City of Santa Barbara
Planning Division

Memorandum

DATE: April 3, 2008

TO: Planning Commission

FROM: Planning Division
Jan Hubbell, AICP, Senior Planner
Jaime Limón, Senior Planner
Tony Boughman, Planning Technician

SUBJECT: 3455 Marina Drive

INTRODUCTION

On January 10, 2008, the Planning Commission held a public hearing to consider the single-family residence proposed at 3455 Marina Drive. The Planning Commission continued the project in order to allow the applicant to revise the project in response to the comments received at the hearing.

The revisions to the project include a reduction in the size of the residence, providing one three-car garage, lowering the front site wall along Marina Drive and the elimination of the front entry gate, providing a view corridor along the eastern property line, and lowering a portion of the roof.

PROJECT DESCRIPTION

This is a revised proposal to construct a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, synthetic putting green, and landscaping. The lot has street frontage on Marina Drive to the north and Cliff Drive to the south. The vacant lot is reduced from 1.34 to 1.17 acres by a public right-of-way easement along Cliff Drive. The southern portion of the development is located within the Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.050).

DISCUSSION

At the January 10, 2008 hearing, the Planning Commission reviewed the project and provided the following comments to the applicant:

- The house is taller than necessary for one-story. Suggested height maximum of 17' and reduction of the roof pitch. Reduction is encouraged for greater impact on sustainability.
- The walls and entry gate need to be more compatible with the rural neighborhood. Suggested lighter fencing, split rail fence with landscaping that is in keeping with neighborhood. The wall should be reduced to 3 feet.
- The trail easement from Braemar Ranch establishes a public viewpoint along Marina Drive. Preserve a view corridor by reduction of house size to FAR guidelines. This is a pedestrian and equestrian use area and it was felt that it should be preserved as much as possible.
- Landscape plan should include native plants and minimal lawn, as well as minimal irrigation since it is close to the ocean. Landscaping should be easily maintained at a low height in the view corridor.
- Suggest garage #2 be moved and integrated with garage #1 as a means of opening the view corridor.

In response to these comments, the applicant has made the following changes to the proposed project:

- Lowered the main roof ridge by nine inches to approximately 19 feet.
- Reduced the height of the front wall at Marina Drive from six feet to two feet.
- Eliminated the front entry gate.
- Provided a 40 foot view corridor between the house and east property line by moving the house to the east, eliminating the west garage, and revising the landscape plan.
- Reduced square footage by 828 square feet from 6,218 to 5,390.
- Combined one-car garage and two-car garage into one three-car garage.

PROJECT STATISTICS

	Original	Revised
Habitable Area	5,467	4,816
Garage	725	574
Total (net)	6,192	5,390
Percentage of maximum guideline FAR	122	106

Standard	Requirement	Original	Revised
Setbacks -Front -Interior	 35' 15'	Front: Marina Dr. 67' Front: Cliff Dr. 111' West: 15' East: 35'	Front: Marina Dr. 84' Front: Cliff Dr. 115' West: 15' East: 40'
Building Height	30'	20'	19' 3"
Parking	2 covered	3 covered –2 garages	3 covered-1 garage
Open Yard	1,250	1,849	1,849
Lot Coverage -Building -Pool/Paving/ Driveway -Landscaping	 N/A N/A N/A	 6,740 sq. ft. 13% 11,118 sq. ft. 21% 35,844 sq. ft 67%	 6,055 sq. ft. 11% 10,709 sq. ft. 20% 36,938 sq. ft 69%

RECOMMENDATION

Staff believes that the applicant has addressed the comments provided by the Planning Commission at the previous hearing. Therefore, Staff recommends that the Planning Commission approve the project, making the findings and subject to the Conditions of Approval included in the revised Conditions of Approval.

Exhibits:

A. Planning Commission Staff Report for January 10, 2008
B. Planning Commission Minutes for January 10, 2008
C. Revised Conditions of Approval dated March 27, 2008
D. Applicant Letter dated March 11, 2008

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: January 3, 2008

AGENDA DATE: January 10, 2008

PROJECT ADDRESS: 3455 Marina Drive (MST2007-00221; CDP2007-00013)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Tony Boughman, Planning Technician II

I. PROJECT DESCRIPTION

The project consists of the construction of a 6,218 square foot one-story single-family residence, including a 469 square foot two-car attached garage and a 256 square foot one-car attached garage, on a vacant lot. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, and landscaping. Total grading would be 1,151 cubic yards. The lot has street frontage on Marina Drive to the north and Cliff Drive to the south. Access to the house would be from Marina Drive. The vacant lot is reduced from 1.34 to 1.17 acres by a public right-of-way easement along Cliff Drive. The southern portion of the development is located within the Appealable Jurisdiction of the Coastal Zone.

Other components include a 600 square foot permeable synthetic putting green and a pool equipment enclosure.

II. REQUIRED APPLICATIONS

The discretionary application required for this project isa Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.050).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances, General Plan and policies of the Local Coastal Plan. In addition, given the one the one-story nature of the project and the grade reductions made to lower the finish floor levels of the building site, the massing of the project can be considered consistent with the surrounding neighborhood and the Single Family Residence Design Guidelines. Staff is recommending minor adjustments to the project design to maintain a public ocean view corridor and a possible reduction in the height of the front perimeter walls to improve the project design. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map for 3455 Marina Drive

APPLICATION DEEMED COMPLETE: November 5, 2007
DATE ACTION REQUIRED: February 3, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant/Property Owner: Mike Silva	
Parcel Number: 047-022-004	Gross Lot Area: 58,342 square feet / 1.34 acres Net Lot Area: 51,077 square feet / 1/17 acres
General Plan: Residential, 1 unit/acre	Zoning: A-1/SD-3, Single-Family Residence and Coastal Overlay Zone
Existing Use: Vacant lot	Topography: 2% average slope
Adjacent Land Uses: North – Single-Family Residential South – Single-Family Residential	East – Single-Family Residential West – Single-Family Residential

B. PROJECT STATISTICS

	Proposed
Habitable Area	5,467
Garage	725
Total (net)	6,192

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement	Proposed
Setbacks -Front -Interior	 35' 15'	Front: Marina Dr. 67' Front: Cliff Dr. 111' West: 15' East: 35'
Building Height	30'	20'
Parking	2 covered	3 covered
Open Yard	1,250	1,849
Lot Coverage -Building -Pool/Paving/ Driveway -Landscaping	 N/A N/A N/A	 6,740 sq. ft. 13% 11,118 sq. ft. 21% 35,844 sq. ft 67%

The proposed project is consistent with the regulations of the A-1, single-family residence zone related to building height, solar access, open yard requirements and parking.

VI. ISSUES

A. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, new construction of small structures. The staff environmental analyst considered the potential for environmental impact to views along Cliff Drive and concluded that because the primary views are to and along the ocean, the project would result in no significant view impacts.

B. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on May 29, 2007, and June 18, 2007 (meeting minutes are attached as Exhibit D). The project was continued indefinitely to the Planning Commission and will return to the Single Family Design Board (SFDB). The ABR appreciated the size, the one-story height, and the setback of the project. The ABR worked with the applicant towards reducing the finish floor height of the proposed residence to the lowest grade level possible without creating drainage problems for the site. The ABR found the proposed grading plan, style and massing of the project to be appropriate. A landscape plan was also reviewed by the ABR with the comment that the landscaping should preserve views of the ocean while providing privacy between adjacent residences. Preliminary and final approvals with Neighborhood Preservation Ordinance findings by the SFDB will be required following Planning Commission approval of the project.

Staff generally agrees with the ABR and believes that the overall design of the project would be compatible with the surrounding neighborhood, which is a mix of one- and two-story houses with a variety of Ranch and Spanish architectural styles. One-story houses over 17 feet in height on lots of 15,000 square feet or more are subject to floor to lot area (FAR)/maximum size guidelines. The guideline maximum house size for the subject property's lot size is 5,094 square feet. This proposal has 1,125 square feet of construction above the maximum square footage guideline for the property's lot size. A 20 Closest Lots FAR survey shows the proposal to be second largest in floor area and largest in terms of FAR. Although the proposed house is one-story, the roof ridge is 20 feet in height. Although the proposed house is larger than most others in the neighborhood, the one-story nature of the proposal could be considered to be compatible with the neighborhood.

C. COASTAL AND PUBLIC VIEWS

The project site is located in an area of the City where protection of public scenic views of the coast is important to residents. The Local Coastal Plan Policy 9.1 requires consideration to, from and along the ocean. The Conservation Element also discusses the importance of preserving public views of the ocean. The project site is located inland of a public vista point along Cliff Drive and on the ocean side of Marina Drive. The project front yard is adjacent to a portion of Marina Drive used frequently by members of the community who access an off-road trail connecting Marina Drive through to Braemar Drive. Neighbors requested the ABR to consider how the proposed residence design would impact public views and the existing active

equestrian easement connection that exists along Marina Drive. Staff is concerned that the proposed project design does not adequately maintain a view corridor from Marina Drive toward the ocean. The cumulative impact of existing, proposed new walls and vegetation may block the existing neighborhood ocean views. There are only two vacant properties in the neighborhood where the ocean can be viewed across the lots from Marina Drive. If the current development pattern to permit tall perimeter walls and driveway entry gates along Marina Drive continues, there could be no quality public views of the ocean remaining from the eastern end of Marina Drive. Ideally, the last two lots would feature adjacent interior property line view corridors so that a modest public view of the ocean would remain even after the entire street is built out. As proposed, the project includes a six foot height wall along the entire property frontage at the front yard setback line.

In addition, the applicant and ABR were advised by staff at the first Concept hearing that the proposed wall height and design along the front property would be inconsistent with Single Family Design Guidelines 13.2, 17.1 and 17.3 which discourage front house entries from being blocked with tall walls, screens or hedges. The guidelines encourage "neighborhood friendly" entries. The ABR sometimes allows private gated homes for some areas of the City. However, in this case, given the additional issue of Coastal views, the need for adherence to these guidelines should be carefully considered. The Planning Commission may direct the SFDB to further consider this front yard wall height issue.

Regarding views, Staff has included a condition of approval that would require the landscaping, accessory structures and any walls to be lowered or designed to maintain a minimum total of 30 feet of width in a view corridor or view corridors to the ocean. The view corridor would be designed to accommodate pedestrians walking along Marina Drive. The 30 feet of viewing corridor(s) could be provided on one or both sides of the house. The front property line is 155 feet wide. Also, the required interior yard setbacks are 15 feet for each interior property line. Given the total property frontage and standard interior yard requirements, the 30 foot view corridor condition width appears reasonable to maintain consistency with LCP and Single Family Design Guidelines policies.

D. LOCAL COASTAL PLAN COMPLIANCE

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 in Component One of the Local Coastal Plan which is located between the City's Westerly Boundary adjacent to Hope Ranch, east of Arroyo Burro Creek and extending about 1,000 yards to the north, and is a low density residential area. The LCP acknowledges that this area is almost entirely developed with single-family residences. LCP Policy 9.1 requires consideration of coastal views. The project site is located inland of a public vista point along Cliff Drive and on the ocean side of Marina Drive. The inland views of the mountains from Cliff Drive are blocked by Campanil Hill. Views of Campanil Hill are already obstructed in a number of ways throughout the area. Further reduction of this project's proposed 20 foot height would not appear to have substantial benefit for preserving hillside views from Cliff Drive. A condition for natural landscaping at the southern perimeter of the property, compatible with existing natural landscaping to the South of Cliff Drive will maintain an appropriate viewing ambience

immediately adjacent to Cliff Drive. With the southern perimeter landscaping provision and provision of a view corridor from Marina Drive toward the ocean, the proposed one-story house would be consistent with Policy 9.1. Policy 5.3 requires new construction to be compatible with the neighborhood. The proposed house is compatible in architecture. Although the proposed house is larger than most others in the neighborhood, the one-story nature of the project could be considered to be compatible with the neighborhood. The site is not located on a coastal bluff or in an archaeological sensitivity zone. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

VII. FINDINGS

Planning Staff recommends that the Planning Commission approve the Coastal Development Permit subject to the findings outlined below and the conditions of approval contained in Exhibit A.

COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the new residence would be compatible with the existing neighborhood, would not be visible from the beach, would not significantly impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site and is not located on a coastal bluff or in an archaeological sensitivity zone.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, December 20, 2006
D. Architectural Board of Review Minutes, May 29, 2007, and June 18, 2007
E. 20 Closest Lots FAR Survey
F. Preliminary Storm Drainage Report

involves a new unmanned wireless communication facility. The proposal consists of a panel antenna installation, demolition of an existing storage area, and the construction of a new eight-foot (8') high uncovered block wall equipment enclosure area. The discretionary application required for this project is a Modification to permit the alterations/installations to be located within both twenty-foot (20') front yard setbacks (SBMC §28.45.008). On October 24, 2007, a public hearing was held and the Staff Hearing Officer approved the request as submitted. This is an appeal of that action.

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

Case Planner: Roxanne Milazzo, Assistant Planner
Email: rmilazzo@SantaBarbaraCA.gov

IV. NEW ITEMS:

ACTUAL TIME: 2:40 P.M.

APPLICATION OF MIKE SILVA, 3455 MARINA DRIVE, 047-022-004, A-1/SD-3 SINGLE –FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE (MST2007-00221)

The project consists of the construction of a 6,218 square foot one-story single-family residence including a 469 square foot two-car attached garage and a 256 square foot one-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, and landscaping. The lot has street frontage on Marina Drive to the north and Cliff Drive to the south. The vacant lot is reduced from 1.34 to 1.17 acres by a public right-of-way easement along Cliff Drive. The southern portion of the development is located within the Appealable Jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the appealable jurisdiction of the Coastal Zone (SBMC § 28.44.050).
2. Single Family Design Board approval.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section 15303, (new construction of small structures).

Case Planner: Tony Boughman, Planning Technician
Email: tboughman@santabarbaraca.gov

Tony Boughman, Planning Technician, gave the Staff presentation.

Staff answered the Planning Commission's questions about the absence of building envelopes in the original Subdivision Map; and clarification in the Staff Report about the referenced Floor Area Ratio (FAR) requirements found in the Single Family Design Guidelines.

Michael Silva, Owner, gave the applicant presentation and introduced Bryan Pollard, Architect; Sam Maphis, Landscape Architect; and Mike Gones, Project Engineer.

Mr. Silva and Mr. Gones answered Planning Commission questions about having two garages instead of one three-car garage; and consideration given for daylighting the storm drain pipe to create a bio swale.

Mr. Silva and Mr. Maphis answered additional Planning Commission questions about the 6' wall heights on Marina Drive and Cliff Drive; consideration of an on-site retention tank in favor of a bio swale for drainage; and clarification of the wall elevations in front of the house as seen from Marina Drive.

Chair Myers opened the public hearing at 3:17 P.M.

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

1. Kitch Wilson expressed concern with the mansionization and lack of landscaping; would like to see rural nature of the area maintained.
2. Michael Moore was concerned with project's floor heights, loss of public mountain views, and incompatibility with the neighborhood and FAR guidelines.
3. Pearl Zalon was opposed to the obstruction of public ocean views and the mansionization, as well as the impact on global warming.
4. Ronald Green spoke against mansionization and lack of adhering to the FAR Guidelines. Asked for consideration of a public view corridor and relocation of the side garage that blocks the public view.

The following people spoke in support of the project:

1. Sandra Schoolfield
2. David Neubauer

With no one else wishing to speak, the public hearing was closed at 3:38 P.M.

The Commission was appreciative of the applicant's communication with neighbors. Many of the Commissioners could support the project if consideration was given for public views and following the NPO/FAR Guidelines. Presently this project exceeds FAR Guidelines by approximately 22%.

Comments and suggestions made included:

1. The house is taller than necessary for one-story. Suggested height maximum of 17' and reduction of the roof pitch.
2. The walls and entry gate need to be more compatible with neighborhood. Suggested lighter fencing, split rail fence with landscaping that is in keeping with neighborhood. The wall should be reduced to 3 feet.
3. The trail easement from Braemar Ranch establishes a public viewpoint along Marina Drive. Preserve a view corridor by reduction of house size to FAR guidelines. This is a pedestrian and equestrian use area and it was felt that it should be preserved as much as possible.
4. Landscape plan should include native plants and minimal lawn, as well as minimal irrigation since it is close to the ocean. Landscaping should be easily maintained at a low height in the view corridor.
5. Suggested garage #2 moved and integrated with garage #1 as a means of opening the view corridor.

Mr. Silva addressed the Commission and was agreeable to Staff's recommendation to eliminate the front wall and entrance gate; this would open up the view corridor. Explained how house size works.

MOTION: Jostes/Thompson
Continue the project to March 6, 2008 to allow the applicant time to respond to the Commission's comments on neighborhood compatibility and preservation of coastal views as required by the Coastal Act.

This motion carried by the following vote:

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

Chair Myers announced a recess at 4:12 P.M., and reconvened the meeting at 6:00 P.M.

Commissioner Jacobs did not return to the dais.

V. DISCUSSION ITEM:

ACTUAL TIME: 6:00 P.M.

CLIMATE CHANGE AND SUSTAINABILITY, INCLUDING ENERGY CONSERVATION

The Planning Commission will hold a discussion regarding Climate Change, Sustainability and Energy Conservation. The discussion will include background on these issues, what programs the City has in place to manage its facilities and operations in a sustainable way, proposed programs such as the use of conversion technology at Tajiguas Landfill, and how

PLANNING COMMISSION CONDITIONS OF APPROVAL

3455 MARINA DR (MST2007-00221, CDP2007-00013)
COASTAL DEVELOPMENT PERMIT
APRIL 10, 2008

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

A. **Recorded Agreement (s) Prior to Permits.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property, shall be executed by the Owner in a written instrument which shall be reviewed and approved as to form and content by the City Attorney and recorded by the City. Said agreement(s) shall be recorded in the Office of the County Recorder:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. 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.

2. **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).

3. **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.

4. **Lighting**. Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 10, 2008, is limited to approximately 6,219 square feet of building 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. Trees are prohibited in the 30-foot wide view corridor on the easterly side of the house.

6. **Cliff Drive Sewer Connection Requirement.** As a condition of approval of this project, 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 the swimming pool. 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.

7. **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 §16.15.*

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

B. **Design Review.** The following is subject to the review and approval of the Single Family Design Board (SFDB) prior to the issuance of a building permit or public works permit:

1. **View Corridor.** The project shall provide a view corridor or two view corridors from Marina Drive to the ocean to total at least 30 feet in width. The view corridor(s) may be provided on one or both sides of the house. Structures, walls, and plants must be installed and maintained at a low height 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 outside the wall along Cliff Drive. The pedestrian path shall align with the path along the adjacent property to the west and be constructed of decomposed granite or other similar material subject to approval. The materials used shall be approved by the Parks Department and Public Works Department.

3. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Transportation Manager.

4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

5. **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.

C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Marina Drive and Cliff Drive Street Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Marina and Cliff Drives. As determined by the Public Works Department, the public improvements shall include *one new City Standard residential driveway approach on Marina Drive, pedestrian path along Cliff Drive to match existing on adjacent properties, connection to City water main and connection to City sewer main when sewer main has been constructed in proximity to the site, crack seal to centerline of both Cliff Drive and Marina Drive, slurry seal a minimum of 20 feet beyond the limits of any trenching, drainage system including on-site detention, erosion protection, and connection to existing storm drain system on Cliff Drive, underground service utilities, supply and install directional regulatory temporary traffic control signs per MUTCD, preserve and/or reset survey monuments, and provide adequate positive drainage from site.*

2. **Drainage Calculations.** The Owner shall submit final drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.

3. **Fire Sprinkler System.** A fire sprinkler system shall be provided.

4. **Agreement Assigning Water Extraction Rights.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights does not include a right of surface entry on or from the Real Property.

D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Soils Report.** Submit to the Building and Safety Division a soils report.

2. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.

3. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.

4. **Recycling, Green Waste and Trash Enclosure.** Owner shall designate an appropriately sized, screened and accessible area for recycling, green waste and trash container storage outside of required yard setbacks.

E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section B above.

2. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____

Property Owner Date

_____

Contractor Date License No.

_____

Architect Date License No.

_____

Engineer Date License No.

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials.

2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

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

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

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

3. **Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

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

4. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

5. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:

   a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the

approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

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

6. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.

7. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.

8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

9. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

G. **Prior to Certificate of Occupancy.** Prior to issuance of a Temporary Certificate of Occupancy, or Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements along subject property frontage caused by construction (curbs, gutters, sidewalks, etc.), subject to the review and approval of the Public Works Department.

2. **Complete Public Improvements.** Public improvements as shown on the public improvement/building plans.

3. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

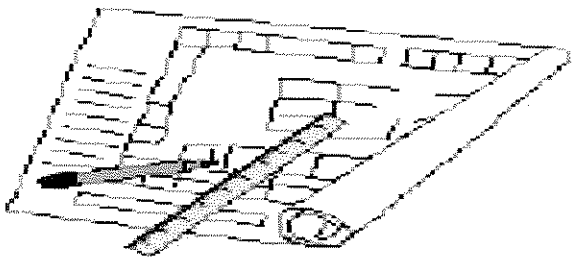
NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.

2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.

3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.



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March 11, 2008

Planning Commission
Case Planner

I am seeking a Costal Development Permit and need SHO approval of the project to move on to the next level of Architectural approvals. We have previously gone to two ABR Conceptual Meetings with very favorable comments from the board in the second meeting. We are also returning from a January PC meeting with requested changes to the project. The following are the dates of those meetings.

1. Architectural Board of Review Meeting Dated May 29, 2007
2. Architectural Board of Review Meeting Dated June 18, 2007
3. Planning Commission Meeting Dated January 10, 2008

Presented to the last Planning Commission was a project size of 6218 s.f. in total. The project consisted of a new single family residence on a vacant lot. The residence was 5,493 s.f. in size. It also had two garages with a combined size of 725 s.f.

The new proposed project is 5,390 S.F. in total. The residence in now 4,698 s.f. in size with a pool toilet of 26 s.f. The two garages have been reduced to one three car garage with 665 s.f.

The specific changes made to this project are considerable. We dropped the project square footage by 828 s.f. This put our project FAR at .10, the same as the non-required, suggested two story FAR. We also dropped the highest roof point by another 12" by a shortened span in the high roof area. Additionally, we went to a three car garage as suggested by the planning commission first meeting to a lot flexibility in the building location. This has allowed us to create a clearer open area on the east side of the residence. We are a clear 40 feet from property line when only 15 feet is the required setback on the east side.

The wall enclosure on the North side of the property, which was an issue with the Planning Commission as well has been reduced to a 24 inch landscape wall. This will open up the entire front yard to Marina.

EXHIBIT D

All other aspects of this project have not changed. We feel that we have listened to the commission's comments and suggestions and have come back with a project compatible with the neighborhood.

If we can be of any further help, please contact me at any time.

Sincerely,

Michael Silva