

ATTACHMENT C: CONDITIONS OF APPROVAL

1. This Development Plan is based upon and limited to compliance with the project description, the final approved SBAR plans, hearing exhibits marked A-G, 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:

The Santa Barbara County Parks Department requests approval of a Final Development Plan and Coastal Development Permit to construct the Walter Capps Memorial Park on 12 contiguous blufftop parcels totaling approximately 1.2 acres. The new park would provide both active and passive recreational uses for members of the Isla Vista Community. The project site is currently vacant and owned by Santa Barbara County.

The proposed project would include the construction of a public restroom of approximately 200 square feet in size and 10 feet in height. The restroom would contain two stalls and a central storage closet for mechanical equipment and supplies. A trellis would be attached to the front of the restroom structure and bicycle parking would be provided between the restroom and Del Playa Drive. Approximately 1,610 cubic yards of grading (260 cubic yards of cut and 1,350 cubic yards of fill) would be necessary to prepare the site for development and direct stormwater runoff away from the bluff face. No trees would be removed as part of the project.

New landscaping would include native, drought-tolerant species along the bluff edge and the eastern and western property lines, and open lawn/meadow areas throughout the remainder of the site. The lawn area on the western half of the site would be underlain with a subgrade "EPIC" liner to catch and store stormwater and excess irrigation water. Landscaping would be irrigated using drip irrigation along the bluff and perimeter of the site, while spray systems controlled by irrigation cylindroids would be used for the center lawn/meadow areas. The drip irrigation along the bluff would be used temporarily to establish the plants and then removed after two years. Moisture sensors would be installed to ensure the bluff-top area is not over-irrigated. A split-rail fence (with appropriate signage to warn park users of the bluff edge location) would be located approximately 5 feet from the bluff edge along the entire ocean frontage to maintain pedestrian activities away from the bluff edge. The fence would periodically be moved back as needed in response to ongoing bluff erosion.

The project also includes the construction of paved walking paths composed of flagstone and decomposed granite, as well as minor accessory structures such as stone benches and seating areas, a drinking fountain, interpretive signs and a timber bridge. Also included in the project would be the construction of a new sidewalk along Del Playa consistent with the requirements of the Public Works Department Roads Division. Only minimal security lighting associated with the restrooms is proposed. The

Goleta Water District would provide water and the Goleta West Sanitary District would provide sewer service. No on-site parking is proposed.

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.

PROJECT SPECIFIC CONDITIONS

2. All elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approval 08BAR-00000-00173. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Board of Architectural Review prior to issuance of Coastal Development Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.
3. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - a. seeding and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or
 - c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **MONITORING:** Grading Inspector shall perform periodic site inspections.

4. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

- c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

5. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Land Use Permits. The washout area(s) shall be in place and maintained throughout construction. **MONITORING:** P&D staff shall check plans prior to approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).
6. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D shall check plans prior to approval of Land Use Permits and shall spot check in the field.
7. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion. **MONITORING:** P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.
8. Construction activity for site preparation and for future development shall be limited to the hours between 7:30 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur

on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Three (3) signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.

DEVELOPMENT PLAN CONDITIONS

9. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
10. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit *G (Site Plan)*, dated July 8, 2009. Substantial conformity shall be determined by the Director of P&D.
11. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
12. If the applicant requests a time extension for this permit/project, the permit/project 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. Mitigation fees shall be those in effect at the time of approval of a CDP.
13. Appropriate signage shall be placed along the blufftop safety fence to alert park users of the location of the bluff edge.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

14. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

15. Landscape Requirements: Two performance securities shall be provided by the applicant prior to approval of Land Use Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security 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 may release the maintenance security 2 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 collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- a. Installation of tree protection measures, landscaping, irrigation with timers, and fences, in accordance with the approved landscape plan prior to occupancy clearance.

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

16. Landscape Requirements: Landscaping shall be maintained for the life of the project.

17. Compliance with Departmental letters required as follows:

- a. Air Pollution Control District dated June 9, 2008
- b. Fire Department dated June 17, 2008 (no conditions)

18. Print & illustrate conditions on plans: All applicable final conditions of approval Planning Commission shall be 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.

19. Mitigation Monitoring required: The 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 applicant agrees to:

- a. 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.
- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.

- c. Pay a \$1,500 deposit fee prior to issuance of Land Use Permits as authorized under 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 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.

20. Indemnity and Separation Clauses: 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 the Development Plan and 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.

21. Legal Challenge: 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.



Santa Barbara County
Air Pollution Control District

To: South County Planning & Development Dept.

Attn: Petra Leyva, Project Planner *Jim Heaton*

From: Vijaya L. Jammalamadaka *VJ*

Date: June 9, 2008

Case #: 08DVP-00000-00020; Walter Capps Memorial Park

APN #'s): 075-193-003, -018, -036, -037, -026, -024, -008, -009, -010, -005, -013, -012

RECEIVED

JUN 10 2008

**S.B. COUNTY
BUILDING DIVISION**

The Air Pollution Control District has reviewed the referenced case and offers the following:

- The APCD has no comment on this project at this time.
- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant musts apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the "Notification for Renovation and Demolition" form (available on the APCD website). The completed form should be mailed to the Santa Barbara APCD no later than the date specified in Section I.B.1 of the instructions.
- Standard dust mitigation 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 issuance of land use clearance.

Attachment

cc: Ray Severn, Agent
TEA Chron File



STANDARD DUST CONTROL REQUIREMENTS

The first measure is required for all projects involving earthmoving activities regardless of the project size or duration; the other measures must be implemented as applicable to the project. Proper implementation of all of these measures, as necessary, is assumed to reduce fugitive dust emissions to a level of insignificance and is strongly recommended for all discretionary projects involving earthmoving.

- 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, unless prohibited by law. Reclaimed water should not be used in or around crops grown for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads. A vacuum truck or suction sweeper should be used to collect soil on paved surfaces. The use of leaf blowers is prohibited.
- If importation, exportation, and stockpiling of fill material are 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.
- 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 land use clearance.
- Prior to land use clearance for map recordation (as applicable), the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans. *

Memorandum



Date: June 17, 2008

To: Petra Leyva
Planning and Development
Santa Barbara

From: Glenn Fidler, Inspector
Fire Department

Subject: APN: 075-193-003; Case #: 08DVP-00020
Site: Del Playa Drive, Goleta

A handwritten signature in black ink, appearing to read "G. Fidler", is written over the "From:" field of the memorandum.

Fire Department staff has reviewed the above referenced project and has no development conditions to place on the project as presented at this time.

The Fire Prevention Division must be notified of any changes to the project proposal. Further intensification of use or change in the project description may cause additional conditions to be imposed.

A copy of this letter will be placed in your Assessor's Parcel File in this office and the fire department advises that these conditions be listed as a disclosure item should your property ever be sold.

As always, if you have any questions or require further information, please call 681-5500.

GF:jmd

c: Juan Beltranena, County Parks Dept., 610 Mission Cyn Rd, Santa Barbara, CA 93105
Ray Severn, Penfield & Smith, PO Box 98, Santa Barbara, CA 93102
Van Atta Associates, 235 Palm Ave, Santa Barbara, CA 93101
Steve Wang, Penfield & Smith, PO Box 98, Santa Barbara, CA 93102
Fugro West, Inc., 211 E Victoria St., Santa Barbara, CA 93101
APN

RECEIVED

JUN 17 2008

S.B. COUNTY BUILDING DIVISION