Agenda Item No. 15

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 18, 2014

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Approval Of A Coastal Development Permit For A New Residence At 3435 Marina Drive

RECOMMENDATION:

That Council deny the appeal of Kitch Wilson, Ron Green, Mike Moore, and Don Santee, and uphold the decision and findings of the Planning Commission to approve the application of Mr. Charles Rudd for a Coastal Development Permit for a new single-family residence on a vacant lot.

DISCUSSION:

Project Description

The project consists of the construction of a new two-story single family residence, with basement, totaling approximately 5,990 net square feet, and a 440 net square-foot attached garage on a vacant 48,787 net square-foot lot. The proposed residence consists of a 1,220 square-foot basement, a 3,960 square-foot main floor and an 810 square-foot upper floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside fireplace, patios and decks, and landscaping. A 30-foot wide view corridor is proposed along the western property line.

Background

The project has had many public hearings, with significant public participation and input, as part of the project's review process. The following is a summary of the key milestones in the project's review:

August 12, 2013 – Single Family Design Board (SFDB) reviewed a proposal for a 5,360 square-foot two-story residence. Several neighbors expressed concern with the project, related primarily to neighborhood compatibility, privacy, and loss of public and private views. Some neighbors expressed their general opposition to a two-story residence.

The SFDB had concerns with the overall design of the residence, including the overall size and floor-to-lot area ratio (FAR) of 106% of the maximum FAR (given the lot size, the FAR is a guideline rather than a strict standard).

September 9, 2013 – SFDB reviewed a revised design for a 5,210 square-foot two-story residence. Again, neighbors expressed concern with the project, related primarily to neighborhood compatibility, impacts to public views and building size and height. Although the SFDB appreciated the changes made to the project, they had concerns with the overall size and design of the residence, including the placement of the building and second story mass on the lot.

December 16, 2013 – SFDB reviewed a revised design for a 6,644 square-foot residence. Although this project increased in total square footage, it included a 1,580 square-foot basement, so the FAR and visual mass of the residence were reduced, and the size of the second floor was reduced from 810 square feet to 675 square feet. Several neighbors continued to have concern with the project, primarily related to neighborhood compatibility and public and private view impacts, while several others expressed wholesale opposition to the current design and noted their support for the previous versions. The SFDB concluded that the design was supportable and provided direction for additional revisions related to building height, fenestration, landscaping and fencing.

January 30, 2014 – Applicant submitted the project for a Coastal Development Permit.

July 10, 2014 – Planning Commission reviewed the project based on the December 16, 2013 SFDB design (6,644 square-foot residence), and continued the project back to the SFDB with direction that the design should be more in keeping with the site plan that was reviewed by the SFDB on September 9, 2013 in order to improve public views and the feeling of openness from Cliff Drive. Refer to Attachment 2 – Planning Commission Minutes.

August 11, 2014 – SFDB reviewed a revised version of the project (6,430 square-foot residence) that was very similar to the design reviewed by the SFDB on September 9, 2013. The SFDB had favorable comments about the project's design and FAR, now at 103% of the maximum guideline FAR.

September 18, 2014 – Planning Commission reviewed the project again based on the August 11, 2014 SFDB design (6,430 square-foot residence), and approved the Coastal Development Permit on a 6 to 0 vote, with conditions of approval. Refer to Attachments 4 and 5 – Planning Commission Minutes and Resolution.

September 22, 2014 – SFDB reviewed the project that the Planning Commission approved on September 18, 2014, and granted Project Design Approval.

Appeal Issues

The Planning Commission's approval of the Coastal Development Permit (CDP) was appealed by neighbors of the project site on September 29, 2014. In summary, the appellants claim that the proposed residence is incompatible with the neighborhood. Refer to Attachment 1 – Appellant Letter.

One of the primary coastal issues that the Planning Commission considered in reviewing the CDP for the project was neighborhood compatibility. Specifically, Local Coastal Plan Policy 5.3 states:

> "New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted."

Prior to the July 10th Planning Commission hearing, story poles were erected to demonstrate the new building footprint and roof height, and a site visit was held to evaluate the proposal. The 20 closest homes analysis, which is required as part of the Single Family Design Board's review of the project, was also provided to the Planning Commission. While this analysis is used as a tool to evaluate the relative size of a proposed residence to those most immediately adjacent, it is not intended to define the extent of the neighborhood for overall compatibility purposes.

Specifically related to neighborhood compatibility, the Planning Commission staff report included the following discussion:

> "The proposed house has been designed in a Mediterranean style, which would be compatible architecturally with surrounding development. The 20 closest homes analysis shows that the proposed residence would be the fourth largest home in the area in terms of total square footage… and the third largest in terms of FAR… There are a few two-story residences in the neighborhood. Although the proposed house is larger than most others in the neighborhood, the residence could be considered to be compatible with the neighborhood. The Single Family Design Board (SFDB) reviewed the project and made the finding that the project was compatible with the neighborhood..."

Concerns regarding neighborhood compatibility were also raised by the public at the Planning Commission's hearings on the project. Prior to making the findings to approve the project, the Planning Commission specifically considered the concerns of the appellants and the issue of neighborhood compatibility.

The appellants also refer to a photo from the staff report and state that neighborhood compatibility was based on this small area of the neighborhood. The cited photo was an aerial view of the subject property and immediately adjacent parcels for site orientation purposes, and was not identified or implied to be the "neighborhood" for the subject parcel. As the Council is aware, there is no set definition for the neighborhood and it is up to decision-makers to determine whether a proposed development is compatible with the neighborhood.

CONCLUSION:

The proposed project has undergone a thorough review by the Planning Commission with consideration of the SFDB's recommendations. The appeal issue is whether, per the Local Coastal Plan, the project is compatible with the neighborhood and appropriate for the site in terms of size, bulk, and scale. Staff believes that the Planning Commission fully considered this issue and unanimously concluded that the project is appropriate for the site and compatible with the neighborhood. The Planning Commission's findings to approve the project are provided in Resolution No. 024-14 (Attachment 5).

ATTACHMENT(S):

1. Appellant Letter received September 29, 2014
2. Planning Commission Minutes dated July 10, 2014
3. Planning Commission Staff Report dated September 18, 2014
4. Planning Commission Minutes dated September 18, 2014
5. Planning Commission Resolution No. 024-14

NOTE: The project plans have been separately delivered to the City Council for their review and are available for public review in the City Clerk's Office.

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

RECEIVED

2014 SEP 29 AM 10: 06

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Appeal Letter

Name of Body whose Decision is Appealed: Planning Commission
Date of Body Meeting: 18 September 2014
Description of Decision being Appealed: Approval of single family home at 3435 Marina Drive.

Grounds for the Appeal

We have gone to all SFRB and two Planning Commission hearings regarding this new home. Actually, the history of this goes back five years when we appealed to the Council regarding the adjacent westerly property at 3455 Marina regarding a view corridor supporting the recognized equestrian path along Marina from Braemar Drive. The Council responded by establishing view corridors through these two properties.

We are returning to appeal to the Council in our continuing effort to maintain the character of this rural neighborhood from the encroaching humongous homes already built along Marina, and this new two-story planned one. The Council is our last resort and we hope to get Council support as we did last time.

Neighborhood compatibility -- This is a rural and close knit neighborhood where trees are willingly trimmed and removed so as not to impact the neighbor behind with relatively small homes staggered to not impede views.

This is not the neighborhood considered by the Planning Commission. Typically the neighborhood photograph (see Figure 1) shown at the Commission meetings is focuses on the homes on the ocean side of Marina, and neighborhood compatibility was based on this subset of the neighborhood -- Overly large homes sprawling across their lots. Within this subset the planned home makes perfect sense – they are all overly large and sprawling -- but in the larger neighborhood, shown in Figure 2, it does not make sense. The Commission applauded this subset of neighbors and the architect, for coming together in and ideal process to find a home design and so exemplified the perfect neighborhood 'process'. A process performed only among the subset of neighbors and ignoring the vast neighborhood opposing the design.

Quoting from the staff report to the Planning Commission, they oddly conclude "There are a few two-story residences in the neighborhood. Although the proposed house is larger than most others in the neighborhood, the residence could be considered to be compatible with the neighborhood."

It is the FOURTH largest home among the nearest 20 and one of the three with second floor. The others with second floor and politely out of view from the other neighbors while this one squats in front of so many. It is like a spectator opening a large beach umbrella at a baseball game and being surprised that those behind are upset.

We hereby appeal this design as being incompatible in bulk and scale, and incongruent in spirit, with the neighborhood.

Figure 1: typical 'neighborhood' considered by Planning Commission

Figure 2: actual neighborhood

Appellants:

Kitch Wilson
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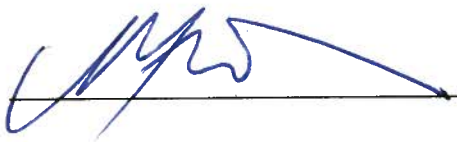
kitchcwilson@gmail.com

Ron Green
3424 Marina Drive
687-7150
sygreens@aol.com

Mike Moore
414 Sea Ranch
569-2140
mfmoore1@cox.net



Don Santee
421 Calle Las Caleras
452-8231
dsantee@oceanfutures.org

I. NEW ITEMS:

ACTUAL TIME: 1:06 P.M.

