

Bean Blossom Lot X Single-Family Residence

Case Numbers: 08APL-00000-00040, 08APL-00000-00041, 03BAR-00000-00164 and 02CDP-00000-00023

August 3, 2010

**ATTACHMENT D: CONDITIONS OF APPROVAL FOR**  
**COASTAL DEVELOPMENT PERMIT**

**ATTACHMENT D: CONDITIONS OF APPROVAL**

**Project Description**

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, including specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project consists of an approximately 16,330 square-foot single-family residence (which includes a main floor of approximately 9,320 square feet, a basement and below grade garage of approximately 4,776 square-feet, and covered outside areas of approximately 2,234 square feet), an approximately 1,339 square-foot guest house (which includes covered outside areas of approximately 415 square feet), a pool/lawn area, access driveway, water system, septic system and utilities. The project statistics are gross floor area and include all areas covered by roof and other areas as specified in Article II Section 35-58. (The definition of gross floor area includes open or roofed porches, balconies, porticos, arcades, plazas, courts, walkways and breezeways.) Except for the water system improvements, utility infrastructure and portions of the conjunctive use access driveway and private effluent disposal system, the proposed project would be located within the 2-acre development envelope delineated on the site plan (see Site Plan – Preliminary Grading & Drainage Plan, L&P Consultants, dated December 24, 2009). This 2-acre development envelope is consistent with the Uniform Rules for Williamson Act Agricultural Preserves and was approved by the Agricultural Preserve Advisory Committee (APAC) on May 9, 2008. The subject property is 287.36 acres in size.

All building heights are based on the vertical distance between finished grade and the uppermost point of the structure directly above that grade. The residence is a low profile structure having a height of 17'-6" and the guest house would have a height of 13'. The garage is located below the main residence and is completely below grade.

The roof pitch is 3:12. All roof structures would be covered with clay tiles of mottled earth tone and exposed chimney elements would be covered with natural sandstone with spark arrester painted to match. The residence will be constructed of earth-tone colored materials compatible with the natural environment and landforms.

An existing 12-foot wide unpaved ranch road from Calle Real would be improved to provide a 12-foot wide surfaced access driveway and conjunctive use ranch road. The gradient of the improved conjunctive use ranch road would be lowered

to not exceed more than 15 percent in order to meet County Fire Department requirements. A new residential driveway would be extended from the end of the existing ranch road to the development area. The entire length of the proposed conjunctive use driveway is approximately 4,200 feet. The driveway surface will be covered with an earth-tone paving material compatible with the natural surrounding environment.

The project is sited so as not to intrude into the skyline as seen from public viewing places. The project would entail grading operations of approximately 23,800 cubic yards of earth. Specifically the building site would require approximately 11,900 cubic yards of cut and 2,500 cubic yards of fill. Additional earth movement of approximately 5,100 cubic yards of cut and 4,300 cubic yards of fill is necessary to render the existing unpaved ranch road conforming to current County Fire Department development standards, with low gradient fill slopes being utilized to soften the appearance of the new roadway. The project cut and fill has been minimized to the greatest extent feasible while still attaining the objective of eliminating visibility of the residence and yielding natural appearing cut and fill slope surfaces with respect to the conjunctive use road. [Continued]

2. **Proj Des-01 Project Description:** Native and locally indigenous plant materials that are compatible with existing landforms would be used inside and outside of the development envelope to revegetate cut and fill slopes. When installed in natural appearing clusters, these same materials will be used for screening and other landscaping outside of the residential yard area. The project would avoid formal and linear landscaping outside of the residential yard area and would also avoid tall, exotic trees (such as palm trees) within the residential yard area that would draw visual attention. No native trees or vegetation would be removed.

Cut slopes north of the residence have been designed to incorporate a retaining wall with an average height of less than 6 feet. With this treatment and the relatively low gradient of the finished slopes, the grading impacts will be transitory. Within 24 months after project completion, the engineered slopes should be revegetated and naturally appearing from public viewing areas. Low intensity, hooded exterior lights would be used to help ensure that the proposed development on the property would not be visible at night.

The project will incorporate energy-efficient, sustainable building materials and systems with a commitment to achieve Leadership in Energy and Environmental Design (LEED) certification. Further, the project will incorporate alternative energy technology (such as roof top solar photovoltaic panels) in an effort to achieve "net zero" energy use.

A single parcel water system with an off-site private well and on-site water

treatment system would provide water and a private on-site septic system would provide sewage disposal services. Utilities (e.g., electricity, telephone, cable) would be located within the access driveway and would be installed underground. Effluent disposal will be by a septic system utilizing a drywell located to the south of the main residence.

