



COUNTY COUNSEL
OFFICE MEMORANDUM

Rachel Van Mullem
Deputy County Counsel

Telephone: (805) 568-2950
FAX: (805) 568-2982

March 12, 2008

To: Board of Supervisors
Subject: REPORT ON THE FACILITATION OF PETERSON APPEAL OF LAND USE PERMIT AND PLANNING COMMISSION APPROVAL OF THE LARGURA NEW RESIDENCE, GUESTHOUSE AND GRADING PROJECT

1. Summary: In accordance with Resolution Number 95-462, County Counsel facilitated a resolution to this land use dispute. The parties agreed to two revisions to the project: to add a condition to the land use permit for the exterior paint color and to revise the landscape plans to specify tree species and placement in a delineated area. County staff and both parties recommend approval of the project as revised.
2. On March 5, 2008, County Planner Nicole Mashore and I met in Santa Barbara with:
 - Applicant Robert Largura
 - Applicant's agent Harwood White
 - Appellants Dave Peterson
 - Appellant Kay Peterson
3. The parties agreed to the following:
 - a) Require the exterior paint color of I.C.I Dulux paints #366 Ochre Tan with a minimum of .25 darker color added; and
 - b) Revise the landscape plans to specify tree species and placement within a delineated area.
4. County staff and both parties recommend approval of the project as revised. Your Board would approve the revised project and deny the appeal. Resolving the appeal through Board action assures the appellant that the facilitated revisions are incorporated into the approved project.

LAND USE PERMIT

Case No.: 07LUP-00000-00336 **Planner:** Nicole Mashore **Initials**____
Project Name: Largura new SFD, Guest house, Pool, Grading, Landscaping
Project Address: 2480 Bella Vista Drive
A.P.N.: 007-040-022
Zone District: RMZ-40



Planning & Development (P&D) *grants final approval 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.

FINAL APPROVAL DATE: January 16, 2008

APPEAL PERIOD BEGINS: January 17, 2008

APPEAL PERIOD ENDS:

DATE OF PERMIT ISSUANCE: *(if no appeal filed)*

NOTE: This final approval may be appealed to the Montecito Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35.102 & 35.492) If you have questions regarding this project please contact the planner Nicole Mashore at nmashore@co.santa-barbara.ca.us or (805) 884-8068.

PROJECT DESCRIPTION SUMMARY: SEE ATTACHED

PROJECT SPECIFIC CONDITIONS: SEE ATTACHED

ASSOCIATED CASE NUMBERS: 07BAR-00000-00129, 06LUP-00000-00349, 06APL-00000-00023, 06BAR-00000-00090, 05ZEV-00000-00196, 03LUP-00000-00631

PERMIT COMPLIANCE CASE: Yes *(Planner: Collect Fee and use Permit Compliance Stamp green stamp)* No
Permit Compliance Case (PMC) #: _____

BOARD OF ARCHITECTURAL REVIEW (BAR): Yes BAR Case #: 07BAR-00000-00129 No

TERMS OF PERMIT ISSUANCE:

1. Mailing and Posting Notice. Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

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.**

ATTACHMENT A CONDITIONS OF APPROVAL

1. **Project Description:** This Land Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of Planning and Development for conformity with this approval. Deviations from the project description, conditions of approval, or project plans dated January 16, 2008 and March 12, 2008 may require a modification to 07LUP-00000-00336 and further environmental review.