A. APPLICATION OF PAUL ZINK, ARCHITECT FOR CHARLES RUDD, 3435 MARINA DRIVE, APN 047-022-005, A-1/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE; (MST2013-00281)

The project consists of the construction of a new three-story single family residence totaling approximately 5,964 square feet, plus 680 square feet of attached garage/storage area, on a vacant 48,787 net square foot lot. The residence consists of a 1,580 square foot basement, a 3,709 square foot main floor and a 675 square foot upper floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside fireplace, patios and decks, and landscaping. The project would include approximately 1,081 cubic yards (cy) of cut and 575 cy of fill; after recompaction it is anticipated that there would be approximately 12 cy of export.

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Case Planner: Allison DeBusk, Project Planner
Email: ADebusk@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Paul Zink, Architect, gave the Applicant presentation, joined by Chris Gililand, Landscape Architect.

Chair Schwartz opened the public hearing at 1:32 P.M.

The following people spoke in opposition to the project or with concerns:

1. Beth Collins-Burgard, neighbor, submitted 78 pages of written comments and asked that the project provide a 30-foot view corridor on each side, move the first story away from the string line and move the second story behind the string line.
2. Kitch Wilson, neighbor, appreciated the 50' view corridor but was concerned with the landscaping height and asked that the same height requirement

made of the neighboring lot be applied to this project. The second story is too large and asked that it be removed.

3. Tom Monroe favors design number two and does not think the current plan is right for the area.
4. Richard Handler does not support the presented plan and favored the second design.
5. Gary Justice favored design two and stated the current plan puts too much pressure on Cliff Drive.
6. Eamon Malone, neighbor, supports a 30 foot view corridor and not a 50 foot view corridor; feels pushing the building toward Cliff Drive has negative impacts.
7. Susan Strick, neighbor, stated that the project juts too far forward on Cliff Drive, contradicts Good Neighbor Guidelines, and impacts the partial ocean views. Proposes house be moved back more in alignment with the string line, perhaps 30 foot setback. As designed it will encourage others to push future additions towards Cliff Drive. Limit the wall heights on the front and the side.
8. Marc Whitten, immediate neighbor, stated that the project juts too far forward with the second story and will impact his privacy. Supports the second design.
9. Dan Santee, neighbor, said the view corridor is his primary concern. Stated that the height, bulk and scale of the project are not compatible with the neighborhood and exceeds FAR values. View blockage extends to those looking from the ocean.
10. Sandy Schoolfield, immediate neighbor, stated that this design is not compatible with the neighborhood and supports the second design. The third design extends too far toward Cliff Drive. Illustrated the current plan's impact on her home.
11. John Kechejian, neighbor, supports Ms. Collins-Burgard's recommendation, thinks 30 foot setbacks on the sides are enough. This project does not meet Good Neighborhood Guidelines, solar cooling techniques, or passive solar building guidelines. Supports second design.
12. Morgan Reis could not understand how the project design could be proposed so close to Cliff Drive.
13. Joe Babine was dismayed by the forward mass of the story poles on Cliff Drive and objects to the design as there's too much mass at Cliff Drive.
14. Pat Yochum favored design number two.
15. Penelope Gottlieb, neighbor, stated that the project is very large and impedes public views. The second story is huge and is her main concern.
16. Peter Tannenbaum concurred with prior comments from other cyclists on impacts to Cliff Drive and supports design number two.
17. Susan Zalon, neighbor, stated that the proposed plans did not fit in with the rural area and equestrian characteristics of the neighborhood. The proposed home is too tall and too excessive in bulk and size. Project exceeds FAR guidelines. Asked that second story not be approved. Supports the view corridor.

18. Ronald Green, neighbor, stated that a 1973 City Council Resolution preserved the Marina Drive views and established the view corridor. This was a guideline and not written into the deeds. The size of this project is too large for the neighborhood. He asked that the Planning Commission follow the same considerations that were made for the neighboring house by: 1. Limiting the height to one story; 2. Establishing the view corridor on the west side of the property; and 3. Limiting the height of walls on Marina Drive to 3 feet.
19. Beth Clino, neighbor, stated that the story poles look massive; supports the second design over the third.
20. Van A. Jansma stated that the house should be moved away from Cliff Drive; supports second design.
21. Robert Fulmer supports second design.
22. Michael Moore, neighbor, supports the view corridor and a single story house. The project is too large for the neighborhood and needs to follow the FAR guidelines.

With no one else wishing to speak, the public hearing was closed at 2:02 P.M.

Commissioner's comments:

- Commissioner Jordan finds that providing a 50-foot view corridor is burdensome and is detrimental to other policies. The design contradicts various Good Neighbor Policies. He supports a plan where the house aligns more with parallel lines from Cliff Drive and Marina Drive. Suggested looking at first and second design plans where the back part of the building gets developed more toward the setbacks on either side.
- Commissioner Bartlett supports a continuance to Single Family Design Board (SFDB) for a solution that provides a 30 foot view corridor on the west and is set back approximately 30 feet on the east, not designated as a view corridor, and to pull the house further from Cliff Drive. Thinks that the first floor should be more parallel to Cliff Drive, and the second floor should be perpendicular to Cliff, similar to design number two.
- Commissioner Pujo acknowledged the neighborhood comments received and concurs with colleagues on a continuance. Cliff Drive and its views are dominant in the Local Coastal Plan and Coastal Act. Finds that the third design juts out too far toward Cliff Drive and supports something more in line with the second submittal. Does not want to see FAR creep if it returns for review and, if anything, would like to see a reduced FAR. Is OK with a portion of the house being a second story. Fine with the perimeter wall for privacy and to block glare of night lighting, but only if designed well and with appropriate landscape screening. Would like to see a transition area between landscaping on the east to the proposed wall.
- Commissioner Lodge agrees with colleagues. Sees great emphasis being placed on the value of the views from Marina Drive, yet use by Marina Drive is less than Cliff Drive. Finds the value of the views along Marina to

be less than those along Cliff Drive. Wants to make sure that consideration is given to views for others. The house should be rotated and return to something more like the second design.

- Commissioner Campanella noted that building footprints matter too, not just FAR. Supported a return to the second design but empathized with the challenge of designing and locating the Master Suite. Hopes that SFDB gives latitude for placement of the house relative to the neighbor's privacy concerns due to the cul-de-sac and curve at Cliff. If a one story design, hopes SFDB has flexibility on the design with the ability to do a good master suite.
- Commissioner Thompson concurs with colleagues. Though he does not like sending projects back to design review, and supports the work of the design boards, he thinks it will result in a better project. The direction given previously by the SFDB led to unintended consequences.
- Commissioner Schwartz noted gaps in the documented rationale in the progression of designs. Supports colleagues in a continuance and return to the design review board. Referencing the Local Coastal Program, the Coastal Act, and all guidelines, she cannot support a solid wall on the Cliff Drive side and asks that the semi-rural feel be maintained. Pull the structure back; perhaps rotate it to be more in line with the string line. Does not see justification for a 50 foot setback on the west side; should mirror more of the 30 feet that the neighbor has. Does not see a need to be single story. A small angled second story can work.

MOTION: Lodge/Bartlett
Continue the project indefinitely for additional review by the Single Family Design Board with the Commission's comments.

In further deliberation, the majority of the Commission was supportive of the solid 6' high wall set back from Cliff Drive with landscape screening.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Schwartz called for a recess at 3:11 P.M. and reconvened the meeting at 3:23 P.M.

ATTACHMENT 3

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: September 11, 2014

AGENDA DATE: September 18, 2014

PROJECT ADDRESS: 3435 Marina Drive (MST2013-00281)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4552
Renee Brooke, AICP, Senior Planner
Allison De Busk, Project Planner

I. PROJECT DESCRIPTION

The project consists of the construction of a new two-story single family residence, with basement, totaling approximately 5,990 net square feet plus a 440 net square foot attached garage on a vacant 48,787 net square foot lot. The proposed residence consists of a 1,220 square foot basement, a 3,960 square foot main floor and an 810 square foot upper floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside fireplace, patios and decks, and landscaping. The project would include approximately 1,081 cubic yards (cy) of cut and 1,069 cy of fill/recompaction, with approximately 12 cy of export.

