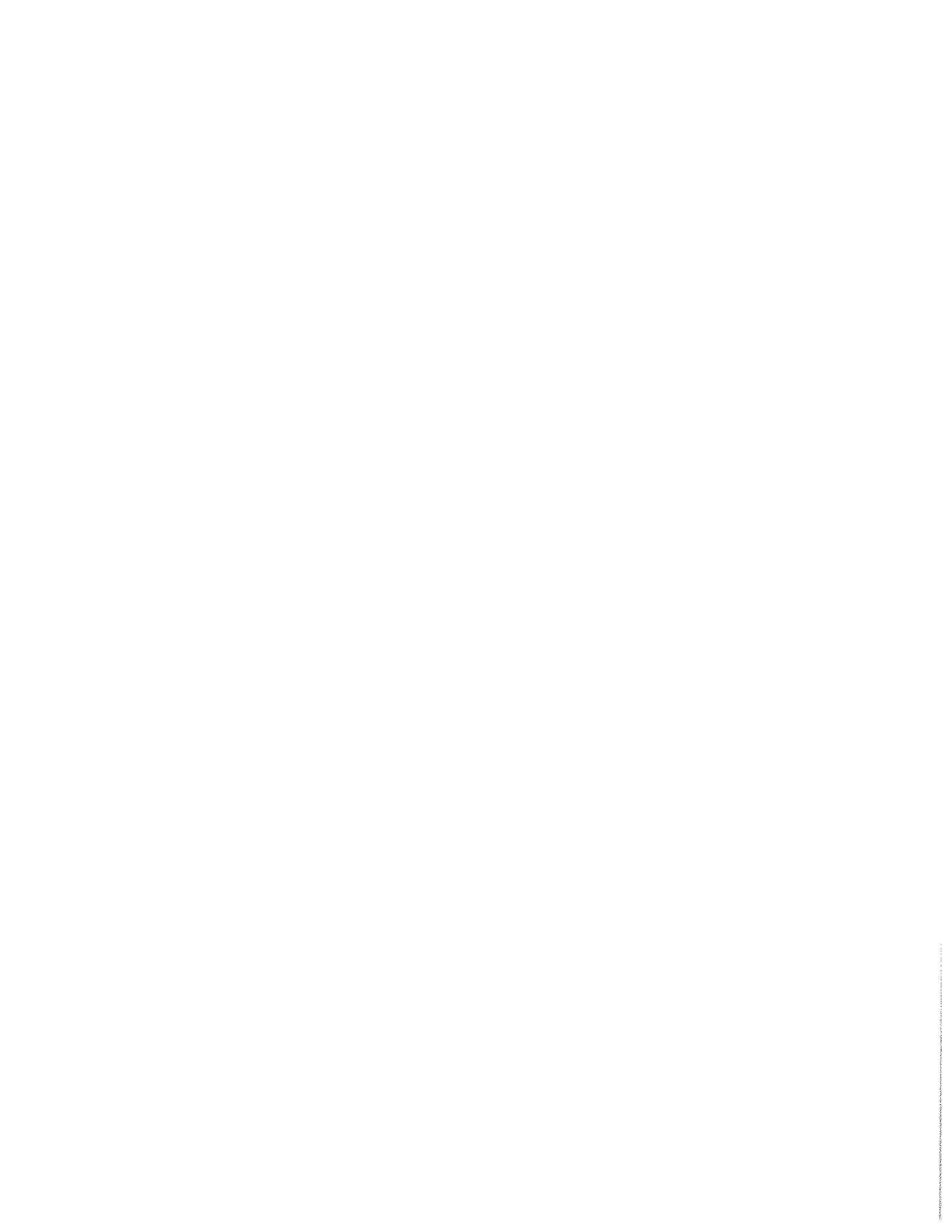
- a. The applicant shall submit all certifications as required in section 15A-22 f of the County Floodplain Management Ordinance (attached).
- b. The applicant shall submit an Elevation Certificate (FEMA Form 086-0-33) to the District's Floodplain Manager, which indicates that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to 13.6 feet (NAVD Datum).
- c. The applicant shall submit record drawings to the District's Floodplain Manager in electronic format on a compact disc.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION
DISTRICT

