



# County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Director of Development Services

Derek Johnson, Director of Long Range Planning

January 21, 2010

Richard Simon  
2960 S. Kihei Road, #601  
Kihei, HI 96753

Re: Extension of Coastal Development Permit  
Simon Single-Family Residence, Guest House and Garage  
Case Numbers: 10TEX-00000-00004 and 05CDP-00000-00148  
Assessor's Parcel Number: 081-150-028  
Site Address: 15000 Calle Real, Gaviota Area

Dear Mr. Simon:

On March 11, 2009, the Planning and Development Department issued a Coastal Development Permit (Case Number 05CDP-00000-00148) for construction of a single-family residence, guest house and garage on your 47.7-acre parcel (Assessor's Parcel Number 081-150-028). For the reasons noted in your application for a Time Extension dated January 6, 2010 (Case Number 10TEX-00000-00004), this Coastal Development Permit is hereby granted a one-time, one-year extension to March 11, 2012. This Coastal Development Permit will expire on March 11, 2012 unless the buildings or structures for which this permit was issued have been established or commenced, in conformance with the effective permit. This extension is based on Section 35-169.6.1(c) of the Coastal Zoning Ordinance.

If after March 11, 2012, the buildings or structures have not been established or commenced, a new permit will be required.

Please remember if you have an active Building Permit or Application associated with Case Number 05CDP-00000-00148, you need to contact the Building and Safety Division to determine what steps are available and required to ensure that the Building Permit/Application does not expire.

Sincerely,

Allen Bell, Senior Planner  
Development Review Division

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Development Review  
Building & Safety  
Energy, Administration  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Phone: (805) 568-2000  
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cc: Case File (Allen Bell, Senior Planner)  
Alice McCurdy, Supervising Planner, Development Review Division, P&D  
Address File

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COUNTY OF SANTA BARBARA

## Planning and Development

### COASTAL DEVELOPMENT PERMIT

Case No.: 05CDP-00000-00148

Project Name: Simon Single-Family Residence, Guest House and Accessory Structures

Project Address: 15000 Calle Real, Gaviota

Assessor's Parcel No.: 081-150-028

Applicants Name: Richard and Anne-Marie Simon

The Planning and Development Department 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: February 12, 2009

Associated Case Number(s): 05BAR-00000-00314



**Project Description Summary:** New single-family residence of approximately 4,448 square feet, attached garage of approximately 410 square feet, detached garage of approximately 460 square feet and detached guest house of approximately 783 square feet on a 47.7-acre parcel. See Condition #1 in Attachment A (Conditions of Approval) of this Coastal Development Permit for a complete project description.

**Project Specific Conditions:** See Attachment A (Conditions of Approval) of this Coastal Development Permit for project specific conditions of approval.

Permit Compliance Case:  Yes  No

Permit Compliance Case Number: 09PMC-00000-00022

**Appeals:** The approval of this Coastal Development Permit may be appealed to the Planning Commission by the applicants or an aggrieved person. The written appeal and accompanying fee must be filed with the Planning and Development Department at 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before Monday, February 23, 2009.

The final action by the County on this Coastal Development Permit, including any appeals to the Planning Commission and Board of Supervisors, may not be appealed to the California Coastal Commission. Therefore, a fee is 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 permits (e.g., Building/Grading Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on March 11, 2009, 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.


**Owners/Applicants Acknowledgement:** Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

HUGH TWIBELL                                            12/12/09  
Print Name                                      Signature                                      Date

**Planning and Development Department Approval by:**

Allen Bell                                            12/12/09  
Print Name                                      Signature                                      Date

**Planning and Development Department Issuance by:**

Allen Bell                                            12/11/09  
Print Name                                      Signature                                      Date

## **ATTACHMENT A: PROJECT SPECIFIC CONDITIONS**

- 1. Project Description.** This Coastal Development Permit is based upon and limited to compliance with the project description, exhibits, and 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 single-family residence of approximately 4,448 square feet, attached garage of approximately 410 square feet, detached garage of approximately 460 square feet, detached guest house of approximately 783 square feet, access road, driveway, on-site septic system, on-site water system, walls, fences and utilities. (Statistics are gross floor area.)**

