

**ATTACHMENT 9:**

**CONDITIONS OF APPROVAL  
BELL STREET MIXED-USE LAND USE PERMIT  
CASE NO. 17LUP-00000-00413**

**APN: 101-181-001**

- 1. Proj Des-01 Project Description.** This Land Use 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:

**Land Use Permit Case No. 17LUP-00000-00413 is for the construction of one commercial building and four residential units total. Total development will consist of approximately 12,143 square feet (gross) of development which includes four residential condominiums totaling approximately 7,007 square feet and one commercial building totaling approximately 5,203 square feet. On-site parking will include four covered parking spaces (one for each residential unit), two standard parking spaces, and one accessible parking space. Grading will consist of approximately 300 cubic yards of cut and 180 cubic yards of fill. The remaining 120 cubic yards of excess material will be exported offsite. Four sycamore trees are proposed for removal. Landscaping will consist of approximately 6,000 square feet of drought-tolerant, native species. The Los Alamos Community Services District will provide water and wastewater treatment services for the development. St. Joseph Street and a new proposed 22-foot wide private driveway will provide access to the site. In addition, the project includes the abandonment of a six-foot wide portion of county road right-of-way along a portion of St. Joseph Street that fronts the project site.**

**The project involves a Tentative Tract Map for a one-lot (APN 101-181-001) subdivision for condominium purposes, for the construction of the commercial building and four residential units.**

**The project involves an Ordinance Amendment (Case No. 17ORD-00000-00016), to allow for residential development on all floors of buildings that abut (1) a secondary street on a lot without a Bell Street front line; and/or (2) a through street. The proposed Ordinance Amendment would provide consistency with the Bell Street Design Guidelines and the Land Use and Development Code's development standards for the CM-LA zone with regard to where residential units are allowed. This Ordinance Amendment would apply to all parcels zoned CM-LA within Los Alamos along the Bell**

**Street Corridor. Proposed changes are indicated below using underline font to indicate proposed additional text to be added to the regulations and strike-through font to indicate text that would be deleted:**

**35.24.070 - CM-LA Zone Additional Standards**

Proposed development and new land uses within the CM-LA zone shall comply with the following standards in addition to those in Section 35.24.040 (Commercial Zones Development Standards).

- A. Minimum lot width for residential use.** Development that includes dwelling units shall be located on a lot with a minimum net lot width of 20 feet.
- B. Determining the front line of lot for properties in the CM-LA zone.** For the purposes of the CM-LA zone district, all lots (including through lots and corner lots) with a front line abutting Bell Street shall be considered to have a front line on Bell Street unless the review authority finds that reasonable development of the property would be precluded.
- C. Streets in the CM-LA zone.** Streets that are located parallel to Bell Street (Waite, Leslie, and portions of Main Street) shall be considered through streets. Streets that are located perpendicular to Bell Street (Centennial Street) shall be considered secondary streets.
- D. Limitations on bedrooms, floor area, uses, and location of dwelling units in the CM-LA zone.**
  - 1. A residential use shall not exceed two bedrooms per 700 square feet of gross floor area of commercial development on the same lot.
  - 2. Dwelling units are only permitted above the ground floor of buildings that abut; ~~located on a lot where the front line abuts Bell Street.~~
    - a. Bell Street; and/or
    - b. A secondary street on a lot with a Bell Street front line, unless the majority of the building façade abuts a through street as shown in Figure 2-1a.
  - 3. Dwelling units are permitted on all floors of buildings that abut; ~~located on a lot where the front line does not abut Bell Street.~~
    - a. A secondary street on a lot without a Bell Street front line; and/or
    - b. A through street.

4. Dwelling unit access from Bell Street is prohibited.

**E. Commercial buildings in CM-LA zone.**

1. Commercial uses are allowed on all floors of buildings.
  - a. Only commercial uses are permitted on the ground floor of buildings that abut:
    - (1) Bell Street; and/or
    - (2) A secondary street on a lot with a Bell Street front line, unless residential uses are allowed on all floors in compliance with Subsections D.2 and D.3 above.
2. The floor area devoted to commercial uses is limited by the setbacks and build-to-lines shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures).
3. Buildings with a Bell Street frontline shall be commercial on the ground floor.

**F. Setbacks and Build-to-Lines for structures.** The setbacks in Table 2-18 apply as measured from the front line. Buildings shall be located within the shaded area shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures) below.