The project description and the conditions of approval have incorporated the following design precepts and construction protocols, to the greatest extent feasible and practical, from both siting, design and construction standpoints:

- All residential development shall be limited to the residential development envelope shown on the approved site plan;
  - No artificial berming shall be utilized for the purposes of blocking sight lines from typical views from the public viewing place;
  - All surficial recontouring of the project site as necessary to minimize visibility shall not involve the placement of fill having an average depth of greater than 18 inches and a maximum depth of greater than 36 inches above existing grade. The recontouring shall follow and extend the natural, underlying topography and upon completion, result in slopes that have a natural appearance and generally blend with the existing topographic landforms;
  - The use of retaining walls that are visible from public viewing places shall be avoided where possible, and where not, shall be minimized;
  - No blue sky protrusions of residential improvements from reasonable views from public viewing places;
  - No formal and linear landscaping outside of the residential yard area and no tall, exotic trees (such as palm trees) within the residential yard area that would draw visual attention;
  - Native and locally indigenous plant materials that are compatible with existing landforms and natural vegetation and installed in natural appearing clusters shall be used for screening and other landscaping outside of the residential yard area;
- [Continued]

**3. Proj Des-01 Project Description:**

- All cut slopes excavated to reconstruct the existing access roadway to County Fire Department standards shall be landscaped pursuant to specifications contained in the landscape plan with the goal of reducing the visibility and prominence of any exposed slopes and soils through the mimicking of native

habitat forms on and around such slopes. Straight line edges are to be avoided in all revegetated areas. The planting edges of all revegetated slopes shall undulate into the existing vegetation patterns in a manner that maintains the current overall landscape appearance. Native topsoil shall be preserved and reused on site where feasible. Exposed slopes and soils shall be coconut mat covered and hydroseeded with a native plant seed mix as necessary to minimize visibility and the potential for erosion;

- Structural improvements, including, but not limited to future agricultural/equestrian structures, are to be sited, designed and constructed so as to not be visually prominent from public viewing places in the same manner shown on the approved plans;
- So as to minimize visibility, no direct exterior lighting shall be permitted on the exterior of the residential structures or direct illumination of vegetation or structures in the associated yard areas to the extent such illumination would be visible from any public viewing places;
- No fencing other than barbed wire cattle or natural resource enclosures outside of the residential building envelope with the exception of equestrian fencing and other fencing that is constructed of natural wood that are not visibly prominent from public viewing places;
- The driveway and any driveway curbing serving the project site shall be constructed of concrete having an irregular surface texture and natural, mottled earth tone color. The driveway lighting shall be low intensity and indirect with on-demand switching to minimize nighttime light visibility from public viewing places;
- All exterior construction materials visible from public viewing places shall be natural or natural appearing and in mottled earth tones so as to blend with natural landscape. Exterior construction materials that do not blend with the natural environment, are brightly colored or unnatural in appearance shall not be used; and
- As the plans and specifications are essential to implementation of the precepts incorporated into the project description, the project shall be constructed in strict conformity to the plans and specifications. The plans, specifications, precepts and project descriptions are to be incorporated by reference as conditions of approval for the approved project.

For verification purposes, the Owner/Applicant shall provide P&D three-dimensional coordinates for the residence and 2-acre development envelope prior to approval of any grading or building permits.

The project shall be constructed in strict conformity with the following plans and specifications:

Site Plan – Preliminary Grading & Drainage Plan, Sheets 1 – 3 (L&P Consultants, December 24, 2009)

Site Plan – Preliminary Grading & Drainage Plan, Sheet 4 (L&P Consultants, January 14, 2010)

Floor Plan, Main House and Guest House (First Floor) (Jock Sewall, February 20, 2009)

Floor Plan, Parking/Basement Level (Jock Sewall, February 20, 2009)

Building Elevation, Main Residence, Guest House (Jock Sewall, February 20, 2009)

Sections (Jock Sewall, February 20, 2009)

Landscape Plan (Castleberg Associates, January 19, 2010)

Lighting Plan, Sheets 1 – 2 (L&P Consultants, December 24, 2009)

Architectural Details for Construction, Sheets A – B (Jock Sewall, August 2006)

Viewshed Analysis (L&P Consultants, December 24, 2009)

4. **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 Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Conditions By Issue Area**

5. **Aest-06 Building Materials and Colors:** Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints and materials) shall be used on the exterior surfaces of all structures, including walls and fences, to help ensure that the proposed structures are compatible with the character of the surrounding natural environment and subordinate in appearance to

natural landforms.

**PLAN REQUIREMENT:** Building materials and colors shall conform to the samples submitted to the Central Board of Architectural Review, except the color of the exterior plaster shall be a moderate to dark earth-tone color that blends with the surrounding grassland during the dry (summer/fall, brown) and wet seasons (winter/spring, green). Building materials and colors shall be denoted on building plans. **TIMING:** The Owner/Applicant shall submit a color sample of the exterior plaster to P&D staff for review and approval prior to issuance of this Coastal Development Permit. The structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** Permit Compliance staff shall inspect the structures prior to Final Building Inspection Clearance.

