

ATTACHMENT 4

COASTAL DEVELOPMENT PERMIT CONDITIONS, 19CDP-00000-00048

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description, project plans, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows: Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The proposed project is request for a Coastal Development Permit to reconfigure a six-legged intersection at the Olive Mill Road, Coast Village Road, Jameson Lane, the HWY 101 northbound off-ramp, and HWY 101 southbound on-ramp to a single lane roundabout. The approaches to the intersection at each of the legs would be modified to include new road curvature (to slow traffic), pedestrian refuge islands, sidewalks, street lighting, signage, crosswalks, landscaping, and drainage facilities).

Pedestrian access would continue to be provided on the west and north legs of the intersection and discouraged on the eastern legs near the highway on-ramps and off-ramps (aligning with the recently-repaired Olive Mill Road highway overcrossing, which intentionally eliminated sidewalk on the east side of Olive Mill Road to concentrate pedestrian movement along the west side of Olive Mill Road). Pedestrian crossings would be improved with the addition of a crosswalk along the northern leg (Olive Mill Road North), shortened crossing lengths, refuge islands, and lighting.

The existing Class II bike lanes along Coast Village Road, Olive Mill Road (North), and North Jameson Lane would be maintained up to the roundabout approaches. The roundabout approaches would be narrowed to slow traffic and merge the vehicle lane and bike lane into a shared roadway facility. Once cyclists reach the roundabout, they would queue for their right to enter the roundabout in the same manner as vehicles. Upon exiting the roundabout, cyclists would be diverted back into the dedicated bike lanes along Coast Village Road, Olive Mill Road (North), and North Jameson Lane. Bikes would continue to share the lane on Olive Mill Road (South) because a dedicated bike lane does not exist. Cyclists wishing to not ride through the roundabout could dismount their bike and cross the west and north legs of the roundabout as pedestrians.

The 87,392-square-foot project footprint would extend beyond the existing road improvements; however, all improvements would be accommodated within existing

Caltrans, City, and County right-of-way; no permanent property fee take acquisitions are needed. Temporary construction easements may be needed from the Montecito Inn at 1295 Coast Village Road. To accommodate the project footprint, existing vegetation within the right-of-way would need to be removed. Up to 50 trees would be removed or substantially impacted by the project. Coast live oaks and sycamores will be replaced on a 3:1 basis with 15-gallon container oaks and sycamores. Non-native trees will be also replaced on a 3:1 basis with 15-gallon container trees. The project includes approximately 30,000 square feet of landscaping using low water use native and Mediterranean plant species. Water for proposed landscaping would be provided by the Montecito Water District.

Demolition of approximately 36,200 square feet of pavement would be required to construct the roundabout. The material removed from the site (road base, concrete, and soil if necessary) would be sampled, tested, handled and transported to a licensed disposal site per State and Federal regulations, including Caltrans Standard Specifications Sections 14-11.08 and 14-11.09). Grading would include approximately 1,400 cubic yards of cut and 2,000 cubic yards of fill (600 cubic yards of which would be imported fill). Proposed storm water bioretention basins would be constructed with imported engineered soils suitable for drainage and compliance with State and Regional Water Quality Control Board standards and the Clean Water Act. Relocation of some utility infrastructure would also be required to accommodate the project improvements. Utility infrastructure within the project area includes fire service facilities (fire hydrants), and telephone and cable television (CATV) services. The majority of construction activities would not have ground disturbance below 18 inches in depth. However, the bioretention basins located in five planter areas on the northwest, northeast and southeast legs of the roundabout would require disturbance to approximately 6 feet in depth, and larger tree plantings would require an estimated 4 feet depth of disturbance.

Construction is anticipated to be approximately one year in duration. Although some portions of construction would require full closure of the intersection, it is anticipated that the majority of the construction can be completed with only partial closures. Based upon the circulation conditions and local/regional roadway configurations, traffic rerouting assumptions have been made and are shown on the Olive Mill Roundabout Traffic Management Plan, City of Santa Barbara, May 2020; this plan is inclusive of emergency response vehicle access requirements, as well as pedestrian and bicycle circulation during construction. Construction staging would be located onsite and on the southeast quadrant of the existing Union Pacific Bridge at Cabrillo Boulevard.

- 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 the Coastal Development Permit. 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 the resident engineer that the project has been built consistent with approved BAR design and landscape plans prior to completion of construction.
- 4. Bio-01a Tree Protection Plan-Site Plan Component:** The Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect on-site trees. The Owner/Applicant shall comply with and depict the following on the TPP exhibit and Grading and Building Plans.

