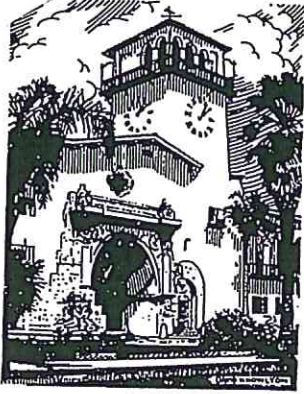


Robertson -Dworet Appeal of Walker SFD Demo/Rebuild
Case No. 14APL-00000-00022
Hearing Date: November 4, 2014

ATTACHMENT 5: PLANNING COMMISSION ACTION LETTER



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

September 5, 2014

Antonia J. Robertson & Lawrence Dworet
475 Toro Canyon Road
Santa Barbara, CA 93108

PLANNING COMMISSION
HEARING OF AUGUST 27, 2014

RE: Appeal of the Zoning Administrator's Coastal Development Permit Approval of the Permit Approval of the Walker Single Family Dwelling Demolition & Rebuild; 14APL-00000-00009

Hearing on the request of Antonia J. Robertson and Lawrence Dworet to consider the appeal, Case No. 14APL-00000-00009 [appeal filed on April 7, 2014], of the decision of the Zoning Administrator to approve the Coastal Development Permit, Case No. 13CDH-00000-00024, for the Walker Demo/New Single Family Dwelling project in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance, on property located in the I-E-1 zone; and to determine the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of the State Guidelines for the Implementation of CEQA. The application involves AP No. 155-140-014, located at 454 Toro Canyon Road, in the Toro Canyon Plan Area, First Supervisorial District.

Dear Ms. Robertson and Mr. Dworet:

At the Planning Commission hearing of August 27, 2014, Commissioner Cooney moved, seconded by Commissioner Hartmann and carried by a vote of 3 to 1 (Brown no, Blough absent) to:

1. Deny the appeal, Case No. 14APL-00000-00009 of the decision of the Zoning Administrator to approve the Coastal Development Permit, Case No. 13CDH-00000-00024;
2. Make the required findings for approval of the project specified in Attachment A of the staff report, dated August 7, 2014 including CEQA findings, and as revised at the hearing of August 27, 2014;
3. Determine that the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15301 and 15303, as specified in Attachment C of the staff report, dated August 7, 2014; and
4. Grant *de novo* approval of the project, Case No. 13CDH-00000-00024, subject to the conditions included as Attachment B of the staff report, dated August 7, 2014, thereby affirming the decision of the Zoning Administrator, and as revised at the hearing of August 27, 2014.

REVISIONS TO CONDITIONS OF APPROVAL OF COASTAL DEVELOPMENT PERMIT

Condition # 21 is added as follows

21. **Landscaping.** Landscaping to screen the house from Toro Canyon Road shall be maintained and replaced as necessary and in perpetuity by the owner/applicant.

REVISIONS TO FINDINGS FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT

Finding 2.7 is revised as follows

2.7. **In compliance with Section 35-60.5, adequate services and resources shall be available to serve the proposed development.**

The parcel will continue to be served by the Montecito Water District (see Attachment G), a private onsite septic system, the Santa Barbara County Sheriff and the ~~Montecito Fire Department~~ Carpinteria-Summerland Fire District. Access to the site will continue to be provided off of Toro Canyon Road. Therefore, this finding can be made.

The attached findings and conditions reflect the Planning Commission's actions of August 27, 2014.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on September 8, 2014 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

Planning Commission Hearing of August 27, 2014
Appeal of the Zoning Administrator's Coastal Development Permit Approval of the Permit Approval of the Walker Single
Family Dwelling Demolition & Rebuild; 14APL-00000-00009
Page 3

Planning Commission File
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Owner: David Walker/IGW Trust, 454 Toro Canyon Road, Santa Barbara, CA 93101
Agent: Chris Belanger, 1187 Coast Village Road, Suite 1-203, Montecito, CA 93108
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Salud Carbajal, First District Supervisor
Michael Cooney, First District Planning Commissioner
Jenna Richardson, Deputy County Counsel
Ryan Cooksey, Planner

Attachments: **Attachment A – Findings**
 Attachment C – Coastal Development Permit 13CDH-00000-00024 with
 Conditions of Approval

DMB/dmv

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Sections 15301 [Existing Facilities] and 15303 [New Construction or Conversion of Small Structures] of the State CEQA Guidelines. See Attachment C for a more detailed discussion.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2, the review authority shall first make all of the following findings:

2.1 The proposed development conforms:

a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;

b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).