**The subject parcel is 47.7-acres in size and currently undeveloped. The proposed residence and accessory structures will be located in the southwest portion of the subject parcel. An existing asphalt vehicular entry/exit in the southwest corner of the subject parcel provides access from Highway 101 to the subject parcel and the adjoining 43-acre parcel to the west. An existing dirt access road extends north from the existing asphalt vehicular entry/exit to an existing residence on the adjoining 43-acre parcel. Approximately 350 feet of this dirt road will be improved, resulting in an access road that will be approximately 16-foot wide with a chip seal surface. A proposed driveway of approximately 600 feet in length will extend east from the access road to the proposed residence and accessory structures. The driveway will be approximately 12-foot wide with a chip-seal surface.**

**The finished floors of the residence, guest house and garages will be below the existing. The vertical distance between the existing grade and the uppermost points of these structures directly above that grade (height) will range from approximately 10 inches to approximately 10 feet. The exterior walls of the residence and accessory structures will consist of lap siding and veneer stone. The roofs will consist of standing seam metal and composition material.**

**The project will require approximately 4,826 cubic yards of cut and approximately 3,300 cubic yards of fill. Excess excavated material may be used to help achieve a smooth, feathered transition between finished grades and existing grades. It may also be used as subgrade material for the access road and driveway. Excavated rock may be placed on-site to help ensure that graded areas mimic and are visually compatible with the surrounding natural landforms. Excess excavated material may be deposited in a previously disturbed area located approximately 500 feet**

northwest of the proposed residence. This area will also be used to stockpile excavated material during construction. It will be graded to blend with the surrounding existing grade and re-planted after construction. Approximately 1,526 cubic yards of excess excavation material may be exported from the subject parcel.

No existing trees will be removed. The project includes landscaping and temporary and permanent irrigation systems. A variety of drought tolerant, low growing plants and shrubs will be planted within the walls and retaining walls surrounding residence and accessory structures. The graded and disturbed areas surrounding the residence and accessory structures will be re-planted with local seed mixes and returned to a naturalized landscape. Eleven arroyo willow and five California sycamore trees will be planted within the seasonal drainage located approximately 500 feet southeast of the residence and accessory structures.

The project includes limited exterior night lighting. Recessed wall fixtures measuring approximately 3-inches x 6-inches will be placed within the walls and retaining walls surrounding the residence and accessory structures. Hooded and shielded walkway fixtures measuring approximately 18-inches tall will be placed in the interior courtyard. All fixtures will use low voltage/wattage light bulbs.

A new barbed-wire fence will enclose the residence, accessory structures and driveway. The fence will prevent cattle from entering the residential area. It will be approximately 5-feet tall (finished grade to top of fence post) and will consist of non-galvanized steel posts and five-strands of non-galvanized barbed wire. Barbed-wire fences will also enclose three small areas within the seasonal drainage that is located approximately 500 feet southeast of the residence and accessory structures. These fences will protect the new willow and sycamore trees from cattle.

Water service will be provided through an existing on-site water well and two new 10,000 gallon underground water storage tanks. The water well is located in the northwest corner of the subject parcel. A new water line of approximately 1,300 feet will extend southeast from the water well to the residence and accessory structures. The underground water storage tanks will be located approximately 300 feet north (upslope) of the residence and accessory structures. Waste-water disposal service will be provided by an on-site septic tank and dry wells. The dry wells will be located approximately 250 feet southwest of the residence and accessory structures.

A utility pole with electric, cable and telephone services (Southern California Edison, Cox and Verizon) exists approximately 250 feet southwest of the residence and accessory structures. These services will be extended to the building site using underground conduit. Gas service (Southern California Gas Company) exists near the existing asphalt vehicular entry/exit in the southwest corner of the subject parcel. A proposed underground gas line will extend from this point approximately 500 feet to the residence and accessory structures.

