



COUNTY OF SANTA BARBARA

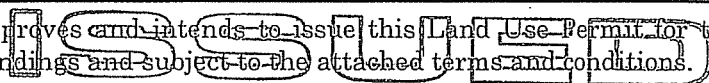
Planning and Development

LAND USE PERMIT NO: 09LUP-00000-00545

Project Name: Juarez-Hosmer Adobe Restoration/Rehabilitation and New Barn
Project Address: 461 San Ysidro Road
P.N.: 009-710-019
Zone: 2-E-1

ZONING PERMIT

The Planning and Development Department hereby approves and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.



SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

FINAL APPROVAL DATE: July 20, 2010

APPEAL PERIOD BEGINS: July 21, 2010

APPEAL PERIOD ENDS: July 30, 2010

DATE OF PERMIT ISSUANCE: (if no appeal filed) August 2, 2010

NOTE: This final approval may be appealed to the Montecito Planning Commission by the applicant, owner, or any aggrieved person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to the Planning and Development Department either at 123 East Anapamu Street, Santa Barbara or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on the APPEAL PERIOD ENDS date identified above. (MLUDC Section 35.492.020) If you have questions regarding this project please contact the planner Julie Harris at (805) 568-3518.

PROJECT DESCRIPTION SUMMARY: Restoration/rehabilitation of landmarked structures (County Landmark No. 34) including small additions totaling 757 sq. ft., new barn of approximately 2,333 sq. ft. (including hayloft), and new pilasters (6 ft. 4 in. tall) entry gates and walls (6 ft. tall) and fence (5 ft. 6 in. tall). No grading is proposed. See Attachment A for detailed description.

PROJECT SPECIFIC CONDITIONS: See Attachment A

ASSOCIATED CASE NUMBERS: 09BAR-00000-00210, TM14,416, and 96-DP-024

PERMIT COMPLIANCE CASE:

No Yes; Permit Compliance Case (PMC) #: 10PMC-00000-00081

BOARD OF ARCHITECTURAL REVIEW (BAR): No Yes; BAR Case #: 09BAR-00000-00210

TERMS OF PERMIT ISSUANCE:

Posting of Notice. Notice of the project shall be posted by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit. (MLUDC Section 35.496.050)

2. **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 Land Use Permit and/or any other required permit (e.g., building permit).

WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.

3. **Date of Permit Issuance.** This Permit shall be issued and deemed effective on the Date of Permit Issuance identified above, provided:

- a. All terms and conditions including the requirement to post notice have been met and this Permit has been signed;
- b. The Affidavit of Posting Notice was returned to the Planning and Development Department prior to the issuance of the Land Use Permit; and
- c. An appeal has not been filed.

4. **Time Limit.** This Land Use Permit shall expire two years from the date of issuance and be null and void if the use and/or structure for which the permit is issued has not been lawfully established or commenced in compliance with the effective permit unless a time extension is approved. (*MLUDC Section 35.472.110*)

NOTE: Issuance of a permit for this project does not allow construction or use outside of the project description, or 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.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

CLAY AUBURN, AIA [Signature] 107/20/10
Print Name Signature Date

Planning and Development Department Approval by:
Julie J. Harris 7/20/2010
Planner Date

Planning and Development Department Issuance by:
Julie J. Harris 8/3/2010
Planner Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description, the plans dated July 20, 2010, 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:

Demolish a small, non-historic garage and allow restoration and rehabilitation of the historic structures on the Juarez-Hosmer Adobe property, County Landmark No. 34, and construction of several additions: (approximately 501 sq. ft. to the adobe/wood frame residence, 184 sq. ft. to the water tower/lean to structure with reconstruction of a water tank on the tower roof, and 72 sq. ft. to the cottage), a new barn of approximately 2,333 sq. ft. (including hayloft above) to replicate a barn lost to fire approximately 50-60 years ago, and new entry gates (six ft. tall), pilasters (six ft. four in. tall), wing walls (six ft. tall) and wrought iron fence (five ft. six in. tall). The water tower/lean to structure will be used as an artist studio. The cottage will be used as a guesthouse. No grading is proposed. No trees are proposed for removal. The parcel will be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided from San Ysidro Road.