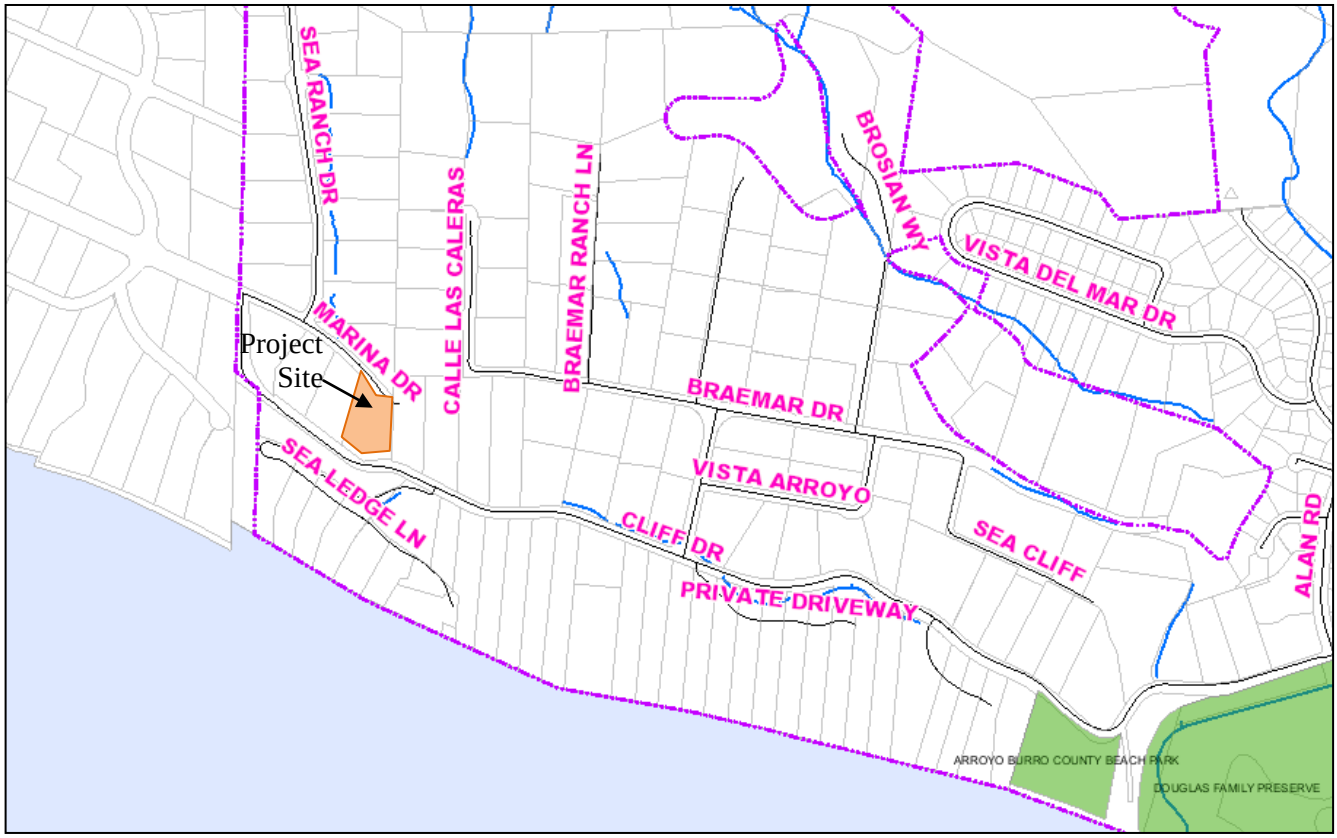
II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

APPLICATION DEEMED COMPLETE: May 19, 2014
DATE ACTION REQUIRED: September 18, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan. The size and massing of the project are consistent with the surrounding neighborhood, and the proposed building footprint, including the proposed 30-foot wide view corridor, maintains appropriate public views. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section X of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – 3435 Marina Drive

Aerial Photo

IV. BACKGROUND

This project was initially reviewed by the Planning Commission on July 10, 2014. At that hearing, the Planning Commission directed the applicant to return to the Single Family Design Board (SFDB) to work on a design that was more sensitive to scenic resources along Cliff Drive, understanding that the house would encroach more into the previously proposed 50-foot view corridor along the western property line. The direction was for a design more similar to the design reviewed by the SFDB on September 9, 2013.

In response to the Planning Commission direction, the project was revised to be more similar to the design reviewed by the SFDB on September 9, 2013, and includes a 30-foot view corridor along the western property line. The revised project was reviewed by the SFDB on August 11, 2014.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Paul R. Zink, AIA		
Property Owner:	Charles Rudd		
Site Information			
Parcel Number:	047-022-005	**Lot Area**:	48,787 sq. ft.
General Plan/Local Coastal Plan:	Residential – 1 unit per acre	**Zoning**:	A-1/SD-3
Existing Use:	vacant	**Topography**:	3% slope
Adjacent Land Uses			
North – Marina Drive and Single-Family Residential **South** – Cliff Drive and Single-Family Residential		**East** – Single-Family Residential **West** - Single-Family Residential	

B. PROJECT STATISTICS

	Prior Proposal (7/10/14)			Current Proposal (9/18/14)		
Living Area	5,964 sf	Basement	1,580 sf	5,990 sf	Basement	1,220 sf
		1st Floor	3,709 sf.		1st Floor	3,960 sf
		2nd Floor	675 sf		2nd Floor	810 sf
Garage/Storage	680 sf			440 sf		
Accessory Space	N/A			N/A		
Floor Area Ratio	0.12 = 116% of Maximum Guideline FAR (Basement received a 50% floor area reduction in this calculation)			0.107 = 103% of Maximum Guideline FAR (Basement not included in this calculation)		

VI. ISSUES

Staff recommends that the Planning Commission focus on the issues of view corridors and neighborhood compatibility. These issues were identified by staff for the Planning Commission's initial review of the project, and were confirmed as the primary issues based on public comments and feedback from the Planning Commission at the July 10, 2014 hearing.

In order to address these issues, the applicant has proposed a 30-foot wide view corridor along the western interior property line to maintain public views of the ocean from Marina Drive and the house has been moved away from Cliff Drive to maintain the sense of openness along Cliff Drive.

VII. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Required/ Allowance	Prior Proposal (7/10/14)		Current Proposal (9/18/14)	
Setbacks					
-Front	35'	35' (Marina)		38'-5" to trellis (Marina) 48'-4" to building (Marina)	
		93' to 1st floor (Cliff) 105' to 2nd floor (Cliff)		110' to 1st floor loggia/ 2nd floor deck (Cliff)	
-Interior	15'	>39'		30 feet	
Building Height	30 feet	27'-2"		26'	
Parking	2 covered	2 covered in garage		2 covered in garage	
Open Yard	1,250 sq. ft.	>1,250 sq. ft.		>1,250 sq. ft.	
Lot Coverage					
-Building	N/A	5,110 sq. ft.	10.5%	4,865 sq. ft.	10.0%
-Paving/Driveway	N/A	7,500 sq. ft.	15.4%	10,500 sq. ft.	21.5%
-Landscaping	N/A	36,177 sq. ft.	74.1%	33,422 sq. ft.	68.5%

The proposed project is consistent with the regulations of the A-1 (one-family residence) Zone related to setbacks, building height, solar access, open yard and parking.

B. LOCAL COASTAL PLAN (LCP) CONSISTENCY

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project is located in Component One of the Local Coastal Plan, which includes the area between the City's Westerly Boundary (adjacent to Hope Ranch) and Arroyo Burro Creek. This area is designated for low density residential use (one dwelling unit per acre) and is almost entirely developed with single-family residences. Major coastal issues in Component One include:

1) hazards related to fire services;
2) hazards related to seacliff retreat;

3) maintenance of views along Cliff Drive; and
4) lateral access along the beach below the bluffs.

The site is not located on a coastal bluff or adjacent to the beach, so issue items 2 and 4 are not applicable. The Fire Department has reviewed the proposal and has determined that adequate fire protection can be provided, so issue 1 has been addressed. Therefore, the primary coastal issue associated with the project is views, as well as neighborhood compatibility, both of which are discussed in more detail below. As indicated above and in the more detailed policy discussion below, the project is consistent with the applicable policies of the California Coastal Act and LCP, and all implementing guidelines.

1. VIEWS

The project has been revised such that the proposed residence is now pulled farther away from Cliff Drive and extends closer toward the western property line. The proposed development of a new two-story residence, approximately 26' in height (24'-2" above finished grade) and approximately 110 feet in width as viewed from Marina Drive, would impact existing public views of the ocean from Marina Drive. Although the proposal is for a two-story structure, even a one-story structure on this vacant lot would block views to the ocean from the street level.

The project includes a 30-foot wide view corridor along the western property line (reduced from 50 feet in the prior proposal). Consistent with the previous proposal, within this view corridor, improvements (e.g. accessory structures, walls) and landscaping would be restricted such that their heights do not block views of the ocean from Marina Drive (refer to Exhibit A – Conditions of Approval). The provision of a view corridor and the restrictions therein mimic required conditions implemented on the adjacent parcel to the west (3455 Marina Drive), which was developed in 2009. Between the two properties, the required view corridors would create a minimum 60-foot wide view corridor along Marina Drive.

Because construction of any residence would partially block ocean views from Marina Drive, staff finds that use of a view corridor is the most appropriate way to allow for development of the lot while still providing protection of public views. Staff also finds that a 30-foot view corridor is appropriate and is an adequate width to protect public views of the ocean in this case.

Additionally, although not officially designated as a view corridor, along the eastern property line the City has a 20-foot wide utility easement, which precludes placement of structures or significant vegetation, and immediately west of that easement is a drainage swale that occupies approximately an additional 10 feet and which would not have tall vegetation. These features mean that potential development/vegetation along the eastern 30 feet of the property is also significantly limited.

With regard to public views from Cliff Drive, the revised site plan locates the new residence a minimum of 132 feet from Cliff Drive. The proposed wall along Cliff Drive would be located approximately 30 feet from the edge of the road and would be a maximum of 6 feet in height. A condition of approval is also recommended to require natural

landscaping at the southern perimeter of the property, compatible with existing natural landscaping to the south of Cliff Drive. This would maintain an appropriate viewing ambience immediately adjacent to Cliff Drive.