The project is for a Land Use Permit to allow for construction of a new single-family dwelling of 3,985 square feet with attached 620 square foot garage, 1,854 square foot basement, 800 square foot guesthouse, pool, spa and retaining walls of no greater than 4 feet in height. The project would include removal of two water tanks to resolve a zoning violation (05ZEV-00000-00196) and construction of a new fire safety support system. Approximately 2,445 cubic yards of cut and 1,167 cubic yards of fill is proposed. Native vegetation removal of approximately 60,000 square feet will be required as a result of the proposed development and associated fire clearance requirements. Fire clearance shall be consistent with P&D approved Fire Clearance and Landscape Plans (sheet L-1), Biological Assessment dated September 21, 2007 and P&D approved Habitat Restoration Plans. The project includes habitat restoration as outlined in the Landscape Plan (sheet L-1), Biological Assessment, dated September 21, 2007 and restoration conditions contained herein. The project shall be consistent with Landscape Plans dated March 12, 2008 as well as the architectural model submitted January 16, 2008. Exterior paint shall be I.C.I Dulux paints #366 Ochre Tan with a minimum of .25 darker color added. Any substantive project change as defined in Appendix C of the Montecito Land Use and Development Code would require application for a new Land Use Permit or equivalent permit. The parcel would be served by the Montecito Water District, the Montecito Sanitary District and the Santa Barbara County Fire Department. Access would continue to be provided off of Bella Vista Drive.

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 conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the conditions of approval hereto.

2. **Print & Illustrate Conditions on Plans.** All applicable final conditions of approval 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. **Timing:** Conditions shall be printed and illustrated on plans prior to issuance of the Land Use Permit.
3. **Compliance Fee.** The applicant shall ensure that the project complies with all approved plans and all project conditions. To accomplish this, the applicant agrees to:
 - a. Contact P&D 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 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 deposit fee of **\$1500.00 prior to issuance** of Land Use Permits as authorized under ordinance and to cover costs of monitoring as described above. This may include additional 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.
- d. In the event that staff determines that any portion of the project is not in compliance with the conditions of approval of this permit, or approved plans dated October 5, 2007 an immediate **STOP WORK ORDER** may be issued.

4. **Habitat Restoration Plan.** The applicant shall hire a County-approved botanist, biologist, or restoration ecologist to prepare a Habitat Restoration Plan for approval by P&D. The plan shall be designed to compensate for the loss and/or degradation of approximately 60,508 sq. ft. (1.38 acres) of native vegetation (chaparral, coastal sage scrub, and native grassland habitat) from grading, construction, and fire clearance by replacing lost or degraded habitat on site at a 3:1 ratio for a total restored and/or enhanced acreage of 4.14 acres. The applicant shall implement the approved Habitat Restoration Plan. **Plan Requirements:** The Restoration Plan shall include, but not be limited to, the following:

- a. **Goals of the Restoration.** The goal of the plan shall be to restore, protect, and enhance the habitat quality of the remaining chaparral and other plant communities on site. A minimum of 4.14 acres shall be restored and/or enhanced and managed to reduce the on site amount of and prevent the spread of invasive weedy species to adjacent properties.
- b. **Restoration Site Selection and Demarcation.** Restoration shall occur in locations that are ecologically appropriate and are contiguous to preserved or undisturbed habitat if possible, and shall avoid other sensitive wildlife to the maximum extent feasible. The rationale for site selection shall be included, taking into account soils, slope, aspect, and any other necessary physical attributes. (If areas have been identified, the identified areas shall be used.) All proposed restoration and enhancement areas shall be mapped and shown on a site plan and/or diagram contained within the Restoration Plan, and shall be clearly delineated in the field with stakes, signage, and/or chain link fencing until established.
- c. **Site Preparation Methods.** Any proposed site preparation methods shall be detailed. Areas for hydroseeding, tilling, drill-seeding, and planting shall be flagged, and reviewed and approved by P&D staff prior to actual implementation. If restoration is occurring within riparian ESH areas, any channel or flow modifications shall be identified.
- d. **Identification and Collection of Native Plant Materials, Seeds and Cuttings.** Collection of native grass seed and cuttings shall occur over a range of onsite and nearby local

microenvironments using established methods. The plan shall include measures to incorporate low-growing native chaparral plants and native grasses into the landscaping and vegetation management zones.