6. **Aest-10 Lighting:** All exterior night lighting shall be minimized and restricted to low intensity, low glare and minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent light from being visible or from creating a glowing or halo effect as seen from Highway 101. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 P.M. The driveway lighting shall be low intensity and indirect with on-demand switching to minimize nighttime light visibility from public viewing places.

**PLAN REQUIREMENTS:** Exterior night lighting shall conform to the project description and the Owner's/Applicant's Lighting Plan, Sheets 1 and 2 (L&P Consultants, December 24, 2009). **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** Permit Compliance staff shall ensure that all exterior night lighting complies with this condition and the Lighting Plan prior to Final Building Inspection Clearance.

7. **Aest-20:** All new electric, telephone, cable and other similar utilities serving the approved project shall be placed underground.

**PLAN REQUIREMENTS:** All utilities shall be shown on a site plan to be reviewed and approved by P&D prior to approval of any grading or building permits. **MONITORING:** Permit Compliance staff shall ensure that all utilities have been placed underground prior to Final Building Inspection Clearance.

8. **Aest-30 Landscaping:** Landscaping shall be compatible with the existing vegetation and surrounding natural environment.

**PLAN REQUIREMENTS:** Landscaping shall comply with the project description and the Owner's/Applicant's Landscape Plan (Castleberg Associates, dated January 19, 2010). **TIMING:** The Owner/Applicant shall install the landscaping, including any irrigation, prior to Final Building Inspection Clearance. **MONITORING:** Permit Compliance staff shall photo document installation of the landscaping prior to Final Building Inspection Clearance. Permit Compliance staff

shall check maintenance as needed. Release of the performance securities shall require approval of Permit Compliance staff.

**9. Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times, including weekends and holidays:

a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.

b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.

c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.

d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mile per hour.

e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.

f. Order increased watering as necessary to prevent transport of dust off-site.

g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:

i. Seed and water to re-vegetate graded areas; and/or

ii. Spread soil binders; and/or

iii. Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans. **PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide Permit Compliance staff with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

a. Assure all dust control requirements are complied with including those covering weekends and holidays.



b. Order increased watering as necessary to prevent transport of dust offsite.

c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to approval of the grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until landscaping is successfully installed and Final Building Inspection Clearance is issued.

**MONITORING:** P&D processing planner shall ensure measures are printed on plans. Permit Compliance and Building and Safety Division staff shall spot check in the field.

- 10. Bio-10 Storm Water BMPs:** Best available erosion and sediment control measures shall be implemented during grading and construction activities. These measures may include, but are not limited to, use of gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net and straw bales. Streams and other waterbodies shall be protected from sediment-laden waters by use of protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Erosion and sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

**PLAN REQUIREMENTS:** The Owner/Applicant shall submit an erosion and sediment control plan for review and approval by the Building and Safety Division prior to issuance of any grading or building permits. The plan shall address erosion and sediment control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The erosion and sediment control plan shall be implemented prior to the commencement of grading or construction activities. **MONITORING:** Permit Compliance and Building and Safety Division staff shall perform site inspections throughout all grading and construction activities to confirm compliance with this condition.

- 11. Bio-20 Equipment Storage-Construction:** The Owner/Applicant shall designate one or more construction equipment filling and storage areas on the subject parcel, and preferably within the 2-acre building site to contain spills, facilitate clean-up and proper disposal, and prevent contamination from discharging to drainage ditches, streams, or wetlands. The areas shall be no larger than 100 x 100 feet unless otherwise approved by P&D and shall be located at least 100 feet from any drainage ditch, waterbody, or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all grading and building plans. **TIMING:** The Owner/Applicant shall install the equipment filling and storage area(s) prior to

commencement of any grading or construction activities. **MONITORING:** Permit Compliance staff shall ensure compliance prior to and throughout all construction activities.

- 12. Bio-20a Equipment Washout-Construction:** The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site. The washout areas shall be located at least 100 feet from any drainage ditch, waterbody, or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all grading and building plans. **TIMING:** The Owner/Applicant shall install the washout area(s) prior to commencement of any grading or construction activities. **MONITORING:** Permit Compliance staff shall ensure compliance prior to and throughout all grading and construction activities.

- 13. CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

**PLAN REQUIREMENTS:** This condition shall be printed on all grading and building plans. **MONITORING:** P&D permit processing planner shall check plans prior to approval of grading or building permits and P&D Permit Compliance staff shall spot check in the field throughout all grading and construction activities.

- 14. 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's/Applicant's designee responsible for enforcement of this restriction.