By: 
Hansel Corsa, E.I.T., CFM
Civil Engineering Associate

Cc: Janice Feldman, 755 Sand Point Rd., Carpinteria, CA 93013
Jennifer Siemens -Foster Planning, P.O. Box 591, Summerland, CA 93067
Jacobsen Architecture, 2529 P Street NW, Washington DC 20007





CARPINTERIA ~ SUMMERLAND FIRE PROTECTION DISTRICT

March 2, 2018

Ms. Nicole Lieu
Planning and Development
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

Re: 13CDH-00000-00001 / Demolition and New SFD
APN: 005-460-043 / 755 Sandpoint Road

Dear Nicole Lieu:

The following items are necessary for fire protection:

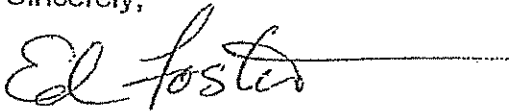
1. Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building. Distance shall be measured by an approved route around the exterior of the building.
2. Access to all structures shall conform to the requirements for private roads and driveways set forth in the Santa Barbara County Private Roads & Driveway Standards, Section 8 and the Carpinteria-Summerland Fire District Standard #1.
3. When access ways are gated, a Fire District approved key box shall be installed in an accessible location. Prior to installation, the Fire District shall approve the location and type. The minimum clear width of gate opening shall be at least 2 feet wider than the road served. The gate shall be at least 30 feet off of the public or private access roadway.
4. Visible street address numbers must be posted at the driveway and on the building. Numbers shall be a minimum 4 inches high on a contrasting background.
5. A public fire hydrant supplying the required fire flow within the required driving distance from the structures shall be provided. Both the Fire District and the Carpinteria Valley Water District shall approve the type of hydrant and the exact location. The new fire hydrant(s) shall be installed and in-service prior to any construction. Plan set dated 1/11/2018 provides an approved location.

"Pride in Service"

6. Fire Hydrant vehicle impact protection shall be provided by the installation of Bollards in accordance with the provisions of CFC Section 312.
7. All new buildings/ structures shall be protected by an approved automatic fire sprinkler system. Prior to installation, plans for the proposed fire sprinkler system shall be designed by a qualified person and submitted to the prevention bureau for approval.
8. Per 2016 California Building Code and 2016 California Fire Code, smoke detectors and Carbon Monoxide Alarms must be installed in all residences.
9. Per Carpinteria-Summerland Fire District Ordinance No. 2003-01 pertaining to fees and service charges, a fee is assessed on reviews of lot line adjustments, lot splits, and development review.
10. Pursuant to Santa Barbara County Ordinance No. 4566, prior to issuance of a "Certificate of Occupancy", the Carpinteria-Summerland Fire Protection District mitigation fee must be paid.
11. Any future changes, including further division, intensification of use, or increase in hazard classification, may require additional conditions in order to comply with applicable fire district development standards.

If you need additional information on Fire District conditions, please contact me at 566-2451.

Sincerely,



Ed Foster
Fire Marshal
Fire Prevention Bureau

ATTACHMENT B2: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Modification is based upon and limited to compliance with the project description, the hearing exhibits marked 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:

Modification to height regulations in compliance with Section 35-179 of the Article II Coastal Zoning Ordinance, to allow 146.65 sq. ft. feet of the proposed dwelling's roof ridges to extend to a height of 30.8 feet instead of the allowed 28 feet.

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.

County Rules and Regulations

3. **Rules-02 Effective Date-Appealable to CCC:** This Modification 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].
4. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

5. **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.
6. **Rules-16 Modification Expiration:** This Modification shall expire 12 months from the effective date if the Owner/Applicant fails to obtain a Coastal Development Permit unless otherwise specified in these conditions of project approval or unless a time extension is approved in compliance with County rules and regulations. Once the Coastal Development Permit for the structure has been issued, the Modification shall have the same expiration date as the issued Coastal Development Permit. Any use authorized by this Modification shall immediately cease if this Modification expires.
7. **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.
8. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.