 - a. No grading shall take place within the dripline of trees unless otherwise approved by P&D staff.
 - b. Depict equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas outside of the protection area.
 - c. Depict the type & location of protective fencing (see below) or other barriers to be in place to protect trees in protection areas during construction.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) Submit the TPP; (2) Include all applicable components in Tree Replacement Plan and Landscape and Irrigation Plans; (3) include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

TIMING: The Owner/Applicant shall comply with this measure prior to Coastal Development Permit issuance. Plan components shall be included on all plans prior to Coastal Development Permit issuance. The Owner/Applicant shall install tree protection measures onsite prior to construction. **MONITORING:** The Owner/Applicant

shall demonstrate to the resident engineer that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed as required by the TPP prior to project completion.

5. Bio-01b Tree Protection Plan–Construction Component: The Owner / Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect on-site trees. The Owner Applicant shall comply with and specify the following as notes on the TPP and Grading and Building Plans.

- a. Fencing of all trees to be protected at least six feet outside the dripline with fencing satisfactory to P&D. Fencing shall be at least 3 ft high, staked to prevent any collapse, and with signs identifying the protection area placed in 15-ft intervals on the fencing.
- b. Fencing/staking/signage shall be maintained throughout all grading and construction activities.
- c. No irrigation is permitted within 6 ft of the dripline of any protected tree unless specifically authorized.
- d. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist:
 - i. Any trenching required within the dripline or sensitive root zone of any specimen.
 - ii. Cleanly cutting any roots of one inch in diameter or greater, encountered during grading or construction.
 - iii. Tree removal and trimming.
 - iv. Special equipment: If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff and under the direction of a P&D approved biologist.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. TIMING: The Owner/Applicant shall comply with this measure prior to CDP issuance. Plan components shall be included on final grading/building plans. The Owner/Applicant shall install tree protection measures onsite prior to issuance of grading/building permits. MONITORING: The Owner/Applicant shall demonstrate to the resident engineer that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to project completion.

6. Bio-02 Tree Replacement:

1. The replacement trees shall be as follows: Each protected tree removed shall be replaced using the following ratio: 3:1 with 15-gallon container trees. The final proposed size and quantity of replacement trees shall be detailed and delineated in the San Ysidro Road Roundabout Tree Protection and Replacement Plan. This Plan shall be reviewed and approved by P&D staff prior to Coastal Development Permit issuance.
2. Where feasible, species shall be from locally obtained plants and seed stock.
3. The trees shall be gopher fenced with root protectors.
4. The trees shall be irrigated with a low volume, water efficient, fully automatic remote irrigation system. Long term maintenance efforts of the system will provide supplemental water as necessary to keep plants in a healthy and vigorous condition.
5. Trees shall be watered during the three-year plant establishment period while reducing the water use each year. Once under the care of Public Works and/or Caltrans maintenance control, the watering times will be further reduced each year so that the plants adapt to the natural rainfall and climatic conditions.
6. If replacement trees cannot all be accommodated on site, the Owner/Applicant shall submit a plan for P&D approval for replacement trees to be planted off site.
7. All new and replanted 1-gallon trees shall be protected from predation by wild and domestic animals by the use of foliage protectors.

PLAN REQUIREMENTS: Show planting location, size quantities, species method of irrigation and provide details for root and foliage protection. TIMING: Plans shall be submitted prior to Coastal Development Permit issuance. MONITORING: The Owner/Applicant shall demonstrate to the resident engineer that all required components of the approved plan(s) are in place as required prior to project completion.

- 7. 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 plans. MONITORING: P&D permit processing planner shall check plans prior to CDP issuance and the resident engineer shall spot check in the field throughout grading and construction.

- 8. 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 4:30 p.m, Monday through Friday, with the exception that limited work after hours is permitted under limited circumstances where required in order to avoid major traffic disruption associated with full closure of the intersection, as determined by the resident engineer. To the maximum extent feasible, noisier construction tasks exceeding 87dBA within 50 feet of residential areas shall be limited to weekdays from 7:00 a.m. to 4:30 p.m. Non-noise generating construction activities 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. The resident engineer shall notify the Caltrans District 5 Public Information Officer (PIO) to place notice of the proposed project in local news media in advance of construction. The notice will give estimated dates of construction and mention potential noise impacts. As directed by the resident engineer, the contractor will notify adjacent residents in advance of construction work. The Caltrans PIO telephone number to receive noise complaints shall be publicized in local newspapers, and by letter to residences near the construction area. In the case of construction noise complaints by the public, the construction manager would be notified and the specific noise-producing activity may be changed, altered, or temporarily suspended. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. Notation of these construction requirements shall be included on final project plans prior to Coastal Development Permit issuance. **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 initiation of construction. The resident engineer shall spot check and respond to complaints. The resident engineer shall retain proof of notice to the local news media and measures undertaken to respond to complaints.