**The subject parcel is zoned AG-II-320. It is identified as Assessor's Parcel Number 081-150-028 and located at 15000 Calle Real in the Gaviota Planning Area.**

**This project description was prepared using the following plans and specifications:**

- **Cover Sheet, Sheet A0 (Hugh Twibell Associates, August 30, 2008)**
- **Cover Sheet, Sheet C.1 (Mike Gones, October 24, 2008)**
- **Key Plan, Sheet C.2 (Mike Gones, October 24, 2008)**
- **Grading, Drainage Utilities Plan, Sheet C.3 (Mike Gones, October 24, 2008)**
- **Sections, Sheet C.4 (Mike Gones, October 24, 2008)**
- **Sections, Sheet C.5 (Mike Gones, October 24, 2008)**
- **Details, Sheet C.6 (Mike Gones, October 24, 2008)**
- **Details, Sheet C.7 (Mike Gones, October 24, 2008)**
- **Stormwater Pollution and Prevention Plan, Sheet C.8 (Mike Gones, October 24, 2008)**
- **Floor Plan Residence, Sheet A1 (Hugh Twibell Associates, August 30, 2008)**
- **Floor Plan and Roof Plan Guesthouse, Sheet A2 (Hugh Twibell Associates, August 30, 2008)**
- **Sections, Sheet A3 (Hugh Twibell Associates, August 30, 2008)**
- **Exterior Elevations, Residence Color Key, Sheet A4 (Hugh Twibell Associates, August 30, 2008)**
- **Exterior Elevations, Sheet A5 (Hugh Twibell Associates, August 30, 2008)**
- **Roof Proof Plan, Sheet A6 (Hugh Twibell Associates, August 30, 2008)**
- **Door Schedule, Window Schedule, Sheet A7 (Hugh Twibell Associates, August 30, 2008)**
- **Details, Sheet A8 (Hugh Twibell Associates, August 30, 2008)**
- **Details, Sheet A9 (Hugh Twibell Associates, August 30, 2008)**
- **Plumbing Site Utility Plan, Sheet P2.0 (AG Mechanical Engineers, August 22, 2008)**

- **Overall Electrical Site Plan, Sheet E-2 (JMPE Electrical Engineering, August 20, 2008)**
  - **Electrical Plan, Sheet E-3 (JMPE Electrical Engineering, August 20, 2008)**
  - **Guest House Electrical Plan, Sheet E-4 (JMPE Electrical Engineering, August 20, 2008)**
  - **Site and Planting Plan, Sheet L-1 (Charles McClure, August 13, 2008)**
  - **Grading and Visual Quality Sections, Sheet L-2A (Charles McClure, August 13, 2008)**
  - **Irrigation Plan, Sheet L-3 (Charles McClure, August 13, 2008)**
  - **Cut and Fill Grading Details, Sheet L-4 (Charles McClure, August 13, 2008)**
  - **Patio Planting Plan, Sheet L-5 (Charles McClure, August 13, 2008)**
  - **Fire Protection Plan, Sheet L-6 (Charles McClure, June 2008)**
  - **Landscape Fixture Details, Sheet L-7 (Charles McClure, August 13, 2008)**
  - **Landscape Details, Sheet L-8 (Charles McClure, June 2008)**
  - **Landscape Notes, Sheet L-9 (Charles McClure, June 2008)**
2. **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 the project description and conditions of approval.
3. **Guest House, Limitations.** The guest house shall only be used as a guest house according to the applicable standards in the Coastal Zoning Ordinance. **Plan Requirements:** The guest house shall comply with the following standards:
1. There shall be no kitchen or cooking facilities within the guest house. However, a wet bar may be provided, limited to the following features:
    - a. A counter area with a maximum length of seven feet.
    - b. The counter area may include a bar sink and an under counter refrigerator.
    - c. The counter area may include an overhead cupboard area not to exceed seven feet in length.



- d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
  - e. No cooking facilities shall be included in the wet bar area.
2. The guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and is not intended to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than 120 days in any 12 month period.

**Timing:** P&D will ensure that the final building plans comply with this condition of approval *prior to issuance of any building/grading permits.*

**MONITORING:** Permit Compliance shall ensure that the guest house complies with this condition of approval *prior to the final building inspection.*

4. **Guest House, Notice to Property Owners.** The applicants shall record a Notice to Property Owners (NTPO) to notify future owners of the property that the structure approved as the guest house shall be used only for its permitted use. **Plan Requirements and Timing:** P&D will prepare the NTPO. The applicants shall sign and record the NTPO *prior to issuance of this Coastal Development Permit.*
5. **County Fire Department Approval.** The applicants shall submit a letter from the Santa Barbara County Fire Department stating that the access road and driveway meet their development standards. **Plan Requirements and Timing:** P&D shall ensure that the applicants comply with this condition of approval *prior to issuance of this Coastal Development Permit.*
6. **Exterior Night Lighting.** All exterior night lighting 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 Requirements:** All exterior lighting shall comply with the locations and specifications approved by the Central Board of Architectural Review on October 24, 2008 (05BAR-00000-00314) and shown on the Patio Planting Plan, Sheet L-5 (Charles McClure, May 2008); Landscape Fixture Details, Sheet L-7 (Charles McClure, September 2008); Electrical Plan, Sheet E-3 (JMPE Electrical Engineering, August 20, 2008); and Guest House Electrical Plan, Sheet E-4 (JMPE Electrical Engineering, August 20, 2008). All exterior lighting shall include provisions for dimming lights after 10:00 p.m. The driveway shall not include any exterior lighting.

