



COUNTY OF SANTA BARBARA

**Planning and Development**

**LAND USE PERMIT NO: 09LUP-00000-00256**

**Project Name:** Bagdasarian-Karman Bridges, Retaining Walls & ESH Restoration  
**Project Address:** 1192 & 1194 East Mountain Drive  
**A.P.N.:** 011-020-034, 011-020-042 & 011-050-066  
**Zone:** 3-E-1

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

**FINAL APPROVAL DATE:** January 17, 2012

**DATE OF PERMIT ISSUANCE:** To be determined based on compliance with Conditions of Approval

**NOTE:** The decision of the Board Supervisors to approve this permit is final and may not be appealed. (*MLUDC Section 35.492.050.D*) If you have questions regarding this project please contact the planner Julie Harris at (805) 568-3518.

**PROJECT DESCRIPTION SUMMARY:** To abate Zoning Violations 09ZEV-00000-00042 & 09ZEV-00000-00115 for unpermitted grading, vegetation removal, construction of retaining walls and two pedestrian bridges, and installation of 0.73 acres irrigated lawn within ESH and ESH buffer. This permit allows retention of the bridges, removal of three segments of wall and the lowering in height of additional wall segments, corresponding adjustment of grade to better approximate pre-existing conditions, removal of the lawn and restoration of ESH habitat. See Attachment A for detailed project description.

**PROJECT SPECIFIC CONDITIONS:** See Attached Conditions of Approval

**ASSOCIATED CASE NUMBERS:** 11APL-00000-00009, 10APL-00000-00016,

**PERMIT COMPLIANCE CASE:**

No  Yes; Permit Compliance Case (PMC) #: \_\_\_\_\_

**BOARD OF ARCHITECTURAL REVIEW (BAR):**  No  Yes; BAR Case #: 10BAR-00000-00094

**TERMS OF PERMIT ISSUANCE:**

- 1. Posting of Notice.** Notice of the project shall be posted by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit. (*MLUDC Section 35.496.050*)
- 2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit).

**WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

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

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

4. **Time Limit.** The approval or conditional approval of this Land Use Permit shall be valid for 12 months from the date of approval unless a time extension is approved (*MLUDC Section 35.472.110*). Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Land Use Permit null and void unless a time extension is approved (*MLUDC Section 35.472.110*).

**NOTE: Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.**

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

\_\_\_\_\_ / \_\_\_\_\_

Print Name

Signature

Date

**Planning and Development Department Approval by:**

\_\_\_\_\_/ \_\_\_\_\_  
Planner Date

**Planning and Development Department Issuance by:**

\_\_\_\_\_/ \_\_\_\_\_  
Planner Date

ATTACHMENT A  
REVISED CONDITIONS OF APPROVAL  
Case No. 09LUP-00000-00256

1. **Proj Des-01 Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Board of Supervisors Exhibits 1 through 3, dated January 17, 2012, 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 modified project will abate Zoning Violation 09ZEV-00000-00042 (for APN 011-020-042) and 09ZEV-00000-00115 (for APN 011-020-034). The modified project will permit the following structures, grading and restoration activities:**

- a. **Two pedestrian bridges that cross the tributary creek, as built in their current locations;**
- b. **Approximately 230 linear feet of retaining wall, four shallow trees wells (1-2 feet deep), and a fountain built into the wall, between the west bank of the tributary and an existing, permitted tennis court, as built;**
- c. **Approximately 110 linear feet of two-tiered retaining wall on the west bank of the tributary supporting an existing driveway, adjacent and northeast of upper bridge, as built;**
- d. **Approximately 45 linear feet of retaining wall along the east bank of the tributary, on either side of the upper bridge where its ties into bridge abutments (approximately 25 feet north and 20 feet south);**
- e. **Approximately 35 linear feet of retaining wall along the east bank of the tributary, as built;**
- f. **Removal of three segments of wall along the east bank of the tributary (the northern-most 61 linear feet, a central section of 96 linear feet, and the southern-most 20 linear feet for a total removal of 177 linear feet);**
- g. **Lowering the elevation by up to three vertical feet of approximately 95 linear feet of retaining wall north of the lower bridge and approximately 30 feet south of the lower bridge along the east bank of the tributary, tapering into the wall to remain to the north and into the natural grade to the south;**
- h. **Removal of all but one of the tree wells in the “island” area between the tributary and Hot Springs Creek (Area 1a);**
- i. **Restoration of the grade to predevelopment conditions to the maximum extent feasible within the “island” area between the tributary and Hot Springs Creek, consistent with the removal and lowering of retaining walls (Area 1a);**
- j. **Removal of the irrigated lawn and nonnative hedge within the “island” area between the tributary and Hot Springs Creek (Area 1a);**
- k. **Habitat restoration within the Environmentally Sensitive Habitat and its buffer (i.e., the “island” area between the tributary and Hot Springs Creek) (Area 1a);**
- l. **Habitat restoration within ESH on the adjacent property to the east, corresponding to the northeast end of the “island” area (approximately 0.13 acres on APN 011-050-066) (Area 1a);**
- m. **Habitat restoration (sycamore/oak woodland) the southeast corner of the lot (rock stockpile area) (Area 2);**
- n. **Habitat restoration within the tributary creek (Area 3);**