- 9. WatConv-07 SWPPP:** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **TIMING:** Prior to CDP issuance the Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities. **MONITORING:** P&D permit processing planner shall review the documentation prior to CDP issuance. The resident engineer shall site inspect during construction for compliance with the SWPPP.

- 10. 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].
- 11. 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.
- 12. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:

 - a. Air Pollution Control District dated April 26, 2019
 - b. Flood Control/Project Cleanwater dated June 3, 2019
 - c. Montecito Fire Department dated May 14, 2019
- 13. 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.
- 14. 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.
- 15. Mitigation Compliance and Monitoring:** The project applicant and designees shall comply with all applicable mitigation, minimization and avoidance measures specified in the July 2020 Addendum. The applicant shall prepare a Mitigation Compliance, Monitoring, and Reporting Plan for all mitigation measures identified in the July 2020

Addendum. PLAN REQUIREMENTS: The Plan shall include, but not be limited to the following:

- a. Each of the projects mitigation measures.
- b. Timing and specific responsible party for implementation of each mitigation measure.
- c. Timing and party responsible for monitoring each mitigation measure and a list of monitors to be retained.
- d. Procedures, timing, and responsible party for reporting to P&D Permit Compliance staff on project mitigation compliance and monitoring.
- e. Specification of a qualified representative for the applicant to be designated as the coordinator responsible for ensuring full compliance with the provisions of the Plan. The designated coordinator shall have authority over all other monitors.

TIMING: The Plan shall be submitted to P&D staff for review and approval prior to Coastal Development Permit issuance. MONITORING: P&D staff will review the Mitigation Compliance, Monitoring, and Reporting Plan prior to Coastal Development Permit issuance. The resident engineer will conduct intermittent field inspections and respond to complaints.

16. Per LU-M-2.1.1 and VIS M-1-3, the highest area(s) of the roundabout, including the plantings, shall not reduce the view corridors as shown in the Applicants' September 16, 2020 presentation depicting the view looking North on Olive Mill Road toward the San Ynez Mountains. Trees planted within the center roundabout shall be fruitless field grown olive trees. PLAN REQUIREMENTS AND TIMING. Prior to Coastal Development Permit issuance, the landscape plan shall be revised to include specific notation that the trees within the center roundabout shall be fruitless field grown olive trees. MONITORING. Prior to Coastal Development Permit issuance P&D shall confirm notations on plans. During construction, the resident engineer shall ensure installation of the trees.
17. Per LU M 2.2, the lighting levels shall not exceed the minimum requirement of any applicable legal standard and dimmers shall be installed and maintained to attain the minimum lighting levels. Additionally, the "decorative lighting" shall all be "Mission Bell Style."
18. Per CIRC.M.1.1 and M-3.6, the establishment period for all plants shall be at least five (5) years. Additionally County of Santa Barbara Public Works Department and/or the City of Santa Barbara (or their successor(s) in interest) shall enter into a recorded, long-term (with an initial terms of thirty years), renewable, maintenance agreement, subject to County Board of Supervisors approval, if required, with adequate funding.

- 19.** Per CIRC-M 3.7, except as may be required by the Americans with Disabilities Act or any similar law, the hardscape surfaces of the pedestrian paths shall be decomposed granite and conform in color and type to the decomposed granite on the pathways on North Jameson Lane.
- 20.** Per GOAL F-M-2 and Policy F-M-2.3, all of the plants for landscaping shall be fire-resistant, desirable plants listed at the Montecito Fire Protection District's web site [<https://www.montecitofire.com/fire-prevention>; last visited May 26,2020]. Additionally, none of them shall be on its list of undesirable plants or deciduous.
- 21.** Per BIO M-1.1, the use of glyphosate and any other chemical herbicide is prohibited at all times, whether during construction, maintenance or otherwise.
- 22.** Per WAT-M-1.2.1, the landscape irrigation system shall be drip or water-saving.
- 23.** Per CIRC-M-1.6, with reference to the traffic management plan dated May 28, 2020 and any later such plan, San Ysidro Road shall not be used as an alternative vehicle route and further diminish the acceptable level of service, unless there is no other alternative. Additionally, no vehicle traffic shall be routed on any residential street.
- 24.** The Director shall report to the to the Montecito Planning Commission at its next scheduled public hearing, immediately following final approval by the Montecito Board of Architectural Review, on the compliance of additional conditions nineteen (19) through twenty six (26) above. Thereafter, the Director shall report at least annually to the Montecito Planning Commission at a public hearing, on the compliance status of all of the then outstanding additional conditions of approval. The first report shall be within six (6) months after the completion of construction.
- 25.** If there is any difference between any condition of approval herein and a condition of approval of the City of Santa Barbara, the more restrictive condition shall apply.
- 26.** The driveway material for 110 Olive Mill, as noted on Sheet 7 of the project plans, shall be concrete pavers.