REVISION: 11RVP-00000-00097

THE FOLLOWING REVISIONS TO THE PROJECT DESCRIPTION WERE APPROVED ON NOVEMBER 30, 2011:

Grading of approximately 81 cubic yards of cut at driveway entrance to meet MFPD access standards and new adjacent stacked stone curbs and low retaining walls ranging in height up to and no more than six feet.

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:** All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with the plans granted final approval by the Montecito Board of

Architectural Review (MBAR) on July 12, 2010, (Case No. 09BAR-00000-00210).

MONITORING: P&D compliance monitoring staff inspect to ensure that the project has been built consistent with approved MBAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Aest-10 Lighting:** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.

PLAN REQUIREMENTS: The Owner/Applicant shall develop a Lighting Plan and return to MBAR for revised final approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture.

TIMING: Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.

MONITORING: Prior to Final Building Inspection Clearance P&D compliance monitoring staff shall inspect to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. **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, consistent with the recommendations in the arborist report prepared by David R. Gress, dated April 6, 2010, and designed to protect onsite native Coast Live Oak trees, and the historic California Sycamore and Moreton Bay Fig. 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. With the exception of three trees identified in the arborist report, all Coast Live Oak trees, the historic California Sycamore and the historic Moreton Bay Fig shall be preserved. No grading for buildings, accessways, easements, shall take place within the area within six feet of the dripline of any of these trees.

b. Three Coast Live Oak trees identified as nos. 2, 4, and 8 in the arborist report will be removed per approved plans. Depict location of these trees on the TPP.

c. Depict equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging and parking areas outside of the protection area.

d. Depict the type & location of protective fencing (chain link or other material approved by P&D) to be in place to protect trees in protection areas during construction.

e. Depict the location of all new paths [e.g., driveways, new walkways, etc.] within 25 feet of dripline areas. Only pervious paving materials (gravel, brick without mortar, turf block) are permitted within 6 feet of dripline areas.

f. Include the recommendations contained within the arborist report prepared by David R. Gress and dated April 6, 2010.

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 issuance of the Land Use

Permit. Plan components shall be included on all plans prior to the issuance of Building permits. The Owner/Applicant shall install tree protection measures onsite prior to issuance of building permits and pre-construction meeting.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff 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 Final Building Inspection Clearance.

6. **Bio-02 Tree Replacement:** Should any unanticipated damage to, or removal of, protected trees occur the Owner/Applicant shall submit for P&D approval a Tree Replacement Plan prepared by a P&D-approved arborist/biologist. The Tree Replacement Plan shall include the following components:

1. Three replacement Coast Live Oak trees or California Sycamore shall be planted for any unanticipated damage to an oak tree, of 24-inch box size obtained from locally occurring saplings or seed stock.
2. One replacement Moreton Bay Fig shall be planted for any significant unanticipated damage as determined by a P&D qualified arborist of a size to be recommended by the project arborist.
3. The trees shall be gopher fenced.
4. The trees shall be irrigated with drip irrigation on a timer until established (a period to be established by the P&D qualified arborist).
5. The trees shall be weaned off of irrigation over a period of two to three years.
6. No permanent irrigation shall occur within the dripline of Coast Live Oak tree.
7. 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.

TIMING: The Owner/applicant shall submit a Tree Replacement Plan upon determination that unanticipated damage has been documented by P&D Permit Compliance. The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for a minimum of three years.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance and maintained throughout maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

7. **Bio-03a Onsite Arborist/Biologist:** The Owner/Applicant shall designate a P&D-qualified arborist/biologist to be onsite throughout all grading and construction activities which may impact Coast Live Oak trees and the historic California Sycamore and Moreton Bay Fig. Duties include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out.