**Table 2-18 Setbacks and Build-to Lines for Structures**

<b><u>Lot Building front line abutting Bell Street.</u></b>	
a.	Bell Street setback: Zero ft.
b.	Secondary street setback: zero ft.
c.	Side setback: Zero ft., however, exceptions may be allowed by the review authority for side setbacks that provide access to commercial parking and enhance pedestrian circulation. However, in no case shall the distance between buildings on the subject lot and on an adjacent lot abutting Bell Street exceed 10 ft.
d.	From building rear build-to-line: 80 ft. maximum from edge of lot frontage.
<b><u>Lot Building front line not abutting Bell Street.</u></b>	
1.	Through street setback: Minimum five ft., not to exceed 15 ft.
2.	Rear setback when not adjacent to street: None required, however if provided shall be a maximum of 10 ft.
3.	Secondary street setback: None required, however, if provided shall not exceed 10 ft.
4.	Side setback: None required, however, if allowed by the review authority, shall not exceed 10 ft., unless additional setback area is needed to accommodate a driveway, in which case, the maximum setback shall be equivalent to the minimum required driveway width.
5.	Front building rear build-to-line: 60 ft. maximum from the edge of lot front line.

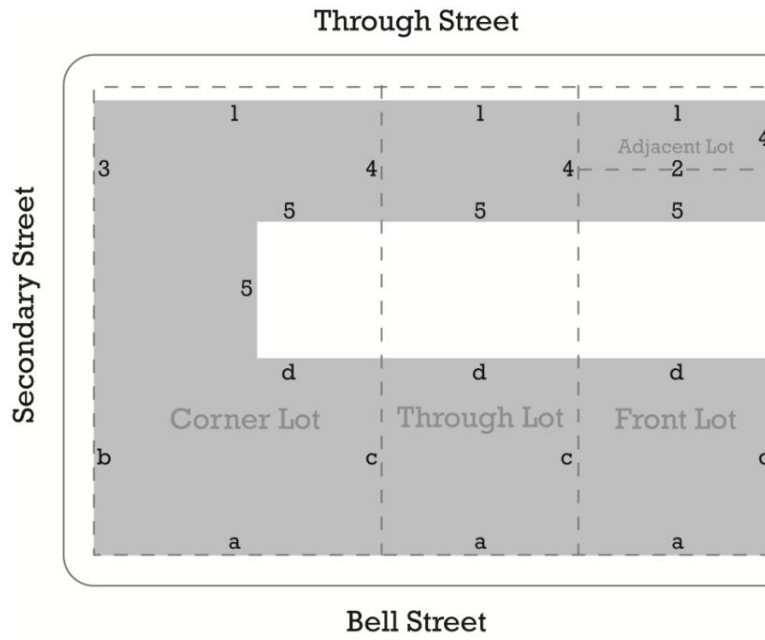


Figure 2-1 – Setbacks and Build-to-Lines for Structures

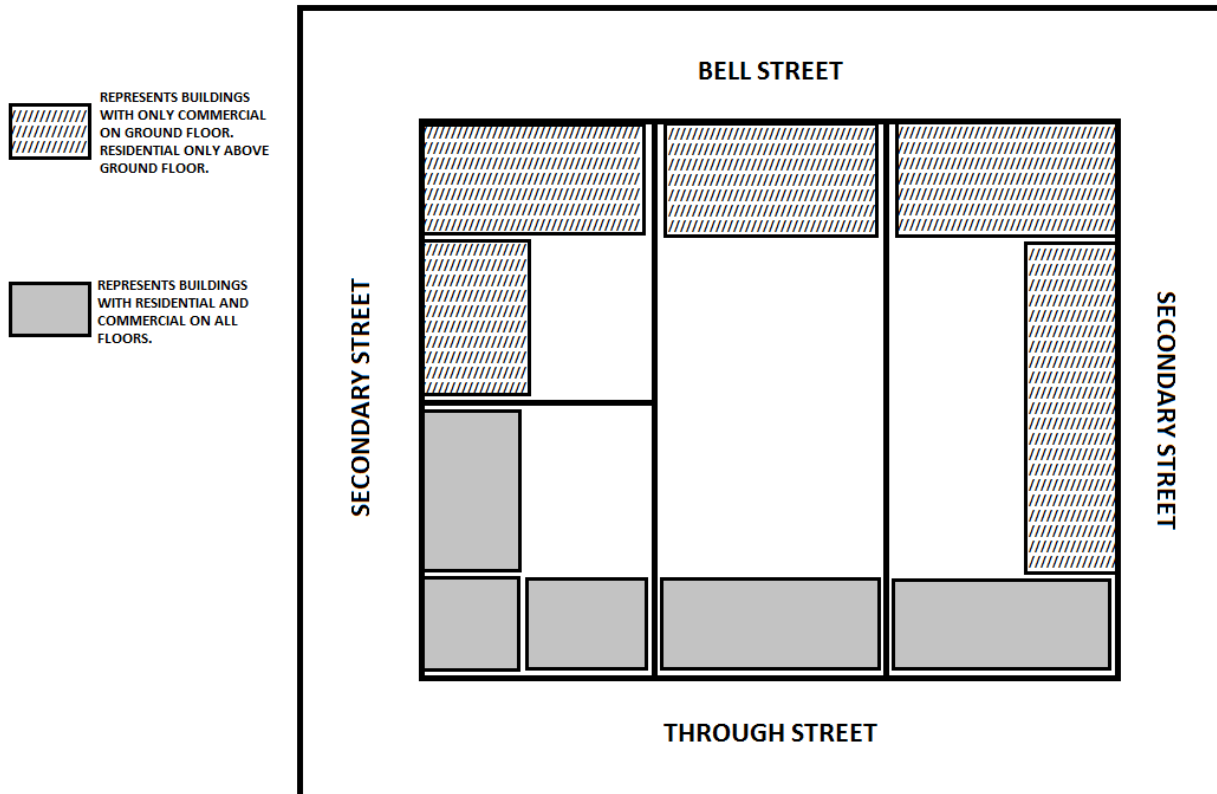


Figure 2-1a - Allowed Building Uses

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

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
- 3. 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 issuance of Zoning Clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.  
MONITORING: The Owner/Applicant shall demonstrate to P&D 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, of low glare design, of minimum height, and hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.  
PLAN REQUIREMENTS: The Owner/Applicant shall develop a Lighting Plan for BAR and P&D staff approval incorporating these requirements and showing locations and height of all exterior lighting fixtures.  
TIMING: Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.  
MONITORING: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. P&D staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

- 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 immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation 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 [APPROVAL / ISSUANCE] of [LAND USE PERMIT / COASTAL DEVELOPMENT PERMIT / ZONING CLEARANCE] and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
- 6. 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.
- 7. Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.

- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, water the site at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner shall immediately:
  - i. Seed and water to re-vegetate graded areas; and/or
  - ii. Spread soil binders; and/or
  - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to Grading Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