- e. Planting Methods, Layout Plan, and Plant and Habitat Protection Techniques.** The plan shall specify the quantities and amounts of any plug and container plants, diagram their placement on site, and indicate on plans any protection measures to be implemented for native grasses. Individual trees, particular shrubs, sensitive plants such as Plummer's Baccharis and scrub oak, and native grasslands within 25 feet of construction or earth disturbance which are not required to be removed to carry out the project shall be protected throughout all grading and construction activities by chain-link fencing supported every 10 feet or other similar fencing acceptable to P&D. Fencing shall be installed prior to the pre-construction meeting. The Plan shall contain specifications for such fencing, including type and location. Special status plants on CNPS lists 1-3 shall be avoided or trimmed, but not removed.
- f. Irrigation Plans.** Any new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
- g. Exotic Species Removal and Management Methods.** Cape ivy, thistles, and mustards shall be removed from within 30 feet of the proposed driveway and from within 200 feet of buildings every six weeks for a minimum of three years following construction by a landscape company and under the supervision of the restoration plan manager. Management of exotic species in restoration and enhancement areas shall be based on the least toxic approach; however, limited herbicide application may be allowed if carefully timed and placed and applied by a licensed applicator. Specific removal methods must be identified in the plan. Personnel implementing the weed removal shall demonstrate that they can distinguish between native plants and weeds.
- h. Specific Enhancement techniques and methods and areas.** If enhancement measures (e.g., cape ivy removal) are proposed for certain areas, these measures shall be detailed in the plan and the locations for their implementation shall be delineated.
- i. Specific fuel management restrictions and prohibitions.**

 - Within fuel management Zone 1 (30 feet from structures), the following fuel management activities will occur: All vegetation will be removed and replaced with landscaping, low-growing, native perennials will be incorporated into the landscaping.
 - Within fuel management Zone 2 (100 feet from structures), the following fuel management activities will occur: Tall vegetation shall be pruned up or down to remove dead branches. The prunings may be chipped and respread as mulch; Thinning will be minimized and shall occur only as needed to comply with Fire

Department requirements; Prune back stump-sprouting species such as laurel-sumac, green-bark ceanothus, chamise, and keep them coppiced; Remove scattered dead, cut wood less than 2-inches in diameter; Spread larger cut wood to avoid creating piles of fuel; Native grasses that lie within Zone 2 shall not be removed, although the tall species may be cut low; Use native perennial grasses (needlegrass, melic) to fill in and stabilize areas of exposed soil following thinning; Use chipped materials as mulch, particularly on sunny slopes; Cape ivy, an invasive vine common in the understory, shall be removed in this zone; Thinning will include 20% to 30% among low-growing shrubs, Vegetation management access will occur via a narrow on-contour path of no greater than 4-5 feet wide as shown on landscape plan sheet L-1.

- No vegetation removal shall occur on the adjacent National Forest Property.
 - No native vegetation removal will occur beyond the Zone 2 (100 feet from structures) treatment area unless required by a change in Montecito Fire District regulations.
 - Any changes made to the proposed landscape and fuel management plan, approved October 5, 2007, shall be approved by P&D prior to implementation. In the event that staff determines that any portion of the project is not in compliance with the conditions of approval of this permit, or approved plans dated October 5, 2007 an immediate **STOP WORK ORDER** may be issued.
- j. Supervision by a County-Qualified Biologist or Restoration Practitioner.** The restoration shall be done under the supervision of the County-approved botanist/biologist.
- k. Success Criteria, Monitoring and Maintenance Methods.** Success criteria acceptable to P&D for each restoration component and which would result in the long-term establishment of chaparral with a native grassland understory with similar density (number of plants per unit area), species composition, and percent cover as the area of habitat which was destroyed or otherwise impacted shall be included in the plan. The restoration area shall be monitored and maintained for a period of at least 3 years after installation.
- l. Special requirements for On-site Construction Monitoring.** A County-qualified botanist or biologist shall be present onsite during all ground disturbance activities which are near or have the potential to disturb sensitive plant or animal species and/or chaparral containing native grasslands (i.e., clearing for the new water tank site, fuel management, and during weed removal). The biological monitor shall submit a report to P&D on the results of grading and restoration activities. A pre-construction meeting with construction personnel shall be part of this effort, and a follow-up report to P&D shall be prepared.
- m. Cost estimate.** A cost estimate for implementing the restoration plan shall be prepared by a county-approved and qualified restoration specialist and included in the plan. The cost of restoration is to be borne by the applicant.