MONITORING: The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the qualified arborist/biologist prior to commencement of construction / pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.

8. **Parking-02 Onsite Construction Parking:** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this

restriction.

PLAN REQUIREMENTS: Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Land Use Permit issuance.

TIMING: A copy of the written notice shall be submitted to P&D permit processing staff prior to issuance of the Land Use Permit. This restriction shall be maintained throughout construction.

MONITORING: P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

9. **WatConv-01 Sediment and Contamination Containment:** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

1. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

2. Apply concrete, asphalt, and seal coat only during dry weather.

3. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.

4. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

5. Use silt fencing or straw bales in conjunction with other methods to prevent erosion and siltation of the nearby stream channel.

PLAN REQUIREMENTS: The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans.

TIMING: Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.

MONITORING: The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

Project Specific Conditions

10. **96-DP-024 Condition No. 14:** 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.

11. **96-DP-024 Condition No. 18:** All habitable structures shall be set back a minimum of fifty (50) feet from the centerline of the Arroyo-Parida fault as shown on Plate 2, Hoover and Associates, Inc., Fault Location Investigation, Quinta Isabella Project, Montecito, California, dated March 3, 1999.

Site improvements such as roads, parking, balconies, utilities, recreational facilities and nonhabitable structures may be located within the fault setback zone . Plan Requirements and Timing: All relevant plans shall detail this requirement prior to approval of Land Use Permits.

Monitoring: P&D shall check plans prior to approval of Land Use Permit and shall spot check in the field.

12. **96-DP-024 Condition No. 19:** (Updated per new Universal Building Code language) Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Design Category D. Plan Requirements and Timing: Prior to issuance of Building Permits, the applicant shall submit building plans indicating standards to the satisfaction of the Building and Safety Division. Monitoring: Building inspectors shall site inspect prior to occupancy clearance to assure compliance with approved plans.

13. **96-DP-024 Condition No. 20:** An evaluation of site soil conditions shall be performed by a soils engineer. The evaluation shall address seismic shaking, liquefaction, bearing value and cut/fill slope stability and shall make recommendations for foundation and retaining wall designs. Plan Requirements and Timing: Prior to issuance of Building Permit, the applicant shall provide this report to the Building and Safety Division. Monitoring: Staff shall review and approve report prior to issuance of Building Permits.

14. **96-DP-024 Condition No. 22:** Refueling/servicing of equipment or vehicles shall not occur where the runoff could enter the drainage corridor on site. In no instance shall refueling/servicing occur within the designed setback from the drainage corridor. Plan Requirements and Timing: All grading and site plans shall include the language of this requirement. Monitoring: P&D Compliance and Building Inspectors shall ensure that the construction contractor adheres to this requirement.

15. **96-DP-024 Condition No. 23:** Storm drain inlets which discharge into the drainage within the project site shall be covered/blocked when applying seal coat, tack coat, slurry seal, fog seal, etc.. Plan Requirements and Timing: All grading and drainage and site plans shall include the language of this requirement. Monitoring: P&D Compliance and Building Inspectors shall ensure that the construction contractor adheres to this requirement.

16. **96-DP-024 Condition No. 24:** The Hosmer Adobe shall be preserved as a community resource and shall not be removed or damaged.

17. **96-DP-024 Condition No. 27:** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 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: Two 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.