**MONITORING:** Permit Compliance shall ensure that the exterior night lighting complies with this condition of approval and the plans cited above *prior to the final building inspection.*

7. **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 subject parcel. Wash water shall not be discharged to the highway, ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. The washout area(s) shall be in place and maintained throughout construction. **Plan Requirements and Timing:** The applicants shall designate a washout area, acceptable to P&D and the Building and Safety Division (grading inspector), and this area shall be shown on all building/grading plans ***prior to issuance of any building/grading permits.***

**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall confirm the availability and maintenance of a designated washout area during construction.

8. **Erosion and Sediment Control, Best Management Practices (BMPs).** Grading and erosion and sediment control plans shall be designed to minimize erosion and shall include the following:
- a. Methods such as geotextile fabrics, erosion control blankets, retention basins, drainage diversion structures, siltation basins and spot grading shall be used to reduce erosion and siltation into adjacent water bodies and drainages during grading and construction activities.
  - b. The entrances/exit 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.
  - c. Proposed 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.

**Plan Requirements:** Grading and erosion and sediment control plans shall be designed to address erosion and sediment control during all phases of construction. **Timing:** The plans shall be submitted for review and approval by the Building and Safety Division ***prior to issuance of any building/grading permits.*** Erosion and sediment control measures shall be in place throughout construction and grading activities until all disturbed areas are permanently stabilized.

**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall ensure compliance with the approved grading and erosion and sediment control plans. The grading inspector shall monitor technical aspects of all grading activities.

9. **Erosion and Sediment Control, Implementation.** Excavation and grading shall be limited to the dry season of the year (i.e. April 15 through November 1) unless a Building and Safety Division approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four (4) weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within four (4) weeks of grading completion.

**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall inspect the site throughout all grading and construction periods to ensure compliance with this condition of approval.

10. **Fugitive Dust.** Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site. The applicants shall follow the dust control measures listed below:
- a. During clearing, grading, earth moving or excavation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the project site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**Plan Requirements and Timing:** All dust control measures shall be adhered to during all grading and construction activities.

**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall inspect the site throughout all grading and construction periods to ensure compliance with this condition of approval. Air Pollution Control District (APCD) inspectors will respond to nuisance complaints.

11. **Excess Excavation Material.** Excess excavation material may be disposed of on-site or exported from the subject parcel. **Plan Requirements:** Any excess excavated material may be deposited in a previously disturbed area located approximately 500 feet northwest of the proposed residence shown on the Key Plan, Sheet C.2 (Mike Gones, October 24, 2008). This area shall also be used to stockpile excavated material during construction. It shall be graded to blend with the surrounding natural grade and re-planted with a local

seed mix after construction. As specified under "Excavated Rock" in the Site and Planting Plan, Sheet L-1 (Charles McClure, August 13, 008), the applicants' landscape architect may place excess rock on-site to help ensure that graded areas mimic and are visually compatible with the surrounding natural landforms. Excess rock or uncharacteristic rock may be exported from the subject parcel.

**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall inspect the site throughout all grading and construction periods to ensure compliance with this condition of approval.

12. **Haul Permit.** The approved project requires exporting more approximately 1,526 cubic yards of excess excavation material from the subject parcel. **Plan Requirements and Timing:** The applicant shall obtain a Haul Permit from the Santa Barbara County Public Works Department *prior to issuance of any building/grading permits.*
13. **Underground Utilities and Water Storage Tanks.** All new utilities and the two new water storage tanks shall be placed underground. Areas disturbed by the installation of the utilities and water storage tanks shall be re-contoured to blend with the surrounding grade, re-planted with a local seed mix and returned to a naturalized landscape. **Plan Requirements:** The utilities are shown on the Grading, Drainage Utilities Plan, Sheet C.3 (Mike Gones, October 24, 2008) and the two new water storage tanks are shown on the Key Plan, Sheet C.2 (Mike Gones, October 24, 2008). **Timing:** The applicants shall comply with this condition of approval *prior to the final building inspection.*

**MONITORING:** Permit Compliance shall to ensure compliance with this condition of approval *prior to the final building inspection.*

14. **Final Grading.** Final grading shall ensure a smooth, feathering transition between existing and finished grades. **Plan Requirements:** As specified on the Cut and Fill Grading Details, Sheet L-4 (Charles McClure, August 13, 008), the applicants' landscape architect shall monitor ". . . all final grading in order to guarantee a smooth, feathered shape to contour manipulations in effort to maintain and continue the natural landforms and create continuity and compatibility with the surrounding landscape."

**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall ensure compliance with this condition of approval *prior to the final building inspection.* The grading inspector shall monitor technical aspects of all grading activities.

15. **Landscaping, Design and Plant Types.** All landscaping shall consist of drought-tolerant and/or Mediterranean type species that preserve the predominantly open grassland character of the existing landscape setting. Sycamores, palms, pines and other native and/or non-native trees and shrubs shall not be planted around the residence and accessory structures or the graded areas and slopes surrounding the residence and

accessory structures. **Plan Requirements:** All landscaping shall be consistent with the landscape and irrigation plans approved by the Central Board of Architectural Review on October 24, 2008 (05BAR-00000-00314), including the Site and Planting Plan, Sheet L-1 (Charles McClure, August 13, 2008); Irrigation Plan, Sheet L-3 (Charles McClure, August 10, 2008); and Patio Planting Plan, Sheet L-5 (Charles McClure, August 10, 2008). Specifically, a variety of drought tolerant, low growing plants and shrubs will be planted within the walls and retaining walls surrounding residence and accessory structures. The graded areas surrounding the residence and accessory structures will be re-planted with local seed mixes and returned to a naturalized landscape. Eleven arroyo willow and five California sycamore trees will be planted within the seasonal drainage located approximately 500 feet southeast of the residence and accessory structures. All landscaping shall be maintained in a healthy state for the life of the project. **Timing:** The landscaping and irrigation systems shown in the approved landscape and irrigation plans shall be installed ***prior to the final building inspection.***

**MONITORING:** Permit Compliance shall photo document installation of the approved landscaping and irrigation systems ***prior to the final building inspection.*** Permit Compliance shall check maintenance of the approved landscaping and irrigation systems as needed. Release of any performance security requires a signature by Permit Compliance.

16. **Landscaping, Maintenance.** The applicants shall maintain the landscaping as specified under "Landscape Maintenance Guidelines" on the Landscape Notes, Sheet L-9 (Charles McClure, June 2008). In part, the height and condition of grass inside the barbed-wire fence—adjacent to the residence, accessory structures and driveway—shall be maintained at the same height and condition of grass outside the fence to help mimic cattle grazing and maintain visual compatibility with the surrounding native/naturalized area. In addition, the color and condition of grass surrounding the residence and accessory structures shall be allowed to change color and condition with the seasons (e.g., dormant and brown in summer, productive and green in winter). The grass shall not be irrigated, fertilized, re-planted with ornamental grass or otherwise altered or treated to create an "oasis" of green vegetation that would be visually discordant with the existing grass in the surrounding area as seen from Highway 101 and other public viewing places.

**MONITORING:** Permit Compliance shall check and photo document maintenance of the approved landscaping and irrigation systems as needed. Release of any performance security requires a signature by Permit Compliance.