- n. Restoration Installation and Performance Securities.** A performance, maintenance, and replacement security shall be posted with the County prior to issuance of a Land Use Permit for biological restoration on the affected parcel. The amount of the required security shall be recommended by the botanist/biologist or native landscaper after a survey of the area to be affected has occurred. Two performance securities shall be provided by the applicant prior to land use clearance, one equal to the value of installation of all items and one equal to the value of maintenance and/or replacement of the items for three years of maintenance of the items. The amounts shall be agreed to by P&D. 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.
- o. Schedule for Implementation.** The specific timeframe for restoration and all subcomponents listed above shall be specified in the plan.

Timing: The Restoration Plan shall be received and approved prior to issuance of the Land Use Permit. P&D may elect to conduct outside peer review by a restoration specialist if warranted. The installation security shall be received prior to issuance of a Land Use Permit and will be released upon satisfactory installation of plant materials, cuttings, and seeds as detailed in the plan. The maintenance security shall be received prior to issuance of a Land Use Permit and will be released two years after the installation, if plants and irrigation have been established and maintained. Restoration plantings shall be in place prior to occupancy.

Monitoring: Monitoring will consist of construction and post-construction phases. P&D shall site inspect and review grading, construction, installation of plantings, and implementation of the restoration for compliance with the overall plan prior to release of the performance security. The applicant shall be responsible for quarterly inspections for three years and for annual inspections up to five years and/or as described in the approved Plan.

- 5. Montecito Board of Architectural Review (MBAR).** Final MBAR approval is required prior to permit issuance. Exterior elevations, colors, materials and landscaping must conform to that approved by the MBAR as part of 07BAR-00000-00129. **MONITORING:** P&D's Permit Compliance, Grading, and Building inspectors shall spot check to ensure compliance on-site.
- 6. Building Materials and Colors.** Natural building materials, including roof tiles and stucco finishes, and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures. Exterior paint shall be I.C.I Dulux paints #366 Ochre Tan with a minimum of .25 darker color added. **Plan Requirement:** MBAR shall review and approval all building materials and colors. Materials shall be denoted on project plans. **Timing:** Materials shall be denoted on project plans prior to Land Use Permit issuance and structures shall be painted prior to occupancy clearance.

MONITORING: P&D's Permit Compliance and Building inspectors shall inspect prior to occupancy clearance.

7. **Retaining Wall Materials and Colors.** Understories and retaining walls shall be in tones compatible with surrounding terrain (earthtones and non-reflective paints). **Plan Requirement:** MBAR shall review and approval all retaining wall and understory materials and colors. Materials shall be denoted on project plans. **Timing:** Plans shall be submitted and MBAR approval received prior to issuance of Land Use Permits.

MONITORING: P&D's Permit Compliance and Building Inspectors shall check plans and ensure installation in accordance with approved plans prior to occupancy clearance.

8. **Sensitive Habitat and Tree Protection.** No tree removal or damage is authorized by this permit. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

MONITORING: P&D's Permit Compliance and Building inspectors shall spot check to ensure compliance on-site.