With the provision of the view corridor from Marina Drive toward the ocean, the building setback from Cliff Drive and the southern perimeter landscaping provision, the proposed development would be consistent with LCP Policy 9.1.

2. NEIGHBORHOOD COMPATIBILITY

LCP Policy 5.3 requires new construction to be compatible in terms of size, scale and design with the prevailing character of the established neighborhood. The proposed house has been designed in a Mediterranean style, which would be compatible architecturally with surrounding development. The 20 closest homes analysis shows that the proposed residence would be the fourth largest home in the area in terms of total square footage (5,210 sq. ft.[1]) and the third largest in terms of FAR (0.107[1]).

There are a few two-story residences in the neighborhood. Although the proposed house is larger than most others in the neighborhood, the residence could be considered to be compatible with the neighborhood. The Single Family Design Board (SFDB) reviewed the project and made the finding that the project was compatible with the neighborhood (refer to Section VIII below for additional discussion of SFDB review).

VIII. ENVIRONMENTAL REVIEW

The three-lot subdivision that created the subject parcel in 1993 was found to be categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15315 (Minor Land Division); therefore, there are no prior mitigation measures applicable to the current project.

This project is within the scope of buildout of the 2011 General Plan and the associated Program EIR. The project is consistent with the residential density designated and analyzed in the Program EIR, and potential adverse, significant project-specific environmental effects are addressed with existing development standards and regulations.

Staff has reviewed the following technical reports in support of this exemption:

- Preliminary Geotechnical Investigation prepared by GSI Soils, Inc.
- Hydrology Report prepared by Windward Engineering
- Septic System Design prepared by Braun & Associates Inc.
- Arborist Report prepared by Westree
- Visual Simulations prepared by Jesse Valentine Portz

Based on City staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183- Projects Consistent with the General Plan) and the CEQA Certificate of Determination (Exhibit J). The City Council environmental findings adopted for

[1] This figure does not include the basement but does include the garage, consistent with the City's net floor area calculation identified in SBMC §28.15.083.

the 2011 General Plan apply to this project. A Planning Commission finding that the project qualifies for the §15183 CEQA determination is required.

IX. DESIGN REVIEW

Based on the Planning Commission's direction, a revised project returned to the Single Family Design Board (SFDB) for review on August 11, 2014. Meeting Minutes are attached as Exhibit E. The SFDB concluded that the design was supportable and the FAR was acceptable. The SFDB motion included comments for additional revisions related to lowering the building height, and studying the Cliff Drive wall and corner landscaping.

The applicant has made changes to the plan in response to some of the SFDB's comments (lowering the roof pitch and reducing the first floor ceiling height), and those changes are reflected in the plans being reviewed by the Planning Commission; however,, those changes have not yet been reviewed by the SFDB.

X. FINDINGS

The Planning Commission finds the following:

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access, as described in Section VII 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 will not increase hazards related to seacliff retreat or fire services, will not affect lateral access across the beach, will not significantly impact public views, and is compatible with the neighborhood, as described in Section VII of the Staff Report.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, dated August 20, 2014
D. Planning Commission Minutes, July 10, 2014
E. SFDB Minutes, August 11, 2014

I. CONTINUED ITEM: CONTINUED FROM JULY 10, 2014

ACTUAL TIME: 1:05 P.M.

APPLICATION OF PAUL ZINK, ARCHITECT FOR CHARLES RUDD, 3435 MARINA DRIVE, APN 047-022-005, A-1/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE; (MST2013-00281)

The project consists of the construction of a new two-story single family residence totaling approximately 5,990 square feet, plus a 440 square foot attached garage, on a vacant 48,787 net square foot lot. The residence consists of a 1,220 square foot basement, a 3,960 square foot first floor and an 810 square foot second floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside barbeque, patios and decks, and landscaping. The project would include approximately 1,081 cubic yards (cy) of cut and 1,069 cy of fill/recompaction; it is anticipated that there would be approximately 12 cy of export. The Planning Commission reviewed and continued a prior version of this project on July 10, 2014.

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Case Planner: Allison DeBusk, Project Planner
Email: ADeBusk@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Paul Zink, Architect, gave the Applicant presentation. Chris Gilliland, Landscape Architect, and Brad Vernon, Contractor, were available to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 1:21 P.M.

The following people spoke in support of the project:

1. Beth Collins-Burgard, Neighbor
2. Sandy Schoolfield, Neighbor, also submitted written comments
3. John Kechejian, Neighbor, also submitted written comments
4. John Bedford
5. Susan Strick, Neighbor

The following people spoke in opposition to the project or with concerns:

1. Hillary Santee, Neighbor, stated that public views would be affected and the project is not compatible with the neighborhood.
2. Kitch Wilson, Neighbor, was concerned that some neighbors were excluded from the continued discussions held with the Applicant and stated the project was too large for the neighborhood and the second story impacts neighbors to the north.

With no one else wishing to speak, the public hearing was closed at 1:32 P.M.

Commissioners expressed appreciation to the Applicant for having responded to the Commission's prior comments and for the exemplary efforts made in including the neighbors and community in the project.

MOTION: Thompson/Bartlett **Assigned Resolution No. 024-14**
Approve the project, making the findings for the Coastal Development Permit as outlined in the Staff Report, dated September 11, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report.

The Applicant voluntarily agreed to add the following three conditions to a revised Landscape Plan that will be submitted to the Single Family Design Board on Monday, September 22, 2014:

1. The landscaping between the wall along Cliff Drive and the pool patio shall be maintained at or below 5' above existing natural grade. The exception will be one palm tree or wispy tree near the edge of the pool.

2. The backside of the site wall along Marina Drive shall be fully landscaped to soften the appearance of the wall.

3. All grades and heights noted are from existing natural grade as noted on the Survey by Mark Lewis dated 9/5/13. The datum for this survey is a nail set in Marina Drive with assumed Elevation = 100.00. The concrete drainage improvements along Cliff Drive are located on this survey if the nail in Marina Drive is lost.

The makers of the motion appreciated the voluntary conditions but stated that they would fall under the purview of the design review board and would not be included in the motion.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Pujo)

Chair Schwartz announced the ten calendar day appeal period.

ATTACHMENT 5

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 024-14
3435 MARINA DRIVE
COASTAL DEVELOPMENT PERMIT
SEPTEMBER 18, 2014

APPLICATION OF PAUL ZINK, ARCHITECT FOR CHARLES RUDD, 3435 MARINA DRIVE, APN 047-022-005, A-1/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE; (MST2013-00281)

The project consists of the construction of a new two-story single family residence totaling approximately 5,990 square feet, plus a 440 square foot attached garage, on a vacant 48,787 net square foot lot. The residence consists of a 1,220 square foot basement, a 3,960 square foot first floor and an 810 square foot second floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside barbeque, patios and decks, and landscaping. The project would include approximately 1,081 cubic yards (cy) of cut and 1,069 cy of fill/recompaction; it is anticipated that there would be approximately 12 cy of export. The Planning Commission reviewed and continued a prior version of this project on July 10, 2014.

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

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

WHEREAS, at the hearing of July 10, 2014, no one appeared to speak in favor of the application, and 22 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 3, 2014.
2. Site Plans
3. Correspondence received in opposition to or with concerns of the project
    a. Jon Kechejian, via email
    b. Sandy Schoolfield, via email
    c. Cornelius Passani, via email
    d. Richard Handler, via email
    e. Susan Strick, via email
    f. Marc Whitten, via email
    g. Van Spaulding, via email

h. Walter Babine, via email

i. Beth Collins-Burgard, via email

j. Ann Collins-Burgard, via email

k. Teri Cooke, Santa Barbara, CA

l. Joni Milchak, Santa Barbara, CA

m. Gail & Doug Bowman, Santa Barbara, CA

n. Cindy Gulbranson, Santa Barbara, Ca

WHEREAS, at the hearing on July 10, 2014, the Planning Commission continued the project indefinitely for additional review by the Single Family Design Board with the Commission's comments.

WHEREAS, at the continued hearing of September 18, 2014, five people appeared to speak in favor of the application, and two people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 11, 2014.
2. Site Plans
3. Correspondence received in support of the project for the hearing of September 18, 2014

   a. Sandy Schoolfield, via email

   b. Jon Kechejian, via email

   c. Marc Whitten, via email

   d. Susan Strick, via email

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

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

A. **ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access, as described in Section VII 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 will not increase hazards related to seacliff retreat or fire services, will not affect lateral access across the beach, will not significantly impact public views, and is compatible with the neighborhood, as described in Section VII 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 (30% of all planning fees, as calculated by staff) at time of building permit application.

3. Record any required documents (see Recorded Conditions Agreement section).

4. Permits:

a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said 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 September 18, 2014 is limited to the construction of a new, single family residence totaling approximately 5,990 square feet of building area plus a 440 square foot attached garage and associated improvements including, but not limited to, site walls and gates, a new septic system, a swimming pool with associated pool equipment, outside BBQ area, patios and decks, and landscaping, as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara. The project includes a 30-foot wide view corridor along the western property line.