As discussed in Sections 6.3 and 6.4 of the staff report, dated August 7, 2014 and incorporated herein by reference, the project would conform to all applicable provisions of the County Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan. The proposed project, consisting of the demolition of an existing single-family dwelling and garage and construction of a new dwelling, garage and guesthouse would be developed in proportion (size, bulk, scale and height) to the surrounding neighborhood and consistent with the applicable Article II zoning requirements for the E-1 zone.

The subject property is located within an urban, coastal, developed neighborhood in the E-1 zone district. Pursuant to Article II, Section 35-71.1:

“The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.”

As discussed in Sections 6.1 of the staff report, dated August 7, 2014 and incorporated herein by reference, the proposed project for the demolition of the existing dwelling and garage and the construction of a new dwelling, garage and guesthouse would be consistent with surrounding residential development and uses. Furthermore, the development would be situated in the rear of the lot and would be constructed within the area where the existing dwelling and garage are located. Therefore, the proposed project would be consistent with the purpose and intent of the E-1 zone.

2.2 The proposed development is located on a legally created lot.

The subject parcel is considered to be a legally created lot for planning purposes as it is currently developed with an existing single-family dwelling and has been validated by prior issuance of a County Building Permit. Therefore, this finding can be made.

2.3 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The subject property and all existing and proposed development are in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of Article II, the Coastal Zoning Ordinance. Therefore this finding can be

made.

2.4 The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The proposed project will be constructed on a portion of the site already developed with an existing dwelling and garage and will be the same overall height as the current dwelling so as to not add any new adverse effects to existing vistas and viewpoints. Additionally, as proposed, the project will not obstruct any public views from any public road or from a public recreation area to, or along the coast because of its distance from the coastline. Therefore, this finding can be made.

2.5 The proposed development is compatible with the established physical scale of the area.

As discussed in Section 6.1, 6.3 and 6.4 of the staff report, dated August 7, 2014 and incorporated herein by reference, the proposed project for the demolition of the existing 3,972 [gross] sq. ft two-story single-family dwelling and 530 [gross] sq. ft. garage and the construction of a new 5,344 [gross] sq. ft. two-story dwelling and a 1,023 [gross] sq. ft. garage with a 825 [gross] sq. ft. guesthouse above, will be compatible with the established physical scale of the area. Furthermore, during its June 21, 2013 and July 25, 2014 reviews of the project, SBAR stated that the mass, bulk and scale of the project was appropriate and that the project was compatible with the surrounding neighborhood. Therefore, this finding can be made.

2.6. The proposed development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

As discussed in Section 6.3 of the staff report, dated August 7, 2014 and incorporated herein by reference, the proposed project will be consistent with all applicable public access and recreation policies of the Comprehensive Plan, including the Coastal Land Use Plan. Therefore, this finding can be made.

2.7. In compliance with Section 35-60.5, adequate services and resources shall be available to serve the proposed development.

The parcel will continue to be served by the Montecito Water District (see Attachment G), a private onsite septic system, the Santa Barbara County Sheriff and the Carpinteria-Summerland Fire District. Access to the site will continue to be provided off of Toro Canyon Road. Therefore, this finding can be made.

2.8 Pursuant to Section 35-194.4 of Article II (Coastal Zoning Ordinance), a Coastal Development Permit shall only be approved if the following additional Finding is made:

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

The proposed development is in conformance with all applicable policies of Article II, Coastal Zoning Ordinance, the Coastal Land Use Plan and the Toro Canyon Plan, as discussed in Sections 6.1, 6.3 and 6.4 of this staff report, dated August 7, 2014 and incorporated herein by reference. Therefore, this additional finding can be made.

2.9 Additional Findings:

Coastal Land Use Plan Policy 9-1:

Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.

As discussed in Section 6.3 of the staff report, dated August 7, 2014 and incorporated herein by reference, the proposed development on the subject parcel is approximately 50 feet from a mapped ESH-Riparian Corridor and is separated from the ESH by a landscaped area. All potential impacts to the riparian corridor will be minimized by implementing best management practices (BMPs) (see Attachment B, Condition #6). Therefore, this finding can be made.



COUNTY OF SANTA BARBARA

Planning and Development

DRAFT COASTAL DEVELOPMENT PERMIT

Case No.: 13CDH-00000-00024

Project Name: Walker SFD Demo-Rebuild

Project Address: 454 Toro Canyon Road, Santa Barbara, CA 93108

Assessor's Parcel No.: 155-140-014

Applicant Name: Chris Belanger

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

Date of Approval: August 27, 2014

Associated Case Number(s): 14APL-00000-00009, 13BAR-00000-00103

Project Description Summary: Demolition and rebuild of a single family dwelling, with a detached garage and guesthouse.