**o. Habitat restoration within Hot Springs Creek and its confluence with the tributary to include the removal of invasive species including *Arundo donax* and fennel among others (Area 4);**

**p. Abandonment and restoration of the temporary Arizona crossing.**

**Habitat restoration will include the planting of 168 Coast Live Oaks and 60 Western Sycamores and many additional native plants in compliance with a final habitat restoration plan. Grading will be quantified with the final restoration plan.**

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.

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

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Aest-10 Lighting (Special).** Exterior night lighting is not allowed on the pedestrian bridges, retaining walls, within the tributary creek, Hot Springs Creek or the area in between.

5. **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 sprinklers to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction and restoration, use sprinklers 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 unrestored for over four weeks, the Owner/Applicant shall immediately:
  - i. Seed and water with native plant seed mix 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 restoration 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 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/restoration meeting.

**TIMING:** The dust monitor shall be designated prior to issuance of grading permit. The dust control components apply from the beginning of any grading or construction/restoration throughout all development/restoration activities until Final Building/Grading Inspection Clearances are issued and restoration plantings are successfully installed.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

6. **Bio-12 Habitat Restoration (Special).** The Owner/Applicant shall submit for P&D approval a Final Revised Riparian/Environmentally Sensitive Habitat (ESH) Restoration Plan prepared by a P&D-approved biologist and designed to meet the following goals: 1) retain and replace native intact habitat to provide cover and movement corridors for wildlife; 2) protect riparian areas from further vegetation removal and degradation; 3) minimize fragmentation of riparian and streamside habitat at the northern edge of the urban/rural boundary by maintaining and replacing diverse structural elements of the habitat; 4) maintain multi-functioning streams, stream banks and corridors; and 5) replace "island" lawn area with native trees, shrubs and grasses to provide diversity, cover, structure and function, similar to the adjacent upland and stream side habitat of Hot Springs Creek.

**PLAN REQUIREMENTS (Graphics):** The Final Riparian/ESH Restoration Plan shall include detailed restoration/planting plans and shall graphically depict the following on standard 24" x 36" plan sheets:

- a. County-mapped ESH and minimum 50-foot ESH buffer.
- b. All existing oak and sycamore trees.

- c. All existing hardscape elements along with proposed changes (e.g., the two pedestrian bridges, all site and retaining walls and tree wells, stone borders and notes regarding those to be removed retained, lowered, etc.).
- d. Accurate before- and after-grading contours and topography, and estimate of grading quantities.
- e. Boundaries of all planned restoration areas shown as polygons (Areas 1a, 1b, 2, 3, and 4).
- f. Planting plans for each restoration area including a list of species, species quantities, and spacing.
- g. Irrigation plans for each restoration area.

**PLAN REQUIREMENTS (Content):** The Final Riparian/ESH Restoration Plan shall incorporate the following components:

- a. The restoration goals and objectives as described in this condition.
- b. Oak and sycamore tree replacement/restoration as described below. Tree replacement to be based on standard restoration ratio of 10:1 and a minimum size of one gallon.
- c. Clear and detailed responsibilities of the owner, the restoration biologist, the installation contractor, and the maintenance contractors.
- d. A listing and description of all equipment proposed to be used in the restoration effort. The lightest possible equipment shall be used to minimize impacts to the ESH, ESH buffer and creeks, with hand tools and excavation to be preferred. If vehicles are used, access shall be via the existing temporary Arizona crossing.
- e. Weed removal and adaptive management in all restoration areas.
- f. Area 1a: Island – Lawn Area.
  - 1) Removal of the irrigated lawn.
  - 2) Plant one-third of required oak mitigation (56 of 168 required trees) within the northern and southern portions of the area – areas where oaks were removed.
  - 3) Plant fast growing local native shrubs near top of west bank of Hot Springs Creek to provide visual screening and cover.
  - 4) Plant clusters of oaks, native shrubs and grasses over approximately ~~70%~~65% of island area at density sufficient to provide wildlife cover; show clusters graphically on plans. Pruning of trees and shrubs prohibited in this area. Understory plantings within this area shall be predominantly locally occurring native plant species with some selective use of non-local California natives (listed on Exhibit 3)
  - 5) Allowance for remaining ~~30%~~35% of island area to be open (i.e., no dense or full canopy); planting may include non-local California natives (listed on Exhibit 3). Pruning of mature oaks allowed in this area but shall not exceed 20% of each individual annually.
- g. Area 2: Rock Stockpile. Plant one-third of required oak trees (56 of required 168 trees) and one-half of required sycamore trees (30 of 60 required trees) to replace lost canopy cover. Include native understory species.
- h. Area 3: Tributary
  - 1) Allow and encourage regeneration of naturally re-sprouting oaks and sycamores and new recruits of native plants, including oaks, sycamores, Canyon sunflower, willow, etc., and