2. **View Corridor.** The Owner shall provide and maintain the 30-foot wide view corridor, measured perpendicularly from the western interior lot line, as shown on the approved plans. The landscaping plan for the project shall afford and maintain a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the Single Family Design Board by selecting proper species and maintaining appropriate limits on the height of all approved landscaping. Structures, walls, and plants shall be installed and maintained consistent with the approved landscape plan within the view corridor. Trees are prohibited in the view corridor.

3. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

4. **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).

5. **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.

6. **Cypress Tree Protection.** The two existing Cypress tree(s) shown on the Site Plan shall be preserved, protected, and maintained.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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.

8. **Storm Water Improvements.** The property owner waives the right to object to the formation of an assessment district for the maintenance of storm water improvements and agrees to participate in the assessment district upon its formation.

9. **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. If connected to City sewer, a sewer discharge outlet shall be provided for drainage of any swimming pool(s). In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.

10. **Swimming Pool Discharge.** In the event the pool is completely or partially drained, the owner shall truck out any water discharged from the swimming pool and properly dispose of the water to the sanitary sewer system. No water from the pool shall be discharged

into a City storm drain or to the private septic system on the real property, as identified in SBMC Chapter 16.15.

11. **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. **View Corridor.** Within the 30-foot wide view corridor, the landscaping plan shall be reviewed with the intent of affording and maintaining a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the SFDB by selecting appropriate species and maintaining appropriate limits on the height of all approved landscaping. As a guideline, landscaping with a maximum height of 3-4 feet from finished grade would be acceptable for the north half of the corridor, and landscaping with a maximum height of 5-6 feet from finished grade would be acceptable for the south portion. Structures, walls, and plants shall be installed and maintained consistent with the approved landscape plan within the view corridor. Trees are prohibited in the view corridor.

2. **Pedestrian Path.** A pedestrian path at least four feet in width shall be provided south of the wall along the property frontage on Cliff Drive. The path shall comply with Chapter 8 of the Pedestrian Master Plan requirements for pathways. The pedestrian path shall align with the approved path along the adjacent property to the west and be constructed of decomposed granite or other similar material subject to approval by the SFDB and Public Works Department. Path construction and materials shall be done in such a way as to protect the existing Cypress trees. Protection of the trees shall take priority over the path in the event of any conflicts. Landscaping south of the path shall be consistent with City regulations for parkway plantings.

3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:

a. **Tree Protection.** All trees not indicated for removal on the approved site plan / landscape plan shall be preserved, protected, and maintained, in accordance with the Arborist's Report and/or any related Conditions of Approval.

b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the SFDB.

c. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations contained in the arborist's report prepared by Peter Winn of Westree, dated August 19, 2013, and Addendum dated April 15, 2014, shall be implemented.

4. **Southern Perimeter Landscaping.** The use of native shrubs and plants to soften the appearance of the southern property line wall and blend with the natural setting to the south is encouraged. This landscaping will be highly visible from the Cliff Drive scenic

vista immediately to the south, and therefore should be compatible in character with the natural landscape setting existing to the south of Cliff Drive, as determined by SFDB.

5. **Landscaping Within Water Easement.** Trees shall not be planted within the existing 20-foot wide City utility easement located along the eastern property line. All vegetation/improvements within this easement are subject to review and approval by the City Public Works Department.

6. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, 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.

7. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.

8. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.

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. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.d "Marina Drive Public Improvements" shall be submitted to the Public Works Department for review and approval.

b. **Improvements Within Utility Easement.** Trees shall not be planted in any City Utility easement. All vegetation planted within the utility easement is subject to review and approval by the Public Works Department. An entry gate, with a width of sixteen feet, shall be installed at the northern end of the utility easement for access to utilities.

c. **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.

d. **Marina Drive Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Marina Drive. Plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: driveway apron modified to meet Title 24 requirements with a maximum width of 16 feet, Owner shall crack seal to the centerline of the street along entire subject

property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City or County storm drain, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction. Any work in the public right-of-way requires a Public Works Permit.

e. **Encroachment Permits.** Any encroachment or other permits from the City (e.g. Minor Encroachment Permits) or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

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 condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit drainage calculations or a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. 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 unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

c. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the critical root zone of all Cypress trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.

d. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.

e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the SFDB and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. 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 six square feet 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.

3. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.

4. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

   a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

   b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

   c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

   d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.

   e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

   f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

   g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

   h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

j. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

5. **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. Where tree

roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

3. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

G. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 010-93.

2. **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.

3. **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.

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.

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 18th day of September, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Pujo)

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.

CORRESPONDENCE RECEIVED BY THE CITY CLERK'S OFFICE

11/11/14

RECEIVED

2014 NOV 11 AM 11:40

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Appeal of Planning Board Decision on 3435 Marina Dr.

We are appealing the Planning Board's decision to approve a two story house at 3435 Marina Dr. for several reasons.

1. The 3400 block of Marina Dr. is a unique location in Santa Barbara.
2. This Planning Commission failed to follow the precedents established by two previous Planning Commissions regarding development in this location.

The 3400 block of Marina Dr. is a pedestrian and equestrian path with an established scenic public vista recognized by City Council resolution 70-035. This path is used on a daily basis by horseback riders, dog walkers and hikers. The scenic public vista includes the ocean, the horizon, the skyline and the sky.

3475 Marina Dr., 3455 Marina Dr.,and 3435 Marina Dr. were subdivided from a single plot in 1993. Seven years ago the Planning Commission approved a single story house at 3475 Marina Dr. Five years ago the Planning Commission approved a single story house at 3455 Marina Dr. with a 30 foot view corridor.

In our opinion a two story house at 3435 Marina Dr. does not respond appropriately to the established scenic public vista from the 3400 block of Marina Dr. according to the Santa Barbara Municipal Code Section 22.22.140B. Its roof height is approximately 30% higher than the adjacent house at 3455 Marina Dr. Note:The house at 3416 Marina Dr. is 2 stories in height but does not block public views. We are respectfully requesting that the Santa Barbara City Council and Mayor direct the Planning Commission to follow the clear precedents set by previous Planning Commissions with regard to the 3400 block of Marina Dr. and limit 3435 Marina Dr. to one story with a roof height similar to the adjacent house at 3455 Marina Dr.

Ronald Green, Appellant

RECEIVED
2011 NOV 11 PM 2: 56
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Appeal of 3435 Marina Drive approval by Planning Commission and Single Family Review Board

Last of the open lots facing the Pacific along Cliff Drive viewing site. Third largest home in this neighborhood of the Braemar Ranch Tract. One of only three having a second story, and the only one that obstructs uphill neighbors.

Incompatible with the rural nature and architecture of the area which is the greatest asset of this area.

As seen NEXT DOOR or within ONE BLOCK of the site:

Recent History

Several years ago we appealed to the City Council for view preservation regarding the equestrian trail leading to Marina Drive. This was resulted in a 30-foot view corridor through 3455 and any future 3435 home. Lower committees denied this. Thank you.

We return, again, for reasonable consideration of our objections, again ignored by lower committees that considered the neighborhood compatibility to be defined by the homes East and West on Marina, and not at all of the North Braemar neighborhood.

Typical neighborhood representation used by Staff.

Actual entire neighborhood with avocado orchards, horse corrals (5 horses/acre), open fences and fields

What We Would Like to See Happen

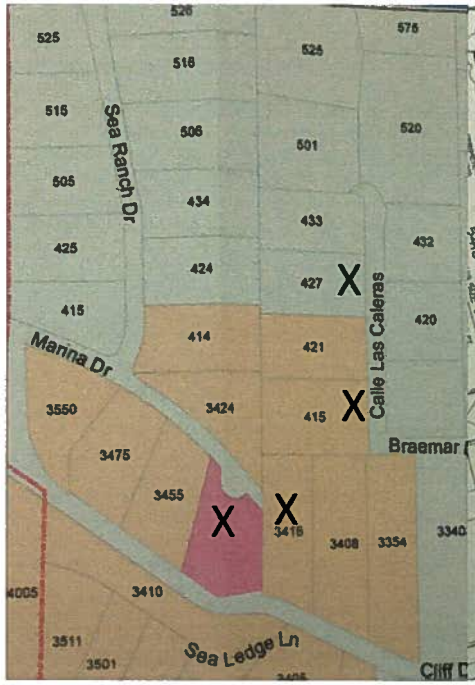
Recognition that the proposed house is not compatible with the neighborhood:

- Remove the second floor: we have petition with over 50 signatures supporting this
- Remove the walls around the property including along Cliff Drive – use picket fence as do East and North neighbors
- Move the building more central to the lot and reduce fill to lower the floor elevation – no longer needs to look over its wall along Cliff.