Project Specific Conditions: Yes

Permit Compliance Case: ___ Yes ___x___ No;

Permit Compliance Case No.: _____

Appeals: The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Clerk of the Board at 123 East Anapamu Street, Santa Barbara, by 5:00 p.m. on or before September 8, 2014. If you have questions regarding this project please contact the planner, Ryan Cooksey, at 805-568-2046.

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

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on September 9, 2014, provided an appeal of this approval has not been filed.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

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

Owner/Applicant Acknowledgement: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

_____/_____
Print Name Signature Date

Planning Commission Approval by:

_____/_____
Print Name Signature Date

Planning and Development Department Issuance by:

_____/_____
Print Name Signature Date

ATTACHMENT A: 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 mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

The project is for a Coastal Development Permit for the demolition of the existing 3,972 [gross] sq. ft. two-story single-family dwelling and the construction of a new 5,344 [gross] sq. ft. two-story single-family dwelling. The permit is also for the demolition of an existing 530 [gross] sq. ft. garage and construction of a new 1,023 [gross] sq. ft. garage with a 825 [gross] sq. ft. guesthouse above. No protected trees will be removed as a part of the project and approximately 855 cubic yards of cut and 33 cubic yards of fill is required. The parcel will continue to be served by the Montecito Water District, a private septic system, and the Montecito Fire District. Access will continue to be provided off of Toro Canyon Road. The project is located at 454 Toro Canyon Road (APN 155-140-014), on a 1.13-acre parcel zoned 1-E-1. The project site is located within the Coastal Zone of the Toro Canyon Plan area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

3. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to the BAR approved plans. All landscaping shall utilize only non-invasive plants and protected trees shall be preserved to the maximum extent feasible.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of this Coastal Development Permit. Grading plans, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to B&S Inspection staff that the project has been built consistent with approved BAR design, landscape and lighting plans prior to Final Building Inspection Clearance.

4. **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 mph.
 - 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 P&D monitoring staff and APCD 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 first Grading Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

5. **Bio-01 Tree Protection:** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all protected trees. In addition to the Tree Protections listed in the Arborist Report, prepared by Peter Winn (Westree), dated September 5, 2013, the following conditions shall also apply to the project, case no. 13CDH-00000-00024.

- a. Prior to the approval of Building Permits, all oak trees shall be fenced at least six feet beyond the dripline. 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 Owner/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.

b. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for Valley or Blue Oaks) ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.

c. To help ensure the long term survival of protected oak trees, no permanent irrigation systems are permitted within six feet of the dripline of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans.

TIMING: This condition shall be printed on project plans submitted for Building Permit approval.

MONITORING: B&S Inspection Staff shall review plans and confirm fence installation. Inspectors shall conduct site inspections to ensure compliance during construction.

6. **Bio-10 Storm Water BMPs:** To minimize pollutants impacting downstream waterbodies or habitat, the parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as landscaped areas for infiltration (vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Stormwater Quality Association) or other approved method shall be installed to intercept and remove pollutants prior to discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements. BMP maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property.

PLAN REQUIREMENTS: The BMPs shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. The location and type of BMP shall be shown on the site, building and grading plans.

TIMING: The plans and maintenance program shall be submitted to P&D for approval prior to approval of first grading or building permits.

MONITORING: B&S inspection staff shall site inspect for installation prior to Final Building Inspection Clearance.

7. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

8. **WatCons-03 Water Conservation in Landscaping:** The project is subject to the California Water Conservation in Landscaping requirements. Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Residential Water Authorization Supplemental application or Water Efficient Landscape Ordinance Supplemental application, as appropriate to the size of the landscape area.

TIMING: The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to issuance of this Coastal Development Permit. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance.

MONITORING: B&S inspection staff shall check in the field prior to Final Building Inspection Clearance.

County Rules and Regulations

9. **Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon 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 review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].

10. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Additional permits include, but are not limited to Environmental Health Services septic permit, Grading and Building Permits.

TIMING: 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.

11. **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.

12. **Rules-10 CDP Expiration:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Planning Director. Prior to the expiration of the approval, the review authority who 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.

13. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.

14. **Rules-23 Processing Fees Required:** Prior to issuance of Building or Grading Permits, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
15. **Rules-28 NTPO Condition:** 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 this Coastal Development Permit.
16. **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.
17. **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.
18. **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.
19. **Rules-35 Limits:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
20. **Rules-37 Time Extensions:** 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.

Other

21. **Landscaping:** Landscaping to screen the house from Toro Canyon Road shall be maintained and replaced as necessary and in perpetuity by the owner/applicant.