

**ATTACHMENT D: MODIFICATION CONDITIONS OF APPROVAL**

ATTACHMENT A  
PROJECT SPECIFIC CONDITIONS  
Case No.: 08MOD-00000-00006  
Project Name: Tracy Addition  
Project Address: 2200 Banner Avenue  
APN: 005-133-058

**This permit is subject to compliance with the following conditions:**

1. This Modification is based upon and limited to compliance with the project description, the hearing attachments marked A-D dated July 8, 2009, and conditions of approval set forth below. 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 project description is as follows:

**Modification to allow a 364 square foot second story addition to encroach 4.5 feet into the required 25-foot rear yard setback and 1.5 feet into the required 10-foot secondary front yard setback. Under the associated CDP, 08CDP-00000-00032, applicant also requests a 77 square foot first floor addition to be located outside of required setbacks, demolition of an unpermitted storage shed, removal of an unpermitted spa, and conversion of the garage back into its permitted carport configuration. Removal of four banana trees is proposed. No grading is proposed. The parcel will continue to be served by the Summerland Sanitary District, the Montecito Water District, and the Carpinteria-Summerland Fire District. Access will continue to be provided via a private driveway at the corner of Banner Avenue and Evans Avenue. The property is a 0.07-acre parcel zoned 10-R-1 and shown as Assessor's Parcel Number 005-133-058, located at 2200 Banner Avenue in the Summerland area, 1<sup>st</sup> Supervisorial District.**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of 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 hereto. 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.

**MODIFICATION CONDITIONS**

10. This Modification is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Modification null and void. Prior to the approval of the Coastal Development Permit, all of the conditions listed in this Modification that are required to be satisfied prior to approval of the Coastal Development Permit must be satisfied. Upon issuance of the Coastal Development Permit, the Modification shall be valid. The effective date of this approval shall be the date of expiration of the appeal period, or if appealed, the date of action by the Planning Commission.

11. This Modification shall expire one year from the date of approval if a Coastal Development Permit has not been issued for the modified building or structure. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.
12. Any use authorized by this Modification shall immediately cease upon expiration of this Modification. Modification extensions under Section 35-179.7 of Article II must be applied for prior to expiration of the Modification.

## STANDARD CONDITIONS

13. This Modification is not valid until the project receives final approval from the Board of Architectural Review (BAR). The project shall be in strict conformance with the plans reviewed and approved by the BAR under 07BAR-00000-00249. Any structural or color revisions to final BAR-approved plans shall be submitted for review and approval by the Development Review Division and/or BAR.
14. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
15. Developer shall defend, indemnify and hold harmless the County or its agents, 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 Coastal Development Permit. In the event that the County fails promptly to notify the 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. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
17. If the 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.