- 8. DIMF-24d DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Fire DIMF amount is currently estimated to be \$9,261. This is based on a project type of four residential units (7,007 square feet) and one commercial structure (5,203 square feet) and a project size of approximately 12,143 square feet.

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

- 9. DIMF-24e DIMF Fees-Quimby.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.  
The total Quimby DIMF amount is currently estimated to be \$5,116. This is based on a project type of four residential units (7,007 sq. ft.) and one commercial structure (5,203 sq. ft.) and a project size of approximately 12,143 sq. ft.  
**TIMING:** Quimby DIMFs shall be paid to the County Parks Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 10. DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.  
The total DIMF amount for Transportation is currently estimated to be \$11,902. This is based on a project type of four residential units (7,007 sq. ft.) and one commercial structure (5,203 sq. ft.) and a project size of approximately 12,143 sq. ft.  
**TIMING:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 11. Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.

- 12. Rules-25 Signed Agreement to Comply.** Prior to approval of Zoning Clearance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits, and all conditions of approval. The form may be obtained from the P&D office. Owners of lots resulting from this land division shall record such agreements prior to issuance of Zoning Clearance for future development.



### **13. Rules-29 Other Dept Conditions.**

Compliance with Departmental/Division letters required as follows:

- a. Air Pollution Control District dated April 22, 2016.
- b. County Surveyor dated April 26, 2016.
- c. Environmental Health Services Division dated May 23, 2017.
- d. Fire Department dated October 29, 2016.
- e. Flood Control Water Agency dated May 5, 2016.
- f. Parks Department dated May 26, 2017.
- g. Transportation Division dated October 9, 2017.
- h. Project Clean Water dated April 25, 2016.

**14. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

**15. 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.

**16. 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.

**17. Undergrounding Utilities.** All new utilities shall be placed underground and shall avoid impacts to native trees.

**18. WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and

proper disposal, and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Grading and Building permits.

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

**MONITORING:** P&D staff shall ensure compliance prior to and throughout construction.

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

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Grading and Building permits.

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

**MONITORING:** P&D staff shall ensure compliance prior to and throughout construction.

**20. 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, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 8th 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.