9. **Tree Protection.** All grading, trenching, ground disturbance, construction activities, and structural development shall occur outside of the dripline area plus five feet of all onsite oak trees and shall adhere to the following requirements:

- a. Prior to site preparation or construction, all onsite oaks shall be fenced at or outside of the dripline area plus five feet. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The applicant shall place signs stating "tree protection area" at 15-foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities without exception. **Timing:** Prior to permit issuance, fencing outside of the critical root zone shall be shown on plans. Prior to site preparation and construction, all onsite oaks shall be fenced outside of the critical root zone.
- b. Construction equipment staging and storage areas shall be located outside of the tree protection areas. No fill soil, rocks, or construction materials shall be stored or placed within the protected areas. **Timing:** Prior to permit issuance, construction equipment and staging areas shall be shown on plans.
- c. All ground disturbance and trenching within the critical root zone of any tree shall be done by hand.
- d. To help ensure the long term survival of existing onsite oaks, no permanent irrigation systems are permitted within the critical root zone of oak trees. Any landscaping in the critical root zones of oak trees must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

MONITORING: P&D's Permit Compliance, Grading, and Building inspectors shall spot check to ensure compliance on-site.

10. **Construction Staging Area.** Construction materials, debris, disposal bins and heavy equipment shall be stored in a location acceptable to P&D at the construction site. **Plan Requirements:** All equipment and materials shall be stored at the construction staging area approved by P&D. The construction staging area shall be clearly shown on plans. **Timing:** The location of the construction staging area shall be reviewed and approved by P&D prior to issuance of the Land Use Permit.

MONITORING: P&D's Permit Compliance shall conduct site inspections and respond to complaints as needed.

11. **Construction Hours.** 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.

12. **Construction Materials Disposal.** Construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During construction, separate bins for recycling of construction materials shall be provided onsite. The developer shall clear the project site of all excess construction debris.

MONITORING: P&D's Permit Compliance, Grading, and Building inspectors shall spot check to ensure compliance on-site.

13. **Construction Washout Area.** 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, and shall not be conducted within the critical root zones of oak trees on 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 washout area shall be designated on all plans prior to issuance of Land Use Permits. The washout area(s) shall be in place and maintained throughout construction.

MONITORING: P&D's Permit Compliance, Grading, and Building inspectors shall spot check to ensure compliance on-site.

14. **Temporary Erosion and Sediment Control.** Grading and erosion and sediment control plans shall be designed to minimize erosion and shall include the following:

- a. All entrances/exits to the construction site shall be stabilized (e.g., using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- b. Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- c. Best available erosion and sediment control measures shall be implemented during construction. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales.
- d. Graded slopes shall be temporarily seeded with non-invasive or naturalized annual grasses if landscaping is delayed past the onset of the rainy season.
- e. Prior to the compliance pre-construction meeting the applicant shall post signs in three (3) conspicuous places on-site indicating the name and contact number of the individual responsible for installation and maintenance of erosion control measures. At least one (1) notice shall be visible from the nearest public street. Signs shall remain posted throughout all grading and construction activities.

Plan Requirements: The grading and erosion and sediment control plan(s) shall be submitted for review and approved by P&D prior to issuance of Land Use Permits. **Timing:** Erosion and sediment control measures shall be in place throughout development of the site until all disturbed areas are permanently stabilized.

MONITORING: P&D's Permit Compliance, Grading, and Building inspectors shall spot check to ensure compliance on-site.

15. **Notice to Property Owner.** A notice to property owners shall be recorded prior to permit issuance to ensure that the guest house will be used only for its permitted use.
16. **Lighting.** Any exterior lighting shall be of low-intensity, low-glare design, and shall be designed to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels.
17. **Archaeological and Historic Resources.** In the event that any significant historic, prehistoric, or archaeological resources are encountered during grading and construction, work shall be stopped immediately or redirected until a P&D qualified specialist may be retained by the applicant to evaluate the significance of the find.
18. **Project Changes.** Any changes to the project shall be reviewed and approved by P&D for determination of consistency with applicable County policy and may require application for a new Land Use Permit.
19. **Permit Acceptance.** 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 permittee.