17. **Landscaping, Performance Securities.** Two performance securities shall be provided by the applicants ***prior to issuance of this Coastal Development Permit,*** one equal to the value of installation of all landscaping materials and irrigation systems included in the approved landscape and irrigation plans listed below (labor and materials) and one equal to the value of maintenance and/or replacement of the landscaping materials and maintenance of the irrigation systems in the approved plans for three years. The amounts

shall be agreed to by P&D. Changes to the approved landscape and/or irrigation plans may require a formal modification to this Coastal Development Permit. The installation security will be released upon satisfactory installation of all landscaping and irrigation systems in the approved landscape and irrigation plans. If the landscaping and irrigation systems in the approved landscape and irrigation plans have been established and maintained, P&D may release the maintenance security three years after installation. If such maintenance has not occurred, the landscaping and/or irrigation systems shall be replaced and the security held for another year. If the applicants fail to either install or maintain according to the approved plan, P&D may collect security and complete work on the subject parcel. The installation security shall guarantee compliance with the following landscape and irrigation plans approved by the Central Board of Architectural Review on October 24, 2008 (05BAR-00000-00314):

- Site and Planting Plan, Sheet L-1 (Charles McClure, August 13, 2008)
- Irrigation Plan, Sheet L-3 (Charles McClure, August 10, 2008)
- Patio Planting Plan, Sheet L-5 (Charles McClure, August 10, 2008)
- Fire Protection Plan, Sheet L-6 (Charles McClure, June 2008)
- Landscape Fixture Details, Sheet L-7 (Charles McClure, September 2008)
- Landscape Details, Sheet L-8 (Charles McClure, June 2008)
- Landscape Notes, Sheet L-9 (Charles McClure, June 2008)

**MONITORING:** Permit Compliance shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

18. **Exterior Building Materials and Colors.** The exterior surfaces of all structures, including the driveway and fences, shall consist of building materials and colors that blend with and are compatible with the surrounding natural environment (earth-tones and non-reflective finishes). **Plan Requirements:** Exterior materials and colors shall consist of those included on the building material/color board approved by the Central Board of Architectural Review (CBAR) on October 24, 2008 (05BAR-00000-00314), except the applicants may use darker earth-tone colors on the siding and window trim. These materials and colors shall consist of the following:

**Roofing**

Type: Standing Seam Metal Roofing  
Manufacturer: AEP Span  
Color: "C.W. Copper"

Type: Composition "Torch Down"  
Manufacturer: CertainTeed  
Color: "Heather"

Gutters, Flashings, Trim Pieces, Downspouts

Type: Sheet Metal  
Manufacturer: AEP-Span  
Color: "C.W. Copper"

Stone Veneer

Type: Ashlar  
Manufacturer: El Dorado Stone  
Color: "Bedford"

Siding, Window Trim

Type: Cement Fiber  
Manufacturer: HardiePlank  
Color: "Artisan Tan" (Sherwin-Williams, SW 7540)

Beams, Decking

Type: Glu-Lam Beams and Tongue and Groove Decking  
Color: "Cordovan Brown" (Cabot)

Windows, Doors

Type: Aluminum Clad  
Manufacturer: Loewen  
Color: "Cranberry"

Glass

Type: Tinted Glass  
Manufacturer: Cardinal Glass Industries  
Color: LoE<sup>2</sup>-240<sup>®</sup> Glass (Light Transmittance: 40%/Light Reflectance (Exterior): 14%)

Access Road, Driveway, Driveway Curb

Type: Double-Chip Seal (access road and driveway)  
Color: "Navajo" (colored crushed granite)

Type: Concrete (driveway curb)  
Color: "Mesa Beige" (L.M. Scofield Company, C-12)

### Fences

Type: Barbed Wire and T-Posts

Color: Non-Galvanized (allowed to rust to natural, non-reflective brown finish)

Building materials and colors shall be noted on the building plans. The applicants shall maintain the approved building material/color board on site during construction for inspection by Permit Compliance. **Timing:** The exterior surfaces of all structures, including the driveway and fences, shall be painted and/or treated **prior to the final building inspection.**

**MONITORING:** Permit Compliance shall ensure that the building materials and colors comply with those cited above and included on the approved building material/color board **prior to the final building inspection.**

19. **Construction Hours.** Construction activities for site preparation and 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. **Plan Requirements:** Three (3) signs stating these restrictions shall be provided by the applicants and posted on site. **Timing:** Signs shall be in place **prior to and throughout all grading and construction activities.** Violations may result in suspension of permits.

