



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 011-08
565 YANKEE FARM ROAD
COASTAL DEVELOPMENT PERMIT
MARCH 6, 2008

APPLICATION OF JESSICA GRANT & NILS HAMMERBECK AGENTS FOR ANDREAS VON BLOTNITZ, 565 YANKEE FARM ROAD, 047-030-005 A-1/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL (MST2005-00759)

The proposed project involves demolition of an existing single family residence, with attached carport, and constructing a new residence with an attached garage. The proposed two-story residence would be approximately 6,960 square feet with an attached 730 square foot garage and an attached 402 square foot workshop. Additionally, a swimming pool with a 450 square foot cabana would be constructed approximately twenty-five feet south of the residence. Approximately 2,945 cubic yards of cut and 2,600 cubic yards of fill would be required for the project. The excess 345 cubic yards would remain on site. Access to the site would be provided by the existing driveway, which will be repaved and widened to sixteen feet, once utilities are installed. A fire hydrant would be installed at the end of a hammer head turnaround and is part of fire access and safety plan consistent with Fire Department requirements.

The discretionary applications required for this project are:

1. Coastal Development Permit (SBMC § 28.44.060 Permit Required).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303, New Construction or Conversion of Small Structures.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 28, 2007
2. Staff Memo with Attachments, February 14, 2008
3. Site Plans
4. Correspondence received in support of the project:
 - a. Jennifer Conrow, via email
5. Correspondence received in opposition to the project or with concerns:
 - a. Patricia Foley, President, Braemar Ranch Homeowners Association
 - b. Bill and Janis Spracher, Santa Barbara, CA

- c. Walter Knapp, Former President, Braemar Ranch Homeowners Association
- d. Jean and Barry Schuyler, via email
- e. Lori Rafferty, via email
- f. P.R. Weisman, via email
- g. Jana Young, via email
- h. Taka Nomura, via email
- i. Benjamin Bollag, Santa Barbara, CA
- j. Timothy Rodgers, M.D., via email

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **Coastal Development Permit (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.

The project site is in a transitional zone. To the north of the site, the housing development is large with a number of accessory structures on large lots, but to the south the dwellings are smaller, with less accessory structures all on smaller lots. The project is similar in size to the development on some sides of the lot. With input from the appropriate design review board, the project could be found consistent with the policies of the California Coastal Act.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

Subject to the conditions of approval, the project would meet the policies. The conditions of approval provide direction to the applicant to be consistent with the Single Family Design Guidelines. The applicant has adequate access to the site, with the provision to improve the driveway.

3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

There are no public trail easements on the subject lot, nor is the site located adjacent to any open public space that would necessitate obtaining access. Therefore, the proposed project would be consistent with this finding.

II. Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
3. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
4. **Approved Development.** The development of the Real Property approved by the Planning Commission on date is limited to approximately 8,540 square feet (net) of building area, which includes a single family dwelling with an attached garage and work shop area, a 450 s.f. cabana and a pool, and shall not exceed the 100% Floor-to-Lot Area Ratio Guideline outlined in the Single Family Design Guidelines on the approved Plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
5. **Tree Protection.** The existing tree(s) to remain on the subject lot shall be preserved, protected, and maintained to the maximum extent feasible.
6. **Pesticide or Fertilizer Usage Near Natural Drainage Areas.** The use of pesticides or fertilizer shall be prohibited within the unnamed drainage area, located on the eastern property line
7. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat,

settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- B. **Public Works Submittal Prior to Building Permit.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to the issuance of any permits for the project:
1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 2. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 3. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
 4. **Yankee Farm Road Public Improvements.** The Owner shall provide building plans for construction of improvements along the easement frontage at Yankee Farm Road. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: driveway apron, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, connection to City water and sewer mains, private drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe, detention, erosion protection, etc. Any

work in the public right-of-way, including connection to City utilities requires a Public Works Permit.

5. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 6. **Driveway Easement Verification.** The Owner shall submit a recorded instrument which demonstrates that an easement is granted across Assessor Parcel Number 047-041-004 in favor of APN 047-030-005 (565 Yankee Farm Road) for purposes of access and utilities.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized tree(s) of an appropriate species or like species.
 2. **Appropriate Plants on Steep Slopes.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the steep slope and sloped areas. All existing succulent plants that add weight to the steep slope and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
 3. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the steep slope shall be kept to the minimum necessary for plant survival. The drip system along the slopes of 30% or greater shall be removed after one full season of plant growth.
 4. **Onsite Detention/Treatment.** An onsite detention and treatment facilities shall be provided consistent with the City and state Storm Water Management Requirements. The requirements include treating the first inch of a 25 five year storm and to treat runoff from driveways, motor courts, patios and roof surfaces.
 5. **Night Time Glare Reduction.** The applicant shall provide a lighting plan that demonstrates the outdoor lighting, as well as, incidental lighting from skylights is minimized.
 6. **Minimize Visual Effect of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 7. **Floor Area Ration (FAR).** The FAR shall be reduced to a maximum of 100% FAR, as outlined in the Single Family Design Guidelines.

8. **Photo-Voltaics.** All photovoltaics shall be screened from views by the neighbors.
 9. **Driveway Lighting.** All driveway lighting shall be low in height and directed downward to avoid visibility from area.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 2. **Evidence of a Grading Permit for the Easement Portion of the Driveway.** Provide a copy of an issued permit from the County of Santa Barbara that allows the portion of the driveway located on Assessor Parcel Number 041-047-004, which serves 565 Yankee Farm Road to be improved to the Fire Department required width of 16 feet.
 3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Transportation Manager.
 5. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
 6. **Photo-voltaics Required.** Owner shall design the project to include highly efficient, aesthetically well-integrated photo-voltaics, consistent with the City Solar Design Guidelines, to meet at least 50 percent of the project's electrical needs.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the, Architectural Board of Review (ABR) outlined in Section D above.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion consistent with the design approved in accordance with Condition C.4. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Building and Safety Division. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
5. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
 1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
 2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.

3. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
4. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

7. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits *without extensions* may be issued for the life of the project.

c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager

8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur on-site, using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval.
16. **Tree Protection.** Notes on the grading plan that specify the following:

- If feasible, no grading shall occur within three feet of the driplines of the existing tree(s).
- b. If grading will occur within three feet of the dripline of an existing tree, a qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the tree(s) which (is) (are) required to be protected.
 - c. All excavation within the dripline of the tree(s) shall be done with hand tools.
 - d. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - e. No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
 - f. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - g. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
17. **Existing Tree Preservation.** The existing tree(s) shown on the approved Site Plan to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.
18. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
19. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native

American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) caused by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete the Driveway Easement Improvements.** The driveway easement located on Assessor Parcel Number 041-047-004 shall be improved to the required City Fire Department standards.
 3. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding.
 4. **Record Drawings.** Submit Record Drawings identifying “asbuilt” conditions of public improvements to the Public Works Inspector for verification and approval.
- H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become

null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Community Development Director if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

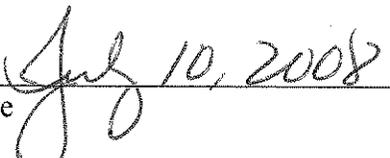
This motion was passed and adopted on the 6th day of March, 2008 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Jacobs, Jostes, White) ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.