20. **Permit Issuance.** The use and/or construction of the building or structure, authorized by this approval cannot commence until the Land Use Permit has been issued. Prior to the issuance of the Land Use Permit, all of the project conditions that are required to be satisfied prior to issuance of the Land Use Permit must be satisfied.
21. **Permit Processing Fees.** Prior to issuance of the Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
22. **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 this Land Use 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.
23. **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.
24. **Time Extension.** If the 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.
25. **Impact Mitigation Fees.** Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinances and resolutions in effect when paid.
26. **Landscape Installation and Performance Securities.** A landscape performance, maintenance, and replacement security shall be posted with the County prior to issuance of a Land Use Permit on the affected parcel. The performance security shall be no less than \$400,000.00 and shall include all items as listed Landscape Architect cost estimates submitted January 16, 2008. The performance security shall be increased if determined necessary by Planning and Development staff. The performance security shall be provided by the applicant prior to land use clearance, and shall be equal to the value of installation of all items as well as the value of maintenance and/or replacement of the items for five years of maintenance of the items. The amounts shall be agreed to by P&D. 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.

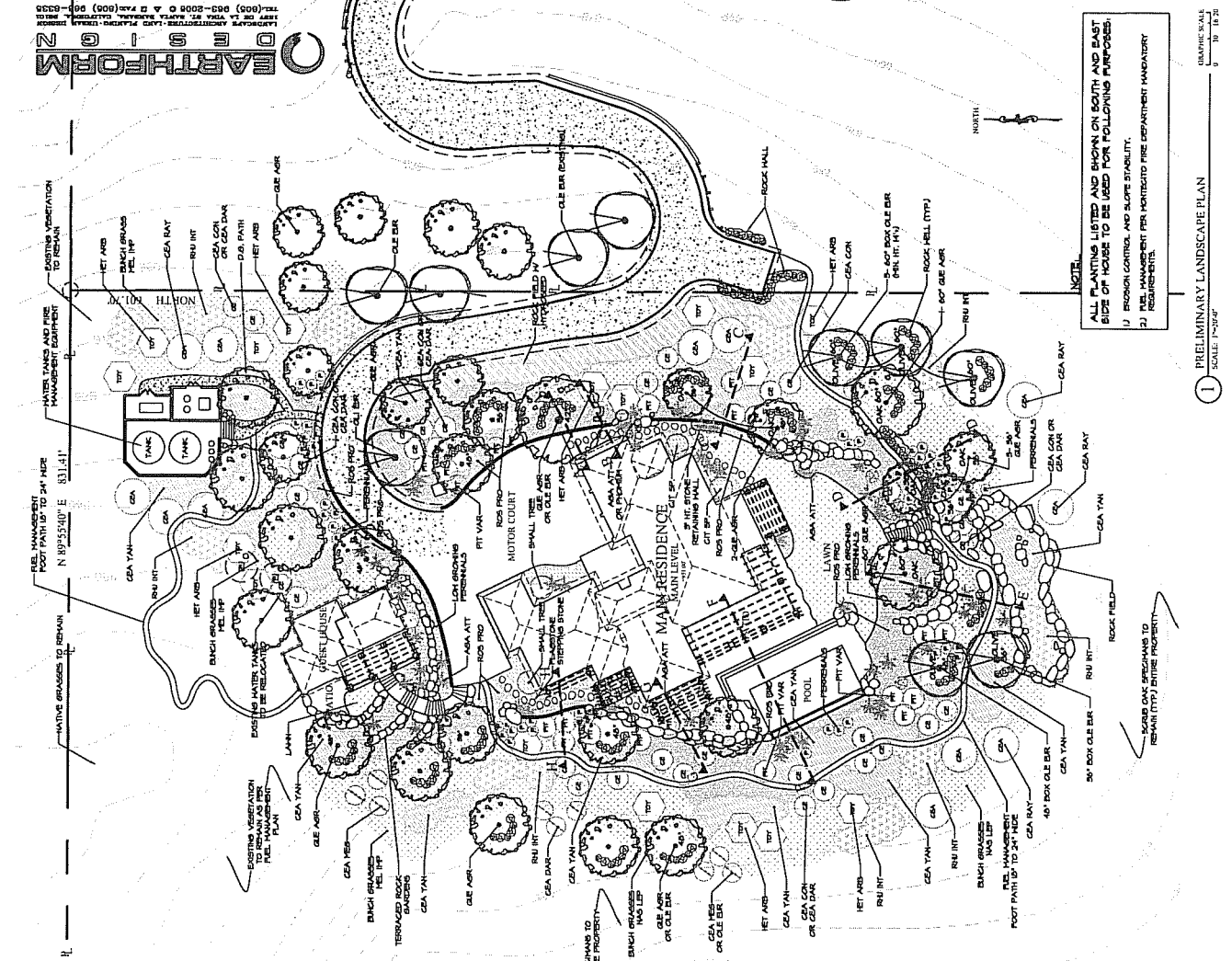
PLANTING NOTES:

- CONTRACTOR TO BE RESPONSIBLE FOR COORDINATION WITH OTHER FOR LOCATION OF UNDERGROUND UTILITIES.
- PLANTING TO BE COMPLETED WITHIN 30 DAYS OF COMMENCEMENT OF CONSTRUCTION AND CHECK TO MAKE FINAL ADJUSTMENTS AS NECESSARY.
- CONTRACTOR TO BE RESPONSIBLE FOR FULL IRRIGATION SCHEDULE FOR ALL PLANTING AREA.
- IRRIGATION TO BE COORDINATED WITH PLANTING PLAN.
- ALL PLANTING AREAS SHALL BE AMENDED WITH 4 GILL TOPS. PLANTING TO BE COMPLETED WITHIN 30 DAYS OF COMMENCEMENT OF CONSTRUCTION AND CHECK TO MAKE FINAL ADJUSTMENTS AS NECESSARY.
- PLANT MATERIALS MAY BE SUBJECT TO CHANGE AS PER ANY OR LANDSCAPE ARCHITECT'S DISCRETION.
- ANY CLAMIFICATION OR CHANGES ON PLANS, SPECIFICATIONS AND DETAILS SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION IMMEDIATELY PRIOR TO BEGINNING WORK.
- ALL PLANTING AREAS TO BE TOP DRESSED WITH SCREENED GRANITE REMOVAL MASH AT A DEPTH OF 2"-3".
- ALL TREES SHALL BE PLANTED IN DEEP ROOT BOXES. ROOT BOXES TO BE 18" DIA. WITH 18" DIA. OF HALL, HALL, PATIO, PATIO, AND PATIO ETC.

RECEIVED
MAR 12 2008
SANTA BARBARA COUNTY
PLANNING & DEVELOPMENT

PRELIMINARY PLANT LIST

SYMBOL	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS
4" Tree	10	4" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
6" Tree	10	6" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
8" Tree	10	8" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
10" Tree	10	10" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
12" Tree	10	12" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
14" Tree	10	14" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
16" Tree	10	16" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
18" Tree	10	18" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
20" Tree	10	20" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
24" Tree	10	24" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
30" Tree	10	30" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
36" Tree	10	36" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
42" Tree	10	42" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
48" Tree	10	48" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
54" Tree	10	54" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
60" Tree	10	60" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
66" Tree	10	66" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
72" Tree	10	72" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
78" Tree	10	78" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
84" Tree	10	84" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree
90" Tree	10	90" Tree	<i>Ardisia cuneata</i>	Redondo	Medium to large tree



NOTE:
 ALL PLANTINGS LISTED AND BROWN ON SOUTH AND EAST SIDE OF HOUSE TO BE USED FOR FOLLOWING PURPOSES:
 (1) EROSION CONTROL AND SOIL STABILIZATION,
 (2) FIRE MANAGEMENT PER MONTECITO FIRE DEPARTMENT MANDATORY REQUIREMENTS.

PRELIMINARY LANDSCAPE PLAN
 SCALE: 1"=20'-0"