Proposed house

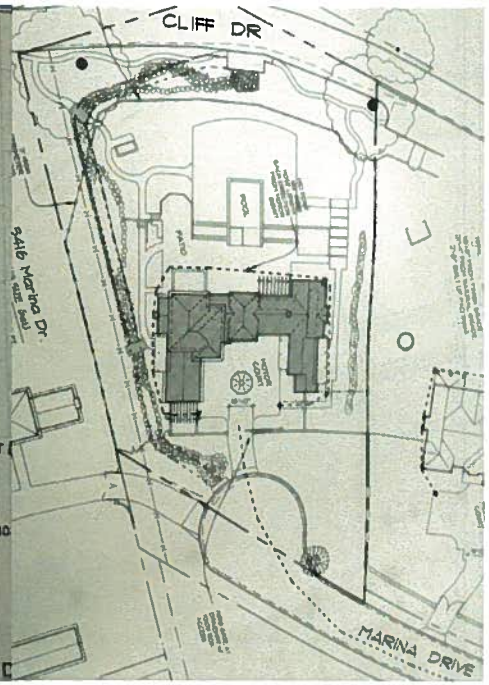
X = two stories

North

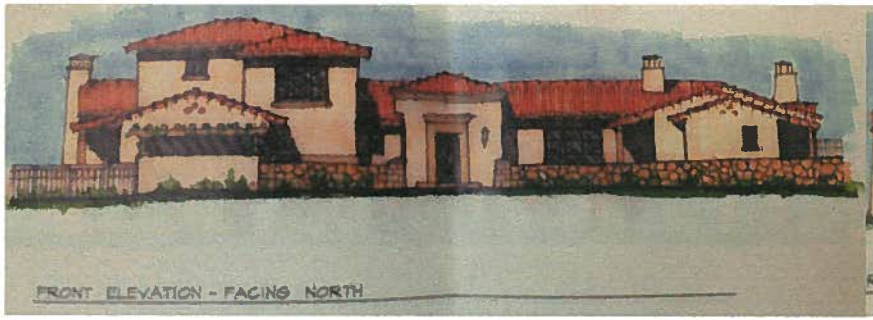


Ocean

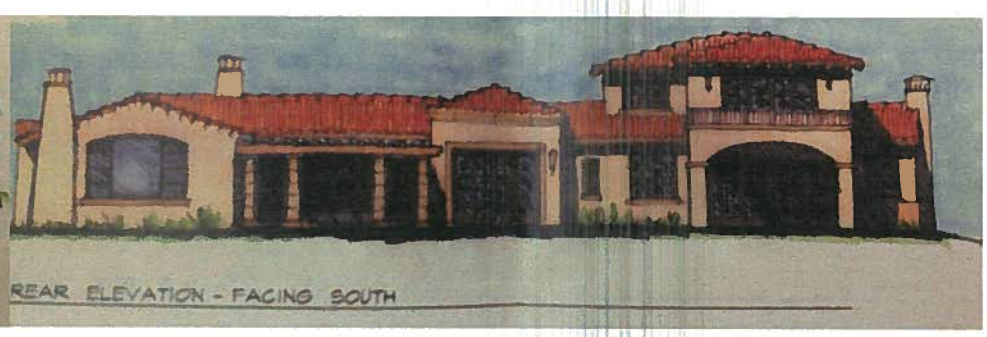
Ocean



North

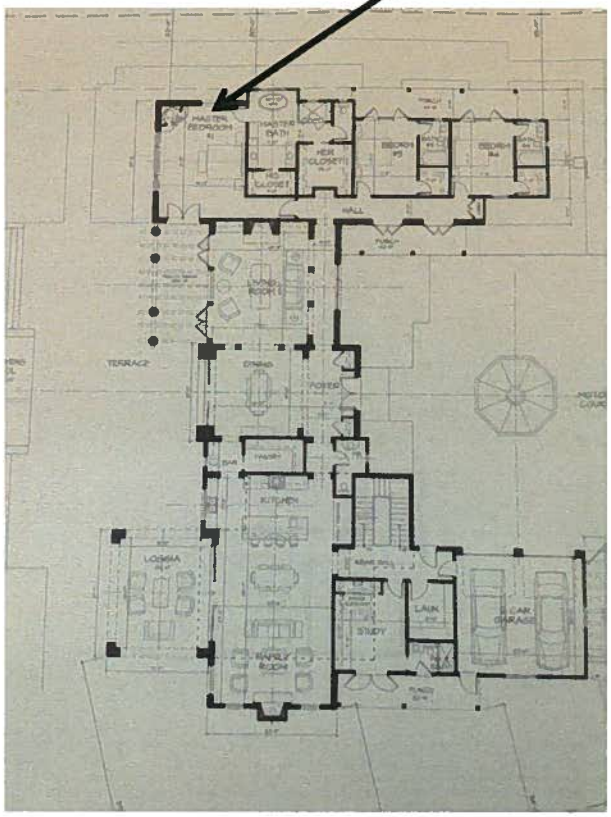


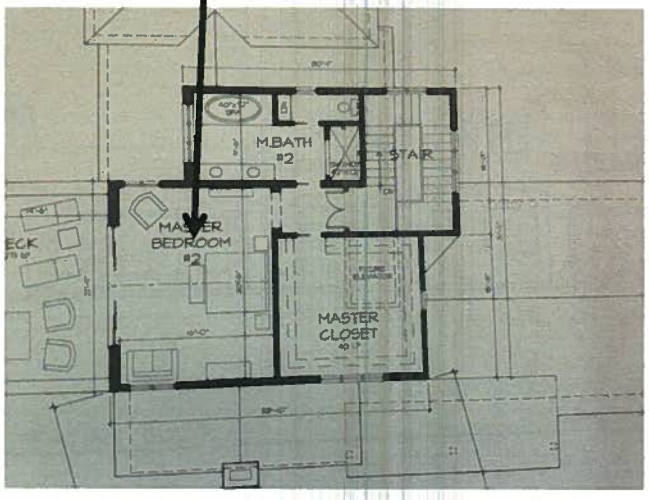
Seen from Marina



Seen from Cliff Drive

Two Master bedrooms:
on first floor and on second floor

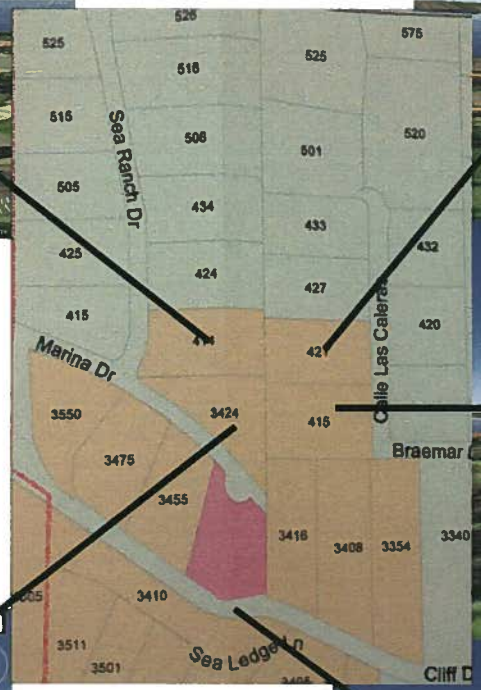




Google Earth Shows second floor has impact on scenic views all around

414 Sea Ranch Dr.

421 Calle Las Caleras Ln


Sea Ranch Dr
Marina Dr
Calle Las Caleras
Braemar
Sea Ledge Ln
Cliff D
525
518
525
575
515
508
501
520
505
434
433
425
424
427
432
415
420
3550
3424
415
3475
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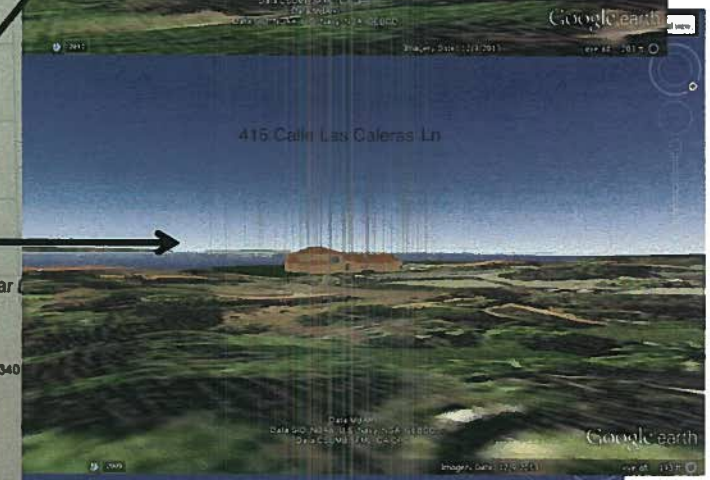
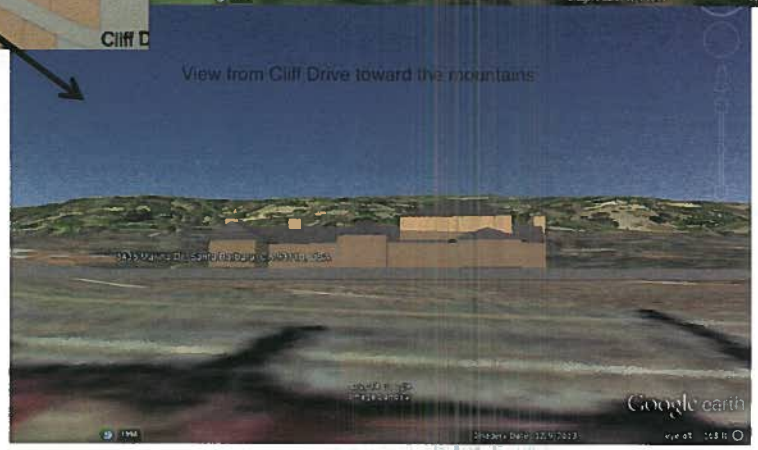
3416
3408
3354
3340
3410
3511
3501


