

LAND USE PERMIT

Case No.: 09LUP-00000-00166 Planner: J. Ritterbeck
Project Name: Stone Additional Landscaping
Project Address: 660 Stonehouse Lane
A.P.N.: 155-060-028
Zone District: 2-E-1

Initials



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: April 24, 2009

APPEAL PERIOD BEGINS: April 25, 2009

APPEAL PERIOD ENDS: May 4, 2009

DATE OF PERMIT ISSUANCE: (if no appeal filed) May 5, 2009

NOTE: This final approval may be appealed to the Commission/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. (Sections. 35.102 & 35.492)

If you have questions regarding this project please contact the planner, J. Ritterbeck, at (805) 568-3509.

PROJECT DESCRIPTION SUMMARY: SEE ATTACHED.

PROJECT SPECIFIC CONDITIONS: SEE ATTACHED.

ASSOCIATED CASE NUMBERS: 06LUP-00000-00617, 07LUP-00000-00453, 08ZEV-00000-00246

PERMIT COMPLIANCE CASE: No

BOARD OF ARCHITECTURAL REVIEW (MBAR): Yes MBAR Case #: 06BAR-00000-00182

TERMS OF PERMIT ISSUANCE: SEE ATTACHED.

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.

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

- a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
- b. The **Affidavit of Posting Notice** was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and
- c. No appeal has been filed.

4. **Time Limit.** Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

NOTE: This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. 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.

<i>FIONA STONE</i>		<i>4-29-09</i>
Print Name	Signature	Date

Planning & Development Issuance by:

J. Ritterbeck, Planner	/
	Date

ATTACHMENT A CONDITIONS OF APPROVAL

1. **Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the exhibits, and the conditions of approval set forth below. 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.

The project description is as follows:

The project is for a Land Use Permit to allow the installation of additional landscaping in the rear of the property to provide immediate screening to and from the neighboring properties. Additional landscaping is to include the following:

- 1) Increase the size of 7 Pittosporum plants to 15 gallon plants that are located outside of the Critical Root Zone (CRZ) of the existing oaks.
- 2) Pittosporum shrubs planted within a CRZ of any oak shall be a 5 gallon size.
- 3) Three or more additional 36" box avocado trees are to be planted on the upper bank, immediately inside the building envelope-one at the southeast corner and two more visually spaced between the Pittosporum plantings (See notations provided by MBAR on Sheet L1, dated 4/13/09).
- 4) Implement the irrigation recommendations of the arborist, outlined in the Duke McPherson letter, dated 3/11/09.
- 5) Maintain consistency with the approved tree protection plan.
- 6) Revise plan sheet notations by deleting note #s 2 and 6 and revising note #3, described in staff's memo (4/14/09) as follows:
 - Planting Note #2: deletion of the phrase "and landscape architect and owner to make final adjustments as necessary"
 - Planting Note #3: Add the Phrase "consistent with arborist direction"
 - Planting note #6: Delete

The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire District. Access will continue to be provided off of Stonehouse Lane. The property is a 2.04-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 155-060-028, located at 660 Stonehouse Lane in the Montecito Community Plan Area, 1st Supervisorial District.

Standard Conditions

2. **Plan Requirements.** All conditions shall be shown on grading and building plans.
3. **Project Conformity.** 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 strictly conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased, or financed only in compliance with this project description and the conditions of approval hereto.

4. **Montecito Board of Architectural Review.** Exterior elevations, colors, and materials to conform to that approved by the MBAR as part of 06BAR-00000-00182. Final MBAR review and approval shall be obtained prior to issuance of the LUP. The project shall conform to final MBAR approval in all respects. The project shall be in strict conformance with MBAR approved colors and materials. The MBAR approved color and material board shall be kept on-site throughout construction and be available for Planning and Development staff. **Plan Requirement:** Materials shall be denoted on building plans.
5. **Night Lighting.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of the LUP.
6. **Storm Water Runoff.** 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. Best Management Practices (BMPs) shall be incorporated into the project and maintained throughout all construction and development associated with this LUP.
7. **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.
8. **Additional Permit Requirements.** The use and/or construction of the building or structure, authorized by this approval cannot commence until the LUP has been issued. Prior to the issuance of the LUP, all of the project conditions that are required to be satisfied prior to issuance of the LUP must be satisfied.
9. **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.
10. **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 (i.e., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Three (3) signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Building & Safety shall respond to complaints.

- 11. Off-street Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the applicant's designee responsible for enforcement of this restriction. **Plan Requirements:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for land use permit clearance. A copy of the written notice shall be submitted to P&D prior to permit clearance and at any time during construction, at P&D's request. **Timing:** This restriction shall be maintained throughout construction. **MONITORING:** Building & 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. Permit Expiration.** This LUP shall expire two years from the date of issuance or, if appealed, the date of action by the Board of Supervisors on the appeal, if the permit for use, building or structure permit has not been issued.
- 13. 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.
- 14. Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Building Permit from P&D. This Permit is required by ordinance and is necessary to ensure implementation of the conditions required under the LUP .
- 15. 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 the LUP. 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.
- 16. 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.