



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 08CDP-00000-00187

Project Name: Walter Capps Memorial Park

Project Address: Oceanside of Del Playa Drive within the 6700 block

Assessor's Parcel Nos.: 075-193-003,-018,-036,-037,-026,-024,-008,-009,-010,-005,-013,-012

Applicant Name: Juan Beltranena

The County Planning Commission hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Date of Approval: July 8, 2009

Associated Case Number(s): 08DVP-00000-00020, 08BAR-00000-00173

Project Description Summary: See Attached Description

Project Specific Conditions: See Attached Conditions

Permit Compliance Case: Yes No;

Permit Compliance Case No.: _____

Appeals: The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Clerk of the Board of Supervisors at 105 Anacapa Street, Santa Barbara, 93101" if the appeal is of an action of the County or Montecito Planning Commission) by 5:00 p.m. on or before July 18, 2009.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued after the expiration of the California Coastal Commission appeal period (ten working days after receipt of the County's Notice of Final Action), provided an appeal of this approval has not been filed.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

1. This Coastal Development Permit 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.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

9. Appropriate signage shall be placed along the blufftop safety fence to alert park users of the location of the bluff edge.
10. **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.

11. 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.

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

13. 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)

14. 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.

15. 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.

16. 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.

17. 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.