415 Calle Las Caleras Ln

3424 Marina Drive

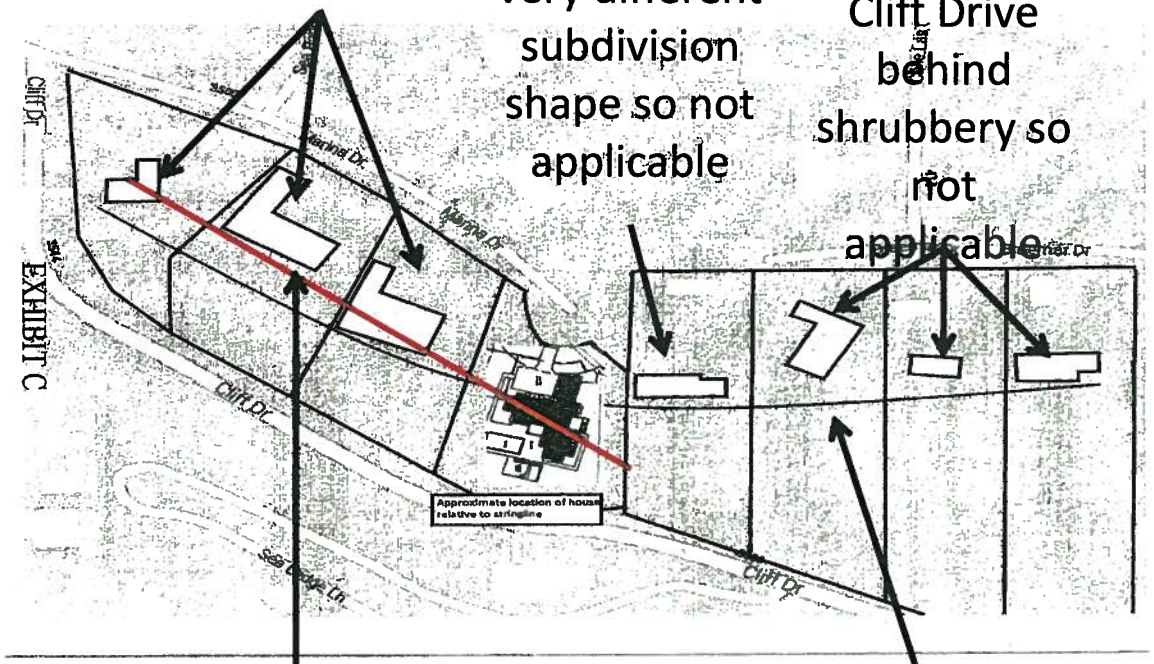

View from Cliff Drive toward the mountains

‘String’ Theory Applied to house position on lot

Homes in the same subdivision

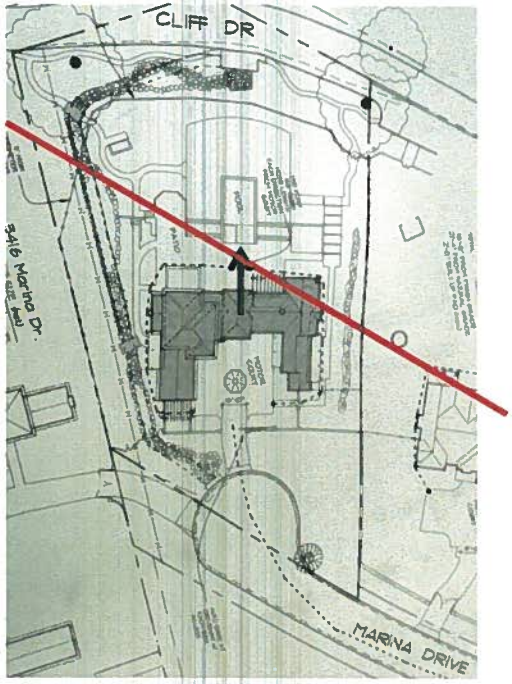
Home in a very different subdivision shape so not applicable

Unseen from Cliff Drive behind shrubbery so not applicable



More representative ‘string’ moving house toward Cliff

Original ‘string’ moving house toward Marina



Bulk of house should be moved toward Cliff to be compatible with subdivison spacing

Size and F.A.R. Comparisons

Proposed with and without 2nd story.

of existing homes: Average F.A.R. is 0.66

Average size is 3449

Address	Lot Size	Acres	F.A.R.	main floor	Garage	basement	second floor	Total	story
3475 Marina Dr	53143	1.22	0.120	5520	837			6,357	24ft High
3455 Marina Dr	51077	1.17	0.106	4724	667			5,391	
3435 Marina Dr	**48787**	**1.12**	0.107	**3960**	**440**		**810**	**5,210**	**2 Story**
3416 Marina Dr	50094	1.15	0.100	4521	506			5,027	2 Story
421 Calle Las Caleras	47916	1.10	0.096	3821	768			4,589	
3435 Marina Dr	**48787**	**1.12**	0.090	**3960**	**440**			**4,400**	**1 story**
427 Calle Las Caleras	47910	1.10	0.085	3559	504			4,063	2 Story
415 Calle Las Caleras	58370	1.34	0.070	3399	660			4,059	2 Story
425 Sea Ranch Dr	51836	1.19	0.074	3424	430			3,854	
3410 Sea Ledge Ln	65340	1.50	0.058	3233	561			3,794	
3354 Cliff Dr	69695	1.61	0.053	2000	1665			3,665	
415 Sea Ranch Dr	45302	0.97	0.078	3009	518			3,527	
414 Sea Ranch Dr	56628	1.28	0.055	2513	598			3,111	
424 Sea Ranch Dr	52272	1,23	0.058	2364	667			3,031	
3357 Cliff Dr	31800	0.73	0.088	2163	642			2,805	
3424 Marina Dr	47916	1.00	0.052	2020	460			2,480	
434 Sea Ranch	54450	1.25	0.045	2037	422			2,459	
505 Sea Ranch	50530	1.16	0.046	1894	420			2,314	
3408 Cliff Dr	68825	1.58	0.033	1654	600			2,254	
3340 Cliff Dr	74052	1.70	0.030	1643	560			2,203	
3405 Sea Ledge	60548	1.39	0.036	1651	500			2,151	
3550 Cliff Dr/Marina	58370	1.34	0.032	1350	504			1,854	
100 feet below Cliff									
3429 Sea Ledge	40075	0.07	**0.07**	2185	506			2,691	
3427 Sea Ledge	32234	0.19	**0.19**	5684	589			6,273	
3511 Sea Ledge	48787	0.09	**0.09**	3838	492			4,330	
3501 Sea Ledge	44867	0.10	**0.10**	3536	854			4,390	
3433 Sea Ledge	49658	0.08	**0.08**	3290	638			3,928	
3443 Sea Ledge	43560	0.09	**0.09**	3400	594			3,994	
NOT "Neighborhood Study Area" in City									
4005 Bajada Ln	54886		0.08	3572	912			4,484	