18. **96-DP-024 Condition No. 28:** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located at a minimum of 50 feet from occupied residences.
Plan Requirements: The equipment area with appropriate acoustic shielding shall be designated on building and grading plans.
Timing: Equipment and shielding shall remain in the designated location throughout construction activities.
Monitoring: Permit Compliance shall perform site inspections to ensure compliance.
19. **96-DP-024 Condition No. 32:** Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite.
Plan Requirements: This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins.
Timing: Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.
Monitoring: P&D shall review receipts prior to occupancy clearance.
20. **96-DP-024 Condition No. 38:** New development shall maximize use of drought-tolerant species and low water use irrigation for landscaping.
Plan Requirements and Timing: Prior to approval of Land Use Permits, landscape planting and irrigation plans shall be submitted to P&D for review and approval.
Monitoring: Permit compliance shall perform site inspections and confirm implementation of approved plans prior to release of occupancy clearances.
21. **96-DP-024 Condition No. 40:** During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified.
Plan Requirements: The applicant shall designate a wash off area, acceptable to P&D, on the construction plans.
Timing: The wash off area shall be designated on all plans prior to approval of Land Use Permits. The wash off area shall be in place 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.
22. **96-DP-024 Condition No. 49:** Electrical utilities shall be installed underground.
23. **96-DP-024 Condition No. 6:** To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. Plan Requirements and Timing: Prior to Land Use Permit approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.
Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction

activities.

24. **96-DP-024 Condition No. 60:** 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 fees prior to approval 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.

25. **96-DP-024 Condition No. 7:** 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.

26. **96-DP-024 Condition No. 8:** 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.

27. **96-DP-024 Condition No. 9:** 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 off-site. Their duties shall include holiday and weekend periods when work may not be in progress. Plan Requirements: The name and telephone number of such persons shall be provided to the APCD. Timing: The dust monitor shall be designated prior to issuance of grading permits.

Monitoring: P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.

28. **Animal Keeping:** Due to the size of the property (32,284 sq. ft.) and its residential zoning, the Owner/Applicant shall not keep more than one large animal (either cow, horse, goat, or mule) on the property. Should the Owner/Applicant wish to keep a greater number of large animals, he/she must first obtain a Conditional Use Permit from the County.

29. **Animal Waste Management:** Due to the size of the property (35,284 sq. ft.), its residential zoning, and the location of the proposed barn and paddock sloping toward a vegetated drainage corridor documented in 99-ND-26, the Owner/Occupant shall implement best available animal waste management practices. Animal waste management shall incorporate the following activities:

a. Odor and vector control. Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.

b. Storage and disposal of animal waste. Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.

c. Erosion and sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in Compliance with Chapter 35.498 of the MLUDC.

d. Drainage. Where livestock are kept in enclosed corrals or barns, provisions shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.

MONITORING: P&D shall respond to complaints.

30. **HLAC Compliance:** All final plans, including plans submitted for building permits, shall comply with plans approved by the Historic Landmarks Advisory Commission on July 12, 2010. Any changes, revisions or modifications to the plans shall be reviewed and approved by the Historic Landmarks Advisory Commission (HLAC) consistent with Board of Supervisors Resolution 98-265.

MONITORING: P&D compliance monitoring staff shall inspect to ensure that the project has been built consistent with approved HLAC design and landscape plans prior to Final Building Inspection Clearance.

County Rules and Regulations

31. **Rules-01 Effective Date-Not Appealable to CCC:** This Land Use Permit 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. [MLUDC §35.472.020].

32. **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. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

33. **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.
34. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved permit and/or landscape plans. Substantial conformity shall be determined by the Director of P&D.
35. **Rules-23 Processing Fees Required:** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
36. **Rules-28 NTPO Condition Artist Studio:** A recorded Notice to Property Owner document is necessary to ensure that the proposed artist studio use of the water tower/lean to structure shall be used only for its permitted uses. The property owner shall sign and record the document prior to issuance of the Land Use Permit. The Notice shall specify that will notify future owners of said PROPERTY that the structure's use is approved as an Artist Studio and shall not contain a kitchen, be rented as a separate unit, or be used as a guesthouse.
37. **Rules-28 NTPO Condition Guesthouse:** A recorded Notice to Property Owner document is necessary to ensure that the proposed guesthouse shall be used only for its permitted uses. The property owner shall sign and record the document prior to issuance of the Land Use Permit. The Notice shall specify that the guesthouse shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests and is not to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than one than 120 days in any 12 -month period.
38. **Rules-30 Plans Requirements:** The Owner/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.
39. **Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner/Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
40. **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.

41. **Rules-34 Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other 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 in 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

42. **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.