

Attachment 4: Coastal Development Permit 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, project plans, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project is for a Coastal Development Permit to reconfigure the intersection at San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps from two stop-controlled intersections to a single lane roundabout. The roundabout will consist of a single lane roadway 21 feet in width and varies in diameter from 110 feet to 180 feet. The project would include new sidewalks, roadway pavement, curb and gutter, median islands, landscaping, stormwater improvements/bioretention areas, lighting, signage, and fencing. Class 2 bike lanes at San Ysidro Road and North Jameson Lane would terminate at the entrance to the roundabout and bicyclists would merge with motorists to travel through the roundabout. Pedestrian access would be provided by a new eight foot wide sidewalk and crosswalk. One retaining wall of 110 feet long and 3.8 to 20.9 feet high is proposed. Nine new light standards (poles) of approximately 25 feet in height would be installed. Road safety signs would be installed at each of the roundabout legs and crosswalks. Grading would include approximately 650 cubic yards of cut and 1,400 cubic yards of fill. The project would require the removal of 38 trees, including 8 coast live oak trees. A total of 114 replacement trees are proposed, including 25 coast live oak (*Quercus agrifolia*) trees, 3 Western Sycamore trees and 87 Strawberry trees. The project includes approximately 54,000 square feet of landscaping using low water use native and Mediterranean plant species. Design elements include sandstone grouted cobble paving, integral colored concrete paving, sandstone planter walls and natural wood split rail fencing. Water for proposed landscaping would be provided by the Montecito Water District.

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

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the

approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

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 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 plan shall include the following site plan components:

1. 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.

1. 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.
2. Fencing/staking/signage shall be maintained throughout all grading and construction activities.
4. No irrigation is permitted within 6 ft of the dripline of any protected tree unless specifically authorized.
5. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist:
 - a. Any trenching required within the dripline or sensitive root zone of any specimen.
 - b. Cleanly cutting any roots of one inch in diameter or greater, encountered during grading or construction.
 - c. Tree removal and trimming.
6. 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:
 - a. Each coast live oak tree removed shall be replaced using the following ratio: 3:1 with 15-gallon container trees.
 - b. All other native trees shall be replaced at a minimum 3:1 ratio with 5-gallon containers trees.
 - c. Each specimen or non-native tree removed shall be replaced at a minimum 3:1 ratio with one 24" box tree and three 5-gallon container trees.
 - d. 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-07 Cultural Resource Monitor:** The Owner/Applicant shall have all earth disturbances including scarification and placement of fill within the archaeological site area monitored by a P&D approved archaeologist and a Native American consultant in compliance with the provisions of the County Archaeological Guidelines.

TIMING: Prior to CDP issuance, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract.

MONITORING: The Owner/Applicant shall provide P&D staff and the resident engineer with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. The resident engineer shall confirm monitoring by archaeologist and Native American consultant and shall spot check field work.

8. **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.

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.

County Rules and Regulations

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-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval 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. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each 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 or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
13. **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.
14. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
1. Air Pollution Control District dated August 13, 2019
 2. Montecito Fire Department dated May 14, 2019
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.

Other

- 17. Mitigation Compliance and Monitoring:** The project applicant and designees shall comply with all applicable mitigation, minimization and avoidance measures specified in the 2014 Caltrans EIR (as modified by the 2017 Revised EIR, 2018 Addendum, and 2020 Addendum). The applicant shall prepare a Mitigation Compliance, Monitoring, and Reporting Plan for all mitigation measures identified in the 2014 Caltrans EIR (as modified by the 2017 Revised EIR, 2018 Addendum, and 2020 Addendum) that are applicable to the San Ysidro Roundabout project.

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.

18. 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 present view corridors, shown in the photographs at the May 20, 2020 hearing, of San Ysidro Road looking North (of the Santa Ynez Mountains) and South (of the Pacific Ocean).
19. 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”.
20. Per LU-M-2.3, the two existing utility poles on North Jameson (immediately East and West of San Ysidro Road) shall be removed and the utilities undergrounded.
21. Per CIRC-M.1.1 and 3.7, any road signage shall be “Old Santa Barbara Style” wooden signs with white lettering and a brown background like the existing signage in the community (*e.g.*, the street signs of North Jameson and San Ysidro Roads). Per CIRC.M.1.1 and M-3.6, the establishment period for all plants shall be at least five (5) years. Additionally Public Works (or its successor(s) in interest) shall enter into a long-term, renewable, maintenance agreement, with adequate funding for the irrigation and maintenance of the landscape. This agreement shall be recorded and for an initial term as long as the longest maintenance agreement presently in force in Santa Barbara County.

Per CIRC-M 3.7, the hardscape surfaces of the pedestrian paths of the northwest corner of

t d granite and conform in color and type to the decomposed granite on the pathways
h on North Jameson and San Ysidro Roads.
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r 22. Per GOAL F-M-2 and Policy F-M-2.3, all of the plants for landscaping shall be fire-
o resistant, desirable plants listed at the Montecito Fire Protection District's web site [
u <https://www.montecitofire.com/fire-prevention>; last visited May 26,2020].
n Additionally, none of them shall be on its list of undesirable plants.
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a 23. Per BIO M-1.1, the use of glyphosate and any other chemical herbicide is prohibited at
b all times, whether during construction, maintenance or otherwise.
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u 24. Per WAT-M-1.2.1, the landscape irrigation system shall be drip or water-saving.
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a 25. The Director shall report to the to the Montecito Planning Commission at its next
n scheduled public hearing, immediately following final approval by the Montecito
d Board of Architectural Review, on the compliance of additional conditions one (1)
w through nine (10) above. At least annually, the Director shall report to the Montecito
h Planning Commission at a public hearing, on the compliance status of all of the then
e outstanding additional conditions of approval. The first report shall be within six (6)
r months after the completion of construction.
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v 26. Per GOAL N-M-1, Policy N-M-1,1 and Development Standard N-M-1.1.2: the
e construction activity shall be limited to 7:00 a.m. to 4:30 p.m. on Monday through
r Friday excluding holidays observed by the County of Santa Barbara. On an exception
f basis, and with at least two business days' prior notice to affected property owners,
e construction may occur after 4:30 p.m. to avoid major traffic disruption caused by full
a closure of the intersection, as determined by the resident engineer, but only if this
s exceptional construction does not cause any noise greater than 87 dB. The resident
i engineer shall notify the Caltrans District 5 Public Information Officer (PIO) to place notice
b of the proposed project in local news media in advance of construction. The notice will give
l estimated dates of construction and mention potential noise impacts. As directed by the
e resident engineer, the contractor will notify adjacent residents in advance of construction
s work. The Caltrans PIO telephone number to receive noise complaints shall be publicized
h in local newspapers, and by letter to residences near the construction area. In the case of
a construction noise complaints by the public, the construction manager would be notified
l and the specific noise-producing activity may be changed, altered, or temporarily
l suspended. PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign
b stating these restrictions at all construction site entries. Notation of these construction
e requirements shall be included on final project plans prior to Coastal Development Permit
d issuance. TIMING: Signs shall be posted prior to commencement of construction and
e maintained throughout construction. MONITORING: The Owner/Applicant shall
c demonstrate that required signs are posted prior to initiation of construction. The resident
o engineer shall spot check and respond to complaints. The resident engineer shall retain
m proof of notice to the local news media and measures undertaken to respond to complaints.
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