Familiar Arguments by proponents

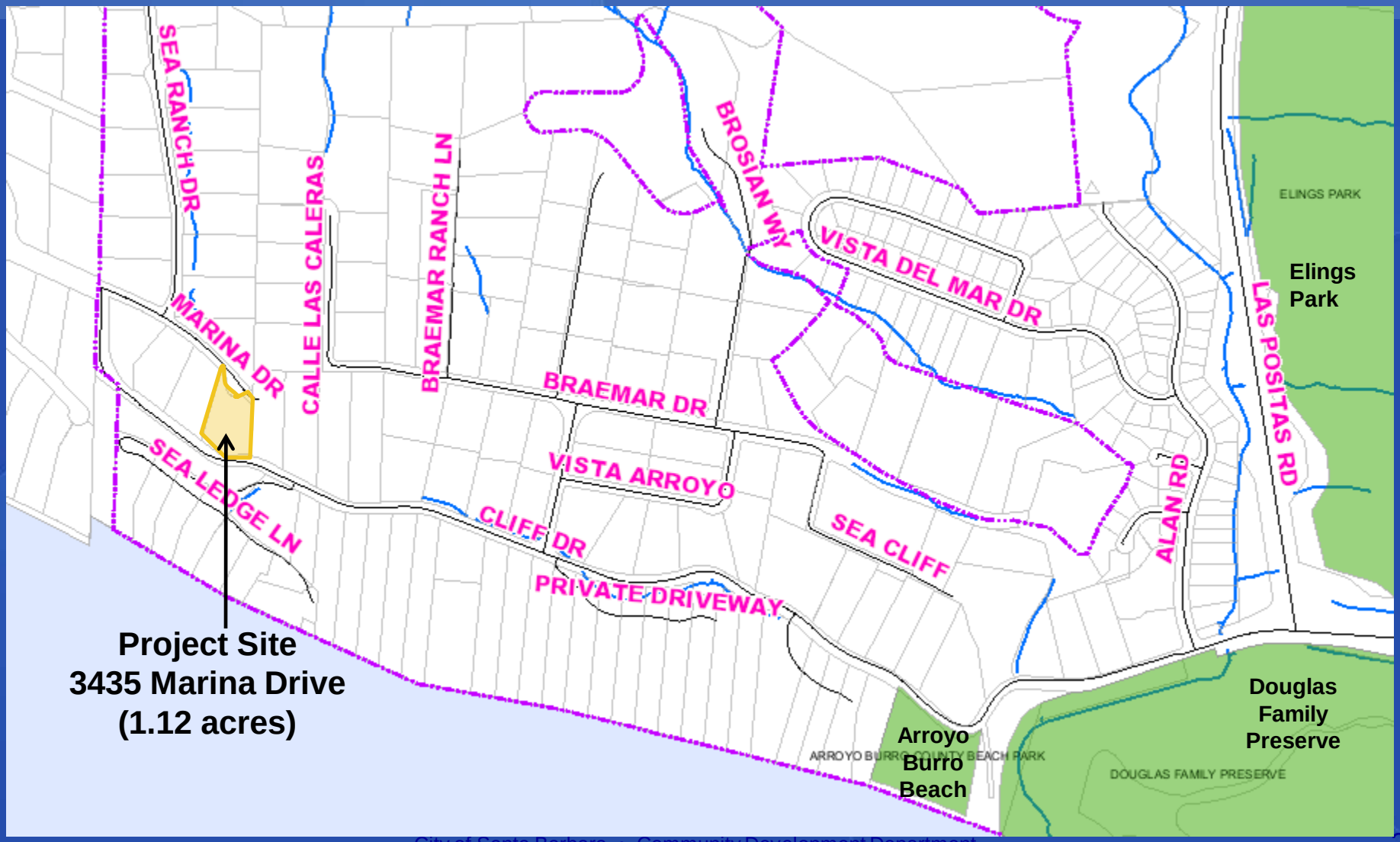
- Second floor hidden behind existing trees – two palm trees!
- Design the result of ideal active participation of neighborhood and architect – only neighbors that support it: those on the Cliff Drive side of Marina, East and West.
- Reasonable in size given nearest 20 homes – eliminating Hope Ranch and Sea Ledge (100 feet below Cliff Drive) it is the THIRD largest home with the SECOND largest F.A.R. where larger homes with larger F.A.R. are its two West neighbors.
- There are other two story homes in the area – three tucked away so as not to obstruct. In fact, the home at 3410 Cliff Drive, directly across from the proposed house, was purposely dropped so cannot be seen from Cliff Drive and not to obstruct.
- A tall wall along Cliff Drive is needed because of parking at the view point on Cliff – parking for view point does not include this lot and parking there is impossible due to water drainage channel just off Cliff.
- Arbitrary 'string theory' forces home to be away from Cliff and toward Marina – a more supported string theory does the opposite.

3435 Marina Drive

Appeal of Planning Commission Approval of a Coastal Development Permit

November 18, 2014

Project Location



MARINA DR
047-021-022
421 CALLE LAS CALERAS
047-021-026
047-022-001
3550 CLIFF DR
047-021-011
3424 MARINA DR
047-021-032
415 CALLE LAS CALERAS
BRAEMAR DR
047-022-003
3475 MARINA DR
047-022-004
3455 MARINA DR
Project Site
1.12-acres
047-022-005
047-081-001
3416 MARINA DR
047-082-001
4005 BAJADA LN
CLIFF DR
047-081-002
3408 CLIFF DR
047-082-002
3410 SEA LEDGE LN
047-081-003
3354 CLIFF DR
SEA LEDGE LN
047-082-003
3511 SEA LEDGE LN
047-082-004
3501 SEA LEDGE LN
047-082-005
3443 SEA LEDGE LN
047-082-006
047-082-008
3405 SEA LEDGE LN

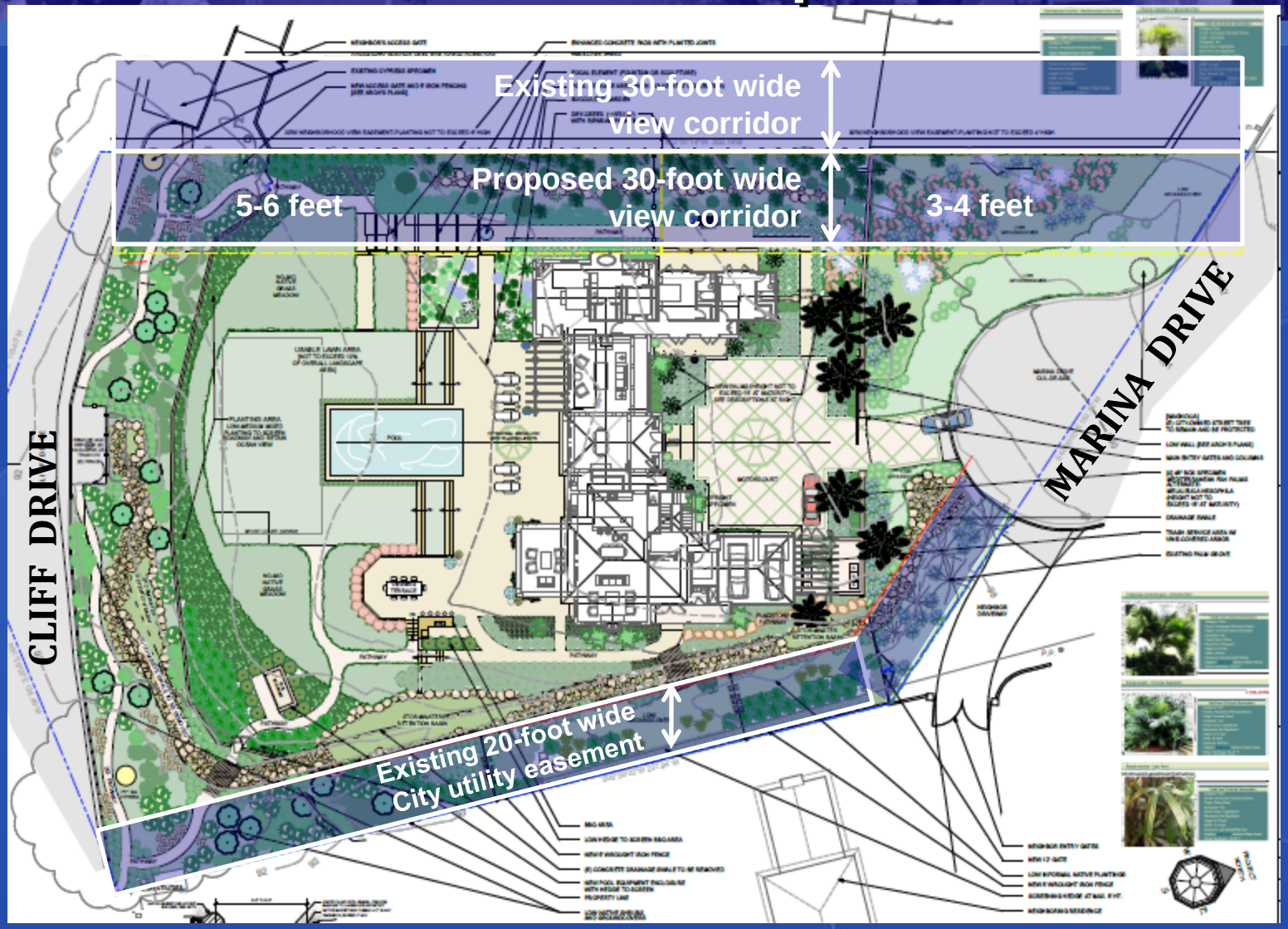
Proposed Development

- New single-family residence on a vacant lot

	Proposal (PC Approved 9-18-14)
Basement	1,220 sf
1st Floor	3,960 sf
2nd Floor	810 sf
Garage	440 sf
Total	**6,430 sf**

- Pool, outdoor fireplace, walls/fences, landscaping, patios, septic system, replacement of drainage swale

Site/Landscape Plan



Appeal Issue

- Neighborhood Compatibility

Statistics

- Maximum Height = 26 feet from existing grade (24 feet, 2 inches from finished grade; max. of 12” cut / 30” fill)
- Size = 5,210 square feet (above-grade)
- 20-closest homes analysis – 3rd largest (FAR), 4th largest (square footage)

Project Site
3435 Marina Drive

Review History

- Single-Family Design Board Review
  1. August 12, 2013 – continued
  2. September 9, 2013 - continued
  3. December 16, 2013 – forwarded to the Planning Commission with positive comments
- Planning Commission Review
  - July 10, 2014 - continued back to the SFDB to re-consider the September 9, 2013 design
- Single-Family Design Board Review
  - August 11, 2014 - forwarded to the PC with positive comments
- Planning Commission Review
  - September 18, 2014 – approved CDP

Planning Commission

- Key Coastal Issues Considered:
  - Public Views
  - Neighborhood Compatibility
    - Excerpt from Staff Report:

      "Staff recommends that the Planning Commission focus on the issues of view corridors and neighborhood compatibility."

Neighborhood Compatibility

- PC considered neighborhood compatibility extensively in deliberations on July 10th and September 18th
  - Lots of public comment
- PC made Coastal Development Permit Findings, including neighborhood compatibility
  - Local Coastal Plan Policy 5.3 states:

    "New development… must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood…"

Recommendation

- Deny the appeal and uphold the decision and findings of the Planning Commission to approve the project.