supplement restoration with additional local native plant species. “Elephant Ears” plant (shown on the plans) may remain.

- 2) Plant one-third of required oak trees (56 of 168 trees) and one-half of required sycamore trees (30 of 60 trees) to replace lost canopy cover.
- i. Area 4: Hot Springs Creek, confluence with tributary. Non-native species, including but not limited to giant reed (*Arundo donax*) and fennel (*Foeniculum vulgare*), shall be removed from the Hot Springs Creek and the tributary creek. Non-native grasses may be allowed to remain. Removal of native species in Hot Springs Creek and the tributary creek shall be prohibited.
- j. Success criteria shall include, at a minimum, the following:
  - 1) Removal of 50% of *Myoporum* hedge within three years; complete removal within five years.
  - 2) 80% success rate (survival) of container planted materials after three years, including trees and shrubs, in all restoration areas.
  - 3) Minimum 50% increase in canopy cover (trees and shrubs) in Area 1a within five years of planting.
  - 4) 100% survival of all resprouting oaks and sycamores and new recruits within tributary within three years (Area 3).
  - 5) Presence of a minimum of at least three vegetative strata (trees, shrubs, vines, and herbs) along a 200 ft. length of the tributary. Measurement shall be according to the protocols described by Lee et al. 2001 (page 5-149), or as modified and previously-approved by P&D.
  - 6) ~~100%-Treatment/~~removal of giant reed and fennel from Area 4 with goal of 100% eradication within three years.
  - 7) Additional criteria as appropriate for annual assessment for a period of five years. These may be proposed by applicant biologist and approved by P&D.
- k. A program for adaptive management shall be described, including remedial measures to be implemented if success criteria are not met within the required timeframe.
- l. With the exception of California non-local natives, species shall be from locally obtained plants and seed stock.
- m. The 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. No permanent irrigation shall occur within the dripline of oak trees within the restoration areas.
- n. If vehicles are used during the restoration effort, the creeks and existing native trees shall be fenced to protect them from damage during the implementation phase. The type and height of fencing, staked a minimum of every six feet or as necessary to keep fencing from collapsing shall be described, and approved by P&D. Fencing shall be maintained until initial implementation is complete. As appropriate, fencing shall be maintained until native plants have been established.
- o. During the maintenance period all plantings shall be protected from predation by wild and domestic animals by the use of gopher fencing and/or other fencing and measures as recommended by the restoration biologist and approved by P&D.

**TIMING:** The Habitat Restoration Plan shall be submitted prior to issuance of the Land Use Permit for review and approval by P&D in compliance with the requirements of this condition. The

Owner/Applicant shall post a performance security to ensure installation prior to Final Building/Grading Inspection Clearance and a separate security for maintenance for five years.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan are in place as required prior to Final Building/Grading Inspection Clearance and maintained throughout the maintenance period. Restoration monitoring reports shall be prepared and submitted quarterly for the first year and restoration monitoring reports shall be submitted to P&D on an annual basis thereafter for five years. Any significant issues that arise on the site affecting restoration (e.g., fire, etc.) or evidence of success criteria not being met shall be reported in writing to the County within two weeks of the incident, along with a plan for remediation. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

7. **Bio-20 Equipment Storage-Construction/Restoration (Special).** The Owner/Applicant shall designate one or more equipment filling and storage areas to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to Hot Springs Creek and the tributary, storm drains, street, drainage ditches, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from the creek and the tributary, ESH, the restoration areas and any other storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on final restoration plans and grading plans prior to issuance of the Land Use Permit.

**TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

8. **Bio-20a Equipment Washout-Construction/Restoration (Special).** The Owner/Applicant shall designate one or more washout areas for the washing of equipment, or similar activities to prevent wash water from discharging to Hot Springs Creek and the tributary, storm drains, street, drainage ditches, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as often as required to prevent overflow and contamination. The areas shall be located at least 100 feet from the creek and the tributary, ESH, the restoration areas and any other storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on final restoration plans and grading plans prior to issuance of the Land Use Permit.

**TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

9. **Bio-08 Fish and Game —Army Corp (Special).** No alteration to stream channels or banks shall be permitted (no Land Use Permit shall be issued) until the Owner/Applicant demonstrates receipt of all authorizations from the California Department of Fish and Game ~~and/or federal agencies (Army Corp of Engineers for the temporary Arizona crossing)~~ for any planned alteration to stream channels or banks. Such work includes after-the-fact permitting of two pedestrian bridges, and their footings within the banks of the tributary, retaining walls, and temporary Arizona crossing.



**10. Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit grading and construction/restoration activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No grading or construction/restoration work shall occur on weekends or State holidays. Non-noise generating grading and/or restoration planting activities 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 one sign stating these restrictions at construction site entry.

**TIMING:** Sign shall be posted prior to commencement of grading and construction and maintained throughout grading and construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required sign is posted prior to grading permit issuance and pre-grading/construction/restoration meeting. Grading inspectors and permit compliance staff shall spot check and respond to complaints.

**11. Parking-02 Onsite Construction Parking.** All grading, construction and restoration-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 grading, construction and restoration personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

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

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

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

**12. SolidW-02 Solid Waste-Recycle.** The Owner/Applicant and their contractors and subcontractors shall separate demolition and excess construction materials onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, vegetation). The Owner/Applicant shall provide separate onsite bins as needed for recycling.

**PLAN REQUIREMENTS:** The Owner/Applicant shall print this requirement on all grading and construction/restoration plans. Owner shall provide P&D with receipts for recycled materials or for separate bins.

**TIMING:** Materials shall be recycled as necessary throughout construction and restoration. All materials shall be recycled prior to Final Building/Grading Inspection Clearance.

**MONITORING:** The Owner/Applicant shall provide P&D compliance staff with receipts prior to Final Building/Grading Inspection Clearance.

**13. SolidW-03 Solid Waste-Construction Site.** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from

blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

**PLAN REQUIREMENTS:** All plans shall contain notes that the site is to remain trash-free throughout construction.

**TIMING:** Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

**MONITORING:** Permit compliance monitoring staff shall inspect periodically throughout grading and construction/restoration activities and prior to Final Building/Grading Inspection Clearance to ensure the construction site is free of all trash and debris.

14. **Geo-02 Erosion and Sediment Control Plan (Special).** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction, retaining wall removal, grade/topography restoration, and/or vegetation restoration activities and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by long-term erosion control measures or permanent restoration plantings. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks (i.e., Hot Springs Creek and the tributary), prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. BMPs shall be implemented during use of the temporary Arizona crossing to prevent downstream sediment movement. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to issuance of the Land Use Permit. The plan shall be designed to address erosion, sediment and pollution control during all phases of grading, construction and restoration of the site until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and restoration activities/construction and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1<sup>st</sup> and April 15<sup>th</sup> of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

15. **WaterRes-02 MWD Certificate (Special).** The Owner/Applicant shall provide a Certificate of Water Service Availability issued by the Montecito Water District.

**TIMING:** A copy of the Certificate shall be provided to P&D prior to issuance of the Land Use Permit.

## **County Rules and Regulations**

16. **Rules-01 Effective Date-Not Appealable to CCC (Special).** This Land Use Permit shall become effective upon the date of approval of the permit. No entitlement for the use or development shall be granted before the effective date of the planning permit. [MLUDC §35.472.020].
17. **Rules-03 Additional Permits Required.** The use and/or grading/construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building/grading 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-grading and construction conditions. A form for such clearance is available from Planning and Development.
18. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, grading, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
19. **Rules-23 Processing Fees Required.** Prior to issuance of the Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
20. **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 the final habitat restoration plan. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan for five years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed all approved habitat restoration per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved habitat restoration has been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved habitat restoration, P&D may use the security to complete the work.
21. **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, restoration or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
22. **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 P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  2. Pay fees prior to issuance of the Land Use Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to

assess damage and/or ensure compliance. In such cases, the 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 Conditions Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval.”;
  4. Contact P&D compliance staff at least two weeks prior to commencement of grading, construction and restoration activities to schedule an on-site pre-construction/grading/restoration meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, staff biologist, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
23. **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.
24. **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.
25. **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.
26. **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.