

DRAFT



## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

October 4, 2012

#### CALL TO ORDER:

Chair Lodge called the meeting to order at 1:00 P.M.

#### I. ROLL CALL

Chair Sheila Lodge, Vice Chair Mike Jordan, Commissioners, John P. Campanella, Deborah L. Schwartz, and Addison Thompson.

**Absent: Commissioners Bartlett and Larson**

#### STAFF PRESENT:

Paul Casey, Community Development Director  
 Danny Kato, Senior Planner  
 Sue Gray, Business Manager  
 N. Scott Vincent, Assistant City Attorney  
 Allison DeBusk, Project Planner  
 Kelly Brodison, Assistant Planner  
 Suzanne Riegel, Assistant Planner  
 Dave Whitham, Santa Barbara Police Captain  
 Ed Olsen, Santa Barbara Police Sergeant  
 Julie Rodriguez, Planning Commission Secretary

#### II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of September 20, 2012
2. PC Resolution 013-12  
 Recommendation to City Council for Extension of Zoning Ordinance  
 Amendment

#### MOTION: Jordan/Schwartz

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Thompson) Absent: 2 (Bartlett, Larson)

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
None.
- C. Announcements and appeals.  
None.
- D. Comments from members of the public pertaining to items not on this agenda.  
Chair Lodge opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

**III. DISCUSSION ITEM**

**ACTUAL TIME: 1:01 P.M.**

**STATUS UPDATE OF CONDITIONAL USE PERMIT FOR CASA ESPERANZA, PROPERTY OWNER, 816 CACIQUE AND 110 SOUTH QUARANTINA STREETS, APNS 017-240-021, 017-113-035 & 017-113-034, M-1 LIGHT MANUFACTURING/ C-2 GENERAL COMMERCE/ SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST99-00432)**

The purpose of this meeting is for Casa Esperanza to provide its Two-Year Progress Report on its operation of the Emergency Homeless Shelter and Day Center, located at 816 Cacique Street, as required by Condition II.F of Planning Commission Resolution No. 008-09.

**Chair Lodge emphasized that no formal action on the project would be taken during this discussion item, and that Casa Esperanza was found to be in compliance of their Conditional Use Permit.**

Case Planner: Kelly Brodison, Assistant Planner  
Email: KBrodison@SantaBarbaraCA.go

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation, joined by Sue Gray, Business Manager; and Captain David Whitham, Santa Barbara Police Department. Sergeant Ed Olsen, Santa Barbara Police Department, was also available to respond to the Commission's questions.

Mark Asman, Board Chair; Mike Foley, Executive Director; and Dave Tabor, Consultant, gave the Casa Esperanza presentation. Imelda Loza, Associate Executive Director, also made herself available to answer any questions.

Julianna Reichard, Milpas Action Task Force (MATF) Chair, provided an update on the challenges MATF has faced in working with Casa Esperanza and the Conditional Use Permit (CUP).

Paul Casey, Assistant City Administrator/Community Development Director, reported to the Commission that he is working with Casa Esperanza and the Milpas Community Association on establishing a more effective MATF, with each entity having made a commitment to improve working relations to address CUP goals. He also acknowledged that his letter regarding Casa Esperanza's CUP compliance was solely meant to address CUP compliance, and not intended to have addressed all neighborhood issues.

Alan Bleecker, Chairman, Milpas Community Association (MCA); gave a presentation on current neighborhood conditions around Casa Esperanza.

Chair Lodge called a recess at 3:32 p.m. and resumed the meeting at 3:44 p.m.

Chair Lodge opened the public hearing at 3:44 P.M.