**PLAN REQUIREMENTS:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on grading and building plans. **TIMING:** This condition shall be maintained throughout all grading and construction activities. **MONITORING:** Permit Compliance and Building and Safety Division staff 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.

- 15. WatConv-03 Erosion and Sediment Control Revegetation:** The Owner/Applicant shall re-vegetate graded areas with deep rooted, native, drought tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseedling of surfaces graded for the placement of structures if construction does not commence within 30 days of grading.

PLAN REQUIREMENTS: Include this condition as a note on all grading and building plans. TIMING: The Owner/Applicant shall re-vegetate graded areas within 30 days of completion of grading activities. MONITORING: Permit Compliance staff shall conduct field inspections to ensure compliance with this condition.

### **County Rules and Regulations**

- 16. DIMF-24d DIMF Fees-Fire:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of Fire Department facilities. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The Fire DIMF amount assessed is currently \$0.20 per square foot and calculated by the Fire Department. TIMING: The Fire DIMF shall be paid to the County Fire Department prior to Final Building Inspection Clearance and shall be based on the fee schedules in effect when paid.
- 17. DIMF-24e DIMF Fees-Parks:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of Parks Department facilities. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total Parks DIMF amount is currently \$1,153.00. This is based on a project type of a single-family dwelling. TIMING: The Parks DIMF shall be paid to the County Parks Department prior to Final Building Inspection Clearance and shall be based on the fee schedules in effect when paid.
- 18. DIMF-24g DIMF Fees-Transportation:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of transportation facilities. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total DIMF amount for Transportation is currently \$1,976.00. This is based on a project type of a single-family dwelling. TIMING: The Transportation DIMF shall be paid to the County Public Works Department-Transportation Division prior to

issuance of this Coastal Development Permit and shall be based on the fee schedules in effect when paid.

- 19. Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all the 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.
- 20. Rules-05 Acceptance of Conditions:** The Owner's/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.
- 21. Rules-08 Sale of Site:** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and conditions of approval including all related covenants and agreements.
- 22. Rules-10 CDP Expiration-No CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Board of Supervisors. Prior to the expiration of the approval, the review authority that approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period, the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
- 23. Rules-23 Processing Fees Required:** Prior to issuance of this Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 24. Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and forms of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscaping and irrigation included in the Owner's/Applicant's Landscape Plan (Castleberg Associates, January 19, 2010). The Owner/Applicant shall post the performance securities prior to approval of any grading or building permits. The installation security shall be equal to the value of (a) all materials listed or noted on the approved referenced plan, and (b) all labor to successfully install the materials. The maintenance security shall be equal to the value of maintenance and/or replacement of the materials listed or noted on the approved referenced

plan for three years of maintenance of the materials. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscaping and irrigation. The maintenance security shall be released after the specified maintenance period and when all approved landscaping and irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner/Applicant fails to install or maintain the approved landscaping and irrigation, P&D may use the security to complete the work.

**25. Rules-28 NTPO Condition:** A recorded Notice to Property Owner (NTPO) document is necessary to ensure that the proposed guest house shall be used only for its permitted use. The guest house shall comply with the applicable definitions and zoning requirements for guest houses in the Coastal Zoning Ordinance, including, but not limited to, the following definitions and requirements:

a. The guest house shall only be used as a guest house as defined in Section 35-58 of the Coastal Zoning Ordinance.

b. There shall be no kitchen or cooking facilities within the guest house. However, a wet bar may be provided, limited to the following features:

- A counter area with a maximum length of seven feet.
- The counter area may include a bar sink and an under counter refrigerator.
- The counter area may include an overhead cupboard area not to exceed seven feet in length.
- The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
- No cooking facilities shall be included in the wet bar area.

c. The guest house may contain a bathroom as defined in Section 35-68 of the Coastal Zoning Ordinance.

d. The guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and is not intended to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. The term "temporary" is defined as occupying the premises for no more than 120 days in any 12 month period.

PLAN REQUIREMENTS: The Owner/Applicant shall record the NTPO to notify future owners of the property that the guest house shall be used only for its permitted purposes. P&D staff will prepare the NTPO. TIMING: The Owner/Applicant shall record the NTPO with the County prior to issuance of this Coastal Development Permit.

- 26. 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 the Building and Safety Division. These shall be graphically illustrated where feasible.
- 27. Rules-31 Permit Compliance Monitoring Required:** The Owner/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 Owner/Applicant shall:
1. Contact Permit 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;
  2. Pay a deposit fee of \$1,500.00 prior to issuance of this Coastal Development Permit as authorized by ordinance and fee schedules to cover the 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 Owner/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;
  3. Note the following on each page of grading and building plans "This project is subject to Permit Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval;"
  4. Contact Permit Compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by Permit Compliance staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 28. 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.

29. **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.
30. **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.
31. **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.