**MONITORING:** Permit Compliance and the Building and Safety Division shall respond to any complaints.

20. **Archaeological Resources, Protection and Monitoring During Construction.** All development and ground disturbances shall be prohibited within the boundary of Archaeological Site CA-SBA-1980. All development and ground disturbances including excavation, trenching, scarification and placement of fill within 50 meters (165 feet) of Archaeological Site CA-SBA-1980 shall be monitored by a P&D-qualified archaeologist and a Native American consultant pursuant to the County's cultural resources guidelines. The boundary and other characteristics of Archaeological Site CA-SBA-1980 are described in "Phase I Archaeological Study and Evaluation for a Parcel in the Gaviota Coastal Region, County of Santa Barbara, California" (Western Points Archaeology (Larry A. Carbone) , Job Number WP-067-020, November 2000) and "An addendum to a Phase 1 Archaeological Report Regarding the Proposed Simon Property Development and Prehistoric Site CA-SBA-1980, Gaviota Area, Santa Barbara County, CA (Assessor's Parcel Number 081-150-028)" (Western Points Archaeology (Larry A. Carbone), Job Number WP-289-206, July 2006). **Plan Requirements and Timing:** A contract or Letter of Commitment between the applicants and the archaeologist and Native American consultant, consisting of a project description and scope of work, shall be prepared, executed and submitted to P&D for review and approval **prior to issuance of this Coastal Development Permit.**



**MONITORING:** Permit Compliance and the Building and Safety Division (grading inspector) shall ensure compliance with this condition of approval during grading activities.

21. **Archaeological Resources, Discovery During Construction.** In the event archaeological remains are encountered during grading or other ground disturbing activities, all work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicants to evaluate the significance of the remains pursuant to a Phase 2 investigation consistent with the County's cultural resources guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with the County's cultural resources guidelines and funded by the applicants.
22. **Permit Compliance.** The applicants shall ensure that the project complies with all approved plans and conditions of approval. To accomplish this, the applicants agree to:
  - a. Contact Permit Compliance 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 Permit Compliance at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owners, compliance staff, other agency personnel and key construction personnel.
  - c. Pay a deposit fee of \$1,500.00 as authorized under ordinance and to cover P&D's costs for monitoring the project for compliance with applicable conditions and other regulations **prior to issuance of this Coastal Development Permit**. 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 applicants 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 Coastal Development Permit, an immediate STOP WORK ORDER may be issued.
23. **Impact Mitigation Fees.** **Prior to issuance of this Coastal Development Permit** all transportation impact mitigation fees shall be paid and **prior to the final building inspection** all other impact mitigation fees shall be paid, in accordance with the ordinances and resolutions in effect when fees are paid. Actual fees may vary from or exceed the estimates listed below.

Fee Program	Single-Family Dwelling	Fee Determination By	Fee Due To Be Paid At	Fee Collection By
Recreation (Parks)	\$1,070.00	Parks Dept.	Final Inspection	Parks Dept. or P&D
Transportation	\$493.00	Public Works	CDP Issuance	P&D
Fire	\$610.00	Fire Dept.	Final Inspection	P&D

24. **Permit Acceptance.** The applicants' 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 applicants.
25. **Compliance with Conditions of Approval.** The use and/or construction of the buildings or structures authorized by this approval cannot commence until this Coastal Development Permit and all necessary building/grading permits have been issued. All conditions of approval that are required to be satisfied ***prior to issuance of this Coastal Development Permit*** must be satisfied ***prior to issuance of this Coastal Development Permit***.
26. **Permit Expiration.** Section 35-169.6 ("Expiration") of the Coastal Zoning Ordinance specifies when a Coastal Development Permit expires. In summary, the conditional approval of this Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the decision-maker who approved this 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 of the Coastal Zoning Ordinance can still be made.
- This Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which this permit was issued has not been established or commenced in conformance with this 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 of the Coastal Zoning Ordinance, as applicable, can still be made.
27. **Permit Expiration, Time Extension.** If the applicants request a time extension for this permit, P&D may revise the permit 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.
28. **Fees Required.** The applicants shall pay all applicable P&D permit processing fees in full ***prior to issuance of this Coastal Development Permit***.
29. **Print and Illustrate Conditions on Plans.** All conditions of approval shall be printed in their entirety on applicable pages of building/grading plans submitted to the Building and Safety Division. These conditions shall be graphically illustrated where feasible.

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30. **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 applicants shall obtain building/grading permits from P&D. These permits are required by ordinance and are necessary to ensure implementation of the conditions of approval required under this Coastal Development Permit.
31. **Indemnity and Separation Clauses.** The applicants/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 Coastal Development Permit. In the event that the County fails promptly to notify the applicants 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.
32. **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.