The following people provided public comment in support of Casa Esperanza:

1. Molly Kellogg, Casa Esperanza Volunteer
2. Diane Eardley, Casa Esperanza Volunteer
3. Linda Likert, on behalf of Ken Jewesson, Casa Esperanza Volunteer
4. Rob Pearson, Casa Esperanza Board Member
5. Jeff Shaffer, Common Ground
6. Dave Hopkins, South Coast Homeless Advisory Committee
7. Reverend Doug Miller, Santa Barbara Clergy Association
8. Tony Welch
9. Marcos Oliveros, Salvation Army
10. Robert Burke
11. Emily Allan, Legal Aid Foundation
12. Jessielee Coley, Common Ground
13. Raymond Wang, Casa Esperanza client

The following people provided public comment with concerns regarding Casa Esperanza:

1. Jed Hendrickson, Milpas business owner, would like to see stronger conditions asked of Casa Esperanza and greater enforcement of the CUP.
2. Bruce Reichart, Hamburger Habit owner and MCA member, feels that security remains an unresolved issue and would like to see the city provide more security in the Milpas neighborhood.
3. Sebastian Aldana, MCA, reported that satellite feeding that was promised failed due to poor management and supervision by Casa Esperanza and the Community Kitchen.
4. John Dixon, Tri-County Produce, MCA, and Casa Esperanza Board Member, would like to see City step up and provide the resources for peaceful coexistence between Casa Esperanza and the neighborhood.
5. Sharone Byrne submitted a letter on behalf of Beatriz Molina with concerns regarding the Jail Discharge Program at Casa Esperanza.

6. Monte Fraker, McDonalds of Santa Barbara, reported that McDonalds' staff was always able to manage security until the opening of Casa Esperanza, which brought neighborhood changes and the need to hire security for its clients and employees.
7. Ludvin Ramirez, McDonalds of Santa Barbara, reported a confrontation incident by a homeless person on the business property.
8. Isai Perez, McDonalds of Santa Barbara, works security six days a week and reported a recent incident that left him with six stitches by his eye when confronted by a homeless person.
9. Miriam Leon, McDonalds of Santa Barbara, reported being spit upon by a homeless person using the McDonalds bathroom. She is afraid of the increasing need for security in the area.
10. David Peterson, Owner, McDonalds of Santa Barbara, is very concerned with safety in the area, especially for his employees and customers.

With no one else wishing to speak, the public hearing was closed at 4:27 P.M.

The Planning Commission shared consensus in acknowledging the complexities in addressing homelessness and recognizing the concerns voiced by the neighborhood, yet is not authorized to change conditions of the CUP. The review by the Community Development Director found Casa Esperanza to be in conformance with the CUP.

Many Commissioners felt that Casa Esperanza needed to put as much effort into being a good neighbor, as it does in its contributions to the homeless community. The Commission was disappointed that the CUP created a task force with a lot of responsibility, but no authority or resource to succeed but was hopeful that John Jostes, an independent mediator, hired by the City to work with MATF and Casa Esperanza, could find common ground to improve neighborhood relations.

Chair Lodge acknowledged letters received by David Fortson; Rolf Greyling; Bruce Giffin; Jed Hendrickson; Mike Dig; and Gene Ganz. Letters were also submitted by Nancy McCradie, and Kathleen Baushke.

**ACTUAL TIME: 5:07 P.M.**

**APPLICATION OF JIM ZIMMERMAN, ARCHITECT, FOR CHAD YONKER,  
1607 SHORELINE DRIVE, APN 045-173-042, E-3 ONE FAMILY  
RESIDENTIAL/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN  
DESIGNATION: LOW DENSITY RESIDENTIAL (MST2010-00193)**

The 20,006 square-foot site is currently developed with a 2,501 square foot residence with an attached two-car garage. The proposed project involves the demolition of 288 square feet of the existing residence, and construction of a 1,230 square foot, two-story addition. The proposal also includes site improvements including installation of a safety fence, as-built installation of a fountain, as-built installation of buffalo grass, installation of drainage

improvements and the removal of an unpermitted improvements seaward of 75-year, seacliff retreat line, including a wall, hardscape, and fence.

The discretionary application required for this project is a Coastal Development Permit (CDP2011-00009) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

Case Planner: Suzanne Riegle, Assistant Planner  
Email: SRiegle@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 2687

Suzanne Riegle, Assistant Planner, gave the Staff presentation.

Jim Zimmerman, Architect, gave the Applicant presentation.

Grace Dodson, neighbor, was concerned with the supervision of the project, since a prior project at the same site contributed heavy erosion to the bluff.

Chair Lodge acknowledged letters received from the Dodson's and Paula Westbury.

**MOTION: Jordan/Thompson**

**Assigned Resolution No. 014-12**

Approved the project, making the findings for the Coastal Development Permit, as outlined in the Staff Report, dated September 27, 2012, subject to the revised Conditions of Approval distributed to the Commission on October 4, 2012, with the added revision to include that permits for storage and staging of construction material within the right-of-way shall not be issued in conflict with events such as "Night Moves" that limit parking.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Larson)

Chair Lodge announced the ten calendar day appeal period.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 5:25 P.M.**

**E. Committee and Liaison Reports.**

**1. Staff Hearing Officer Liaison Report**

Commissioner Lodge reported on the Staff Hearing Officer meeting held on October 3, 2012.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Harbor Commission meeting of September 20, 2012.
- b. Commissioner Lodge reported that it was First Thursday. And encouraged all to enjoy the many free events.

V. **ADJOURNMENT**

Chair Lodge adjourned the meeting at 5:29 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary

**DRAFT**



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 014-12  
1607 SHORELINE DRIVE  
COASTAL DEVELOPMENT PERMIT  
OCTOBER 4, 2012

**APPLICATION OF JIM ZIMMERMAN ARCHITECT FOR CHAD YONKER, 1607 SHORELINE DRIVE, APN 045-173-042, E-3 ONE FAMILY RESIDENTIAL/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2010-00193)**

The 20,006 square-foot site is currently developed with a 2,501 square foot residence with an attached two-car garage. The proposed project involves the demolition of 288 square feet of the existing residence, and construction of a 1,230 square foot, two-story addition. The proposal also includes site improvements including installation of a safety fence, as-built installation of a fountain, as-built installation of buffalo grass, installation of drainage improvements and the removal of an unpermitted improvements seaward of 75-year, seacliff retreat line, including a wall, hardscape, and fence.

The discretionary applications required for this project is a Coastal Development Permit (CDP2011-00009) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

**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 one person appeared to speak in with a concern thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 27, 2012
2. Site Plans
3. Correspondence received in opposition to the project, or with concerns:
  - a. Grace Dodson, via email
  - b. Paula Westbury, Santa Barbara, CA

**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 §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because the proposal includes construction of additions to the residence that are located 80 feet from the 75-year seacliff retreat line; removal of unpermitted improvements in the area between the seacliff retreat line and below the top of bluff; and the restoration of the natural topography and planting of native drought tolerant plants at the top of bluff, as described in Section V.C. of the Staff Report.

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 because the project minimizes or eliminates existing hazards that contribute to bluff top erosion, is compatible with the neighbor, and does not affect public views, as described in Section V.C. of the Staff Report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements." If demolition is proposed on the same building permit as the new construction, include the demolition in step 5., below.
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
  - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
  - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 4, 2012 is limited to the demolition of 288 square feet of the existing residence, and construction of a 1,230 square foot, two-story addition to an existing 2,501 square foot two-story residence with an attached garage. The proposal also includes site improvements including installation of safety fence, as-built installation of a fountain, as-built installation of buffalo grass, installation of drainage improvements and the removal of unpermitted improvements seaward of 75-year, seacliff retreat line, including a wall, hardscape, and fence, and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). 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, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, 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 Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and 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.
6. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and 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.
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.
8. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. All existing succulent plants that add weight to the bluff 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.
  2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
  3. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
  4. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.
  5. **Pool Reinforcement.** The reflecting pool shall be reinforced to prevent from future leaks by adding a liner or secondary containment system.
  6. **Bluff Top Guardrail.** The proposed bluff top guardrail shall be visually permeable and be located no closer than five feet from the top of bluff.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. **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 prepares said agreement for the Owner's signature.
    - b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan treatment, rate and volume. The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the 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 (including, but not limited to

trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in section B.: "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final 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 sheet as follows: The undersigned have read and understand the required conditions and agree to abide by any and all conditions which are 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.

E. **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, including demolition and grading.

- 1. **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) name, contractor(s) telephone number(s), construction 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. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit. Permits for such encroachments shall not be issued during the same time as parking is limited to one side of street for events such as "Night Moves"
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: 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. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner 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.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- F. **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 public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged 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.

**G. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission / Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **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 being notified of a lawsuit regarding 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.

**III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

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

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 4th day of October, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Bartlett, Larson)

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

**PLEASE BE ADVISED:**

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