



City of Santa Barbara California

III. B

PLANNING COMMISSION STAFF REPORT

REPORT DATE: June 4, 2015
AGENDA DATE: June 11, 2015
PROJECT ADDRESS: 3425 Sea Ledge Lane (MST201400537)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4531
Beatriz Gularte, Senior Planner *BEG*
Kelly Brodison, Assistant Planner *KAB*

I. PROJECT DESCRIPTION

The project consists of a proposal to amend an existing Coastal Development Permit, which is presently under construction, in order to propose the addition of a new 450 square-foot pool, a 49 square-foot spa, associated pool equipment, deck and safety fencing on a 17,490 square-foot lot in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. This proposal is an amendment to the recent Coastal Development Permit approved May 2, 2013 and revised on August 8, 2014, which approved a remodel and second-story addition to an existing single-story house resulting in an approximately 3,608 square foot two-story house with an attached 488 square-foot garage.

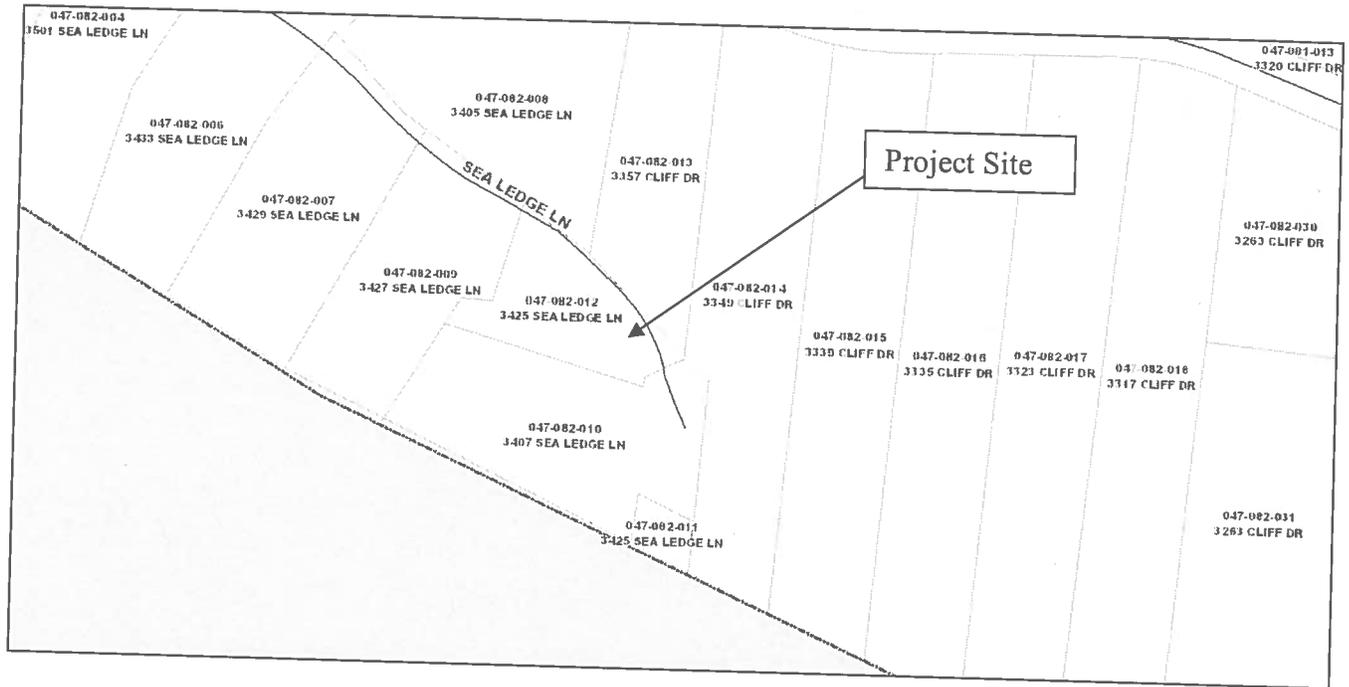
II. REQUIRED APPLICATIONS

The discretionary application required for this project is an amended Coastal Development Permit (CDP2012-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

APPLICATION DEEMED COMPLETE: May 13, 2015
DATE ACTION REQUIRED: July 12, 2015

III. RECOMMENDATION

The project, as proposed by the applicant, can be found to conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and location of the new pool has been reviewed by the Single Family Design Board and were found to be consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



3425 Sea Ledge Lane Vicinity Map

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Alicia Harrison		
Property Owner:	Jacques Habra		
Site Information			
Parcel Number:	047-082-012	Lot Area:	17,490 sq. ft.
General Plan:	Hillside - Low Density Residential (Max 1 du/acre)	Zoning:	A-1/SD-3, Single-Family Residence and Coastal Overlay Zone
LCP Land Use:	Residential (1 du /acre)	Topography :	~19%
Adjacent Land Uses			
North – Sea Ledge Lane		East – Single-Family Residential	
South – Pacific Ocean		West – Single-Family Residential	

V. **BACKGROUND**

On May 2, 2013, the Planning Commission approved a Coastal Development for the remodel and second-story addition to an existing one-story, 1,589 square foot, single-family residence with detached garage. The project consisted of 1,566 square feet of one and two-story additions, a 449 square-foot basement; demolition of the existing garage to be replaced with a 451 square foot, two-car garage, a 220 square foot, one-car carport, and a 1,211 square-foot "as-built" deck with above-ground spa.

In August 2014, a Level 2 Substantial Conformance Determination was approved, which included eliminating the basement, revising the floor plan and roof plan, relocating the driveway to the west side of the house, and minor increases to the building footprint. The revised project resulted in an approximately 3,608 square-foot, two-story residence with an attached 488 square-foot two-car garage. Although there was a minor increase in first floor footprint, the Substantial Conformance Determination resulted in an overall reduction of net floor area.

Both of the above plans received approval from the Single Family Design Board.

VI. **POLICY AND ZONING CONSISTENCY ANALYSIS**

The proposed pool, spa, deck and fence, would meet the requirements of the A-1/SD-3 zones related to building height, solar access, open yard requirements and parking, and remain legally nonconforming to the interior setback requirement along the west property line.

A. **COMPLIANCE WITH THE LOCAL COASTAL PLAN**

An LCP amendment has not been approved for the recently updated General Plan. Therefore, the previous General Plan Land Use Designation acts as the Local Coastal Plan Land Use Designation. This project site has a Land Use Designation of Residential (1 du /acre). The site is located in the Campanil neighborhood that is bordered on the north by Arroyo Burro Creek; on the south by the Pacific Ocean; on the east by the City limits line; and on the west by Hope Ranch. This neighborhood is characterized as large parcels which are either vacant or contain single-family dwellings.

Because the site is located within fifty feet of the edge of a coastal bluff in the Appealable Jurisdiction of the Coastal Zone, a Coastal Development Permit (CDP) was required for the recent remodel and addition to the existing single family residence on the lot. The applicant is now requesting an Amendment to that Coastal Development Permit to construct the pool. In order to approve the CDP Amendment, the new pool must be found consistent with both the City's Local Coastal Plan and the California Coastal Act. The proposed project would be consistent with the pattern single-family residential development in the area.

The project is located in Component One of the City's Local Coastal Plan (LCP) which stretches from the city's westerly boundary, adjacent to Hope Ranch, east to Arroyo Burro Creek, and extending inland 1,000 yards.

The major coastal issues in this area that are applicable to this project include hazards of seacliff retreat, drainage, maintaining and providing public access both vertically and laterally along the bluffs, maintenance of existing public views of the coast and open space, protection of archaeological resources and neighborhood compatibility. The project's consistency with these LCP Policies is described below. The site does not serve as a public facility, recreation area, or public coastal access point. The pool and fence will not inhibit public views because the project site is not visible from any public viewing areas and cannot be seen from Cliff Drive, which is the nearest public street. Also, there are no issues with unstable soils, high groundwater, seismic safety, flooding or fire.

Although the General Plan is not the standard of review in this case, it provides additional guidance. The City's General Plan - Safety Element includes policies relative to coastal bluff development including the requirement for a site specific investigation, appropriate structural setbacks to address the potential for long term erosion and bluff drainage. These policies are attached for reference as Exhibit E.

For these reasons, the project can be found consistent with the applicable policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

1. HAZARDS

The General and Local Coastal Plans strive to eliminate or reduce the hazards created by bluff loading and drainage related issues, which contribute to bluff erosion and undercutting of the slope.

Seacliff Retreat

The project site is a relatively level area situated between an uplifted terrace towards Cliff Drive to the north and a neighboring residence (3407 Sea Ledge Lane) to the south. The house pad is supported by a concrete beam and retaining wall near the top of the slope just south of the existing residence. The topography continues to slope down from the retaining wall with dense vegetative cover to meet the house pad of the adjacent property to the south that is located on the coastal bluff.

The Local Coastal Plan states that new development on the top of a sea bluff shall be placed at such distance away from the edge of bluff that normal rates of erosion will not seriously affect the structure during its expected lifetime. This policy is implemented by locating new development outside the 75-year geological setback to protect bluffs from erosion and maintain the natural topography of the bluffs. The 75-year geological setback is determined by an engineering geologist based on an average annual rate of erosion and material loss.

As stated above, Coastal Development Permit was approved for a remodel and two-story addition on May 2, 2013. The Geologic Investigation prepared for that development determined that the top of bluff as it pertains to this site is in line with the aforementioned retaining wall located approximately 17' south of the proposed house. The top of the natural coastal bluff is actually approximately 100 feet south (downslope of the existing residence) of the site retaining wall below where the southerly neighbor's residence and driveway are located. There is also a rock revetment located

along the toe of the slope, below that neighboring house which provides additional protection from wave-induced erosion.

Because there is a retaining wall on-site, and an existing residence below the subject site with the added benefit of a rock revetment, the rate of retreat due to wave attack and erosion for this particular property is zero inches per year. Based on observations of the site immediately to the west (which does not have a retaining wall), when the original CDP application was reviewed the geologist recommended a 15 foot setback from the existing retaining wall for habitable structures in order to provide an additional measure of safety.

The applicant is now requesting a CDP Amendment for a new pool, spa, associated pool equipment, deck and fencing. Staff requested additional analysis to address the addition of the pool and spa and their effect on the existing retaining wall. A Geologic Investigation prepared by Adam Simmons, dated April 14, 2015, stated that the proposed pool will not impact the stability of the slope since the pool is to be placed behind an existing caisson supported retaining wall.

The geologist recommends that the new pool be constructed with its own self supporting caisson foundation design and not tied to the existing retaining wall or proposed addition. The proposed structural design for the pool includes five drilled piles, including four for the pool and one for the spa. The caissons should extend below the depth of the existing caisson supported retaining wall. The use of tiebacks along the northern perimeter of the foundation should be considered. The caissons for the southern perimeter of the pool should be spaced appropriately to create independent support for each pile. This spacing should reduce any potential for foundation interference between the two structures and provide additional lateral strength of the deeper underlying earth material supported behind the caissons yet below the grade beams.

The proposed pool deck may extend to the top of the existing retaining wall using a cantilevered support, without connecting the structures. The report states that the weight of the water in the pool is roughly half the weight of the soil to be removed to install the pool and, therefore, construction of the proposed pool will not impact the existing retaining wall or stability of the slope since the weight of material to be retained behind the existing caisson supported retaining wall is being reduced and will not add excessive weight to the top of the bluff which is consistent with Policy S27 of the Safety Element of the General Plan.

The geologist also recommends installing a French drain system below the proposed pool. The French drain should exit at a visible downslope location so that any potential future pool seepage could be spotted and mitigated so as to minimize the saturation of the soil on the slope.

Drainage

LCP Policy 8.1 as well as Policy S26 of the Safety Element, require all new bluff top development to have drainage systems that carry runoff away from the bluff to the nearest public street. Because of the site topography described above, runoff cannot be directed to the nearest public street, which is Cliff Drive to the north. In these types of situations, private bluff drainage systems are permitted if the following is accomplished:

- 1) The system is sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;
- 2) The owner of the subject property allows for the permanent drainage of those parcels though his/her property; and
- 3) The drainage system is designed to be minimally visible on the bluff face.

There were no changes to property drainage as approved as part of the CDP for the single family residence. All storm water runoff from the site eventually reaches two (2) existing 6 inch outlet pipe drains in the parking/turnaround area to the southeast of the property. All drainage is captured and routed to the inlets so that no drainage will be allowed to run over the slope.

As part of the original Coastal Development Permit, a Drainage Analysis/Hydrology Report was prepared by LaChaine & Associates, Inc., dated November 12, 2012, with an addendum dated March 11, 2013, (available under separate cover) that described the existing drainage system on site. The existing system collects water from the existing development and two off-site runoff sources (the asphalt driveway and the slope north of the property) and is conveyed along the northern shoulder to the parking/turnaround area southeast of the site where two (2) six inch corrugated plastic pipes carry the water down to the beach.

Per the Drainage Report prepared by La Chaine and Associates and dated November 12, 2012, the two pipes have the capacity to convey the residence level runoff from the site drainage and the greater watershed that feeds them. The report also concludes that no increase in runoff would result from the residence nor would the residence cause runoff volumes to increase beyond the capacity of the two outlets.

The originally approved project design included two site drains/drop inlets along with a bio retention planter box located in the eastern corner of the property to accommodate the increase in building footprint. These improvements along with the additional landscape planters around the house will result in a 260 square-foot net loss of impermeable surface on the property. The above-mentioned Hydrology Report is applicable to the proposed pool, spa, and associated pool equipment because the pool is a small portion of area and it will benefit the permeability of the site by capturing rainfall and slightly reducing site runoff.

For the proposed project, La Chaine determined that the pool does not change their conclusion and actually benefits the property by adding a minor component of capturing rainfall and slightly lessening site runoff.

The new French drain is located beneath the pool. The sole purpose of this French drain is for detection of a pool leak if the pool were to fail. The outfall of this French drain needs to be visible so that the leak can be detected. The outfall is located at a point distant from the pool so that it can be gravity fed, and this outfall is located on the property. Any potential overflow at this point would flow to the asphalt road and storm drain to the beach consistent with existing conditions. Overflow from this point is only anticipated in the case of a pool leak which would be addressed and repaired as soon as the overflow was apparent.

Water Quality

As part of the original Coastal Development Permit, the applicant is also constructing a 60 square-foot bio retention planter box to assist in removing sediment from storm water runoff before flowing to the beach. Six small landscaped areas around the home are being provided to create natural treatment/filtration of site runoff. These improvements remain sufficient for the new pool.

VII. ENVIRONMENTAL REVIEW

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures, which allows for the construction of accessory structures including swimming pools.

VIII. DESIGN REVIEW

The proposed pool was reviewed by the Single Family Design Board on the Consent Calendar on November 17, 2015. The project was found to be aesthetically appropriate and forwarded it on to the Planning Commission. The applicant was asked to provide additional information when the project returns for a Final Approval including details on the landscaping treatment around the pool equipment area, details on the fencing, and any lighting associated with the pool.

IX. FINDINGS

The Planning Commission finds the following:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

The project is consistent with the policies of the California Coastal Act, with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and all applicable provisions of the Municipal Code. Therefore, Staff recommends that the Planning Commission approve the Coastal Development Permit, subject to the Conditions of Approval in Exhibit A and make the following findings for the project.

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse affects related to coastal resources, including views and public access, and the proposed addition is located outside of the 75-year seacliff retreat line as described in Section VI.A. 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 pool, spa deck and safety fencing is compatible with the surrounding bluff top neighborhood, will not impact views from public view corridors, will not impact public access, is not an archaeologically sensitive site, and addresses the potential for drainage hazards on the bluff as described in Section VI.A. of the Staff Report.

Exhibits:

- A. Amended Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated April 15, 2015
- D. Single Family Design Board Minutes
- E. Applicable Local Coastal Plan and General Plan Policies
- F. Geologic Investigation prepared by Adam Simmons dated April 14, 2015
- G. PC Resolution 008-13

PLANNING COMMISSION CONDITIONS OF APPROVAL

3425 SEA LEDGE LANE
COASTAL DEVELOPMENT PERMIT
MAY 2, 2013
AMENDED JUNE 11, 2013

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. **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. The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. 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 May 2, 2013, and revised on August 8, 2014, -is limited to a remodel and addition to an existing single-family residence resulting in an approximately a 4,2753,608 square foot two-story residence including and a 449 square foot basement, a 451-488 square foot garage, a 220 square foot carport and a 1,211 square foot "as-built" deck with above-ground spa, a new pool, spa, deck and required safety fencing and the improvements shown on the plans signed by the

chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Development Restrictions.** Habitable structures are prohibited within the 15-foot "structural setback," as noted on the plans and as recommended by Adam Simmons in the report titled "Seacliff Retreat Project – Addendum," dated April 17, 2013. ~~Minor improvements, including, "as-built" above ground spa (set back the recommended 6.25 feet from the top of the retaining wall), new pool, spa, deck and required safety fencing,~~ drought-tolerant landscaping and limited hardscape improvements, are allowed between the existing retaining wall and the 15-foot "structural setback," as noted on the plans.
3. **Parking.** Add and maintain a "no parking" sign in the designated Fire Department turn-around area located between 3425 and 3407 Sea Ledge Lane.
4. **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.
5. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new coastal development permit is required to authorize such work.
6. **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).
7. **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.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or

- restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
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. 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. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
 11. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- 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. **Landscaping on Bluff Top Properties.** The Single Family Design Board (SFDB) shall review any new landscaping, irrigation and/or improvements to said landscaping north of the top of bluff setback. Per the Geologic Investigation prepared by Adam Simmons, dated November 28, 2012, the existing deep rooted, drought tolerant plants should be maintained on the sloping areas of the property in order to minimize the potential for over-saturation and erosion. Thick and deep rooted plant varieties help to stabilize the slope and keep it in a state of under-saturation. The re-vegetation program (in areas where the existing vegetation is sparse or to be removed) should be implemented as soon as practical after the construction, if necessary. Minimize the planting of high water use plants (including lawn) within 20 feet of the slope south of the retaining wall. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
 2. **Drainage.** Drainage improvements shall be shown on the Landscape Plan and Site Plan and shall be installed per the Drainage Analysis and Hydrology Report prepared by LaChaine & Associates, dated November 12, 2012, and the Bio-Retention Planter Box calculations, dated March 11, 2013, and the Geologic Investigation prepared by Adam Simmons, dated November 28, 2012, to include:
 - Installation of a 60 square foot bioretention planter box, to aid in removing sediment from storm water runoff generated by the subject property, at the eastern corner of the property between the rock bench and the driveway.
 - Installation of two new site drains/drop inlets to the east side of the house pad.
 - All runoff water from impervious areas such as roofs, patios, decks, French Drains (for basement) and driveways shall be captured and directed via an impervious conduit to an appropriate disposal area. No surface water or captured subsurface water shall be allowed to pass in an uncontrolled manner onto the surrounding slopes below. The collected water shall be transported to the base of slope via the existing non-perforated drainage pipes.
 - A French drain system will be placed below the proposed pool.
 3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.

D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan for treatment, rate and volume. The Owner shall comply with the Drainage Analysis and Hydrology Report prepared by Lachaine & Associates, Inc., dated November 12, 2012, and the Bio-Retention Planter Box calculations prepared by Lachaine & Associates, Inc., dated March 11, 2013, as described in Condition C.2. The new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

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. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.
 1. **Preliminary Geotechnical Investigation.** All recommