

## ATTACHMENT E: CONDITIONS OF APPROVAL

### I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Amendment is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated September 12, 2018, 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 request is for an amendment to the Dunn School Master Plan Conditional Use Permit (Case No. 79-CP-47) as revised by Case No. 04RVP-00000-00018. At full build-out under 04RVP-00000-00018, the approved Master Plan includes approximately 211,110 sq. ft. of development. The applicant is proposing to amend the approved project by eliminating 5,936 sq. ft. of development consisting of two 2,968 sq. ft. duplex townhouse staff residences. These four units were approved as a part of the 04RVP-00000-00018 but have not been constructed. The existing 1,463 sq. ft. staff residence located on the west portion of the 46.18-acre parcel which was proposed for removal under the approved Master Plan would be retained. The applicant is proposing to remodel the interior of this residence to convert it into two units consisting of approximately 985 sq. ft. and 478 sq. ft. each. No ground disturbance outside of the footprint of the existing staff residence is proposed. Proposed construction build out is 206,637 sq. ft., which is a 4,473 sq. ft. reduction from the approved Master Plan.

The project also includes legalizing an existing, 20 ft. tall, steel framed, white plastic coated canvas tent structure used to provide shade for baseball practice (batting and pitching) and shelter for other recreational activities when it is raining. The tent structure is 3,500 sq. ft. in size and is located on the east portion of the 10.01-acre parcel, adjacent to the baseball field and approximately 100 ft. north of the lacrosse field. With a rounded roof, the tent structure is enclosed on the west and east ends and is open on the north and south ends. The baseball tent provides a shaded area for three separate batting and pitching cages and is proposed to be used by students year-round. When the inner netting is removed, the tent can also be used to practice other outdoor sports, such as soccer, on rainy days. The tent's covering is made of industry-standard white canvas coated in an opaque white plastic, which allows for reflective light to illuminate the interior of the tent during the day. Four fully-shielded lights are installed inside the structure to allow for use after dark and before 7 p.m. during late fall, winter, and early spring. Timers are installed on the four light fixtures to ensure that the lights are turned off at 7 p.m.

The project includes planting 21 new 24" box coast live oak trees (*Quercus agrifolia*), 15 of which would be planted along Roblar Avenue amongst the existing mature trees, many of which are oaks, in order to infill unplanted areas and further screen the baseball tent structure from public views into the school grounds from Roblar Avenue. The remaining six oak trees would be planted around the east and south edges of the baseball tent to screen views in from Hwy 154.

No grading, tree removal, or vegetation removal is proposed as a part of the project, nor was any performed for the installation of the baseball tent structure. Water would continue to be provided by the Santa Ynez River Water Conservation District. Wastewater treatment would continue to be provided by an on-site private waste water treatment system. Access to the site would continue to be provided by two existing 26 ft. wide paved asphalt driveways off of Santa Ynez Street from the north and Roblar Avenue from the south. The staff residence to be converted to a duplex is located on a 46.18-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 135-250-053, located at 2555 W. Highway 154. The baseball tent structure is located on the adjacent 10.01-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 135-250-048, located at 2555 W. Highway 154. Both parcels are located in the Santa Ynez area, Third Supervisorial 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.

## II. CONDITIONS BY ISSUE AREA

3. **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 Zoning Clearance.  
**MONITORING:** The Owner/Applicant shall demonstrate to P&D staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.
4. **Landscp-01 Landscape and Irrigation Plan.** The Owner/Applicant shall prepare a Landscape and Irrigation Plan comprising the 21, 24" box coast live oak trees designed to screen the project from surrounding land uses.  
**PLAN REQUIREMENTS:** The plan shall include the following:
  - a. An agreement by the Owner to install required landscaping & water-conserving irrigation systems prior to final clearance.
  - b. An agreement by the Owner to maintain required landscaping for the life of the project.
  - c. Securities posted by the Owner for installation and maintenance securities per

requirements in the Performance Securities condition. Specify the amount and duration of installation and maintenance securities to ensure successful implementation of this plan by P&D if the Owner fails to do so.

- d. All project landscaping shall consist of drought-tolerant native and/or low-water use/Mediterranean type species.
- e. Project landscaping along Roblar Avenue and adjacent to the pitching tent shall adequately screen the project site from surrounding land uses.

**TIMING:** The Owner/Applicant shall submit 4 copies of the Plan to P&D processing planner for review & approval prior to Zoning Clearance Approval and install landscape and irrigation prior to Final Building Inspection Clearance.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved plan are in place as required prior to Final Building Clearance.

5. **Landscape Requirements.** Proposed new oak tree plantings shall be maintained for the life of the project. Two performance securities shall be provided by the applicant prior to approval of Zoning Clearance, one equal to the value of installation of all items to be installed for the respective Zoning Clearance (labor and materials) and one equal to the value of maintenance and/or replacement of the items 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. If plants and irrigation 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 landscaping and irrigation in accordance with the approved Landscaping Plan pertaining to this specific Zoning Clearance 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.

6. **Construction Hours.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 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:** 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.

### III. CONDITIONAL USE PERMIT CONDITIONS

7. **Rules-01 Effective Date- Not Appealable to the CCC.** This Amendment shall become effective upon the date of 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 final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit [LUDC §35.82.020].
8. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit Amendment. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit Amendment, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit Amendment shall be considered void and of no further effect.
9. **Rules-12 CUP Void.** This Conditional Use Permit Amendment shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit Amendment is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit Amendment shall immediately cease upon expiration or revocation of this Conditional Use Permit Amendment. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit Amendment shall expire upon expiration or revocation of the Conditional Use Permit Amendment. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060].

### IV. COUNTY RULES AND REGULATIONS

10. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained.
11. **Rules-05 Acceptance of Conditions.** 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 applicant.
12. **Rules-23 Processing Fees Required.** Prior to issuance of the Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees and enforcement fees in full as required by County ordinances and resolutions.

13. **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:
  - d. 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.
  - e. 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.
  - f. Pay fees prior to approval of Zoning Clearance 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.
  
14. **Rules-30 Plans Requirements.** The applicant shall ensure all applicable final conditions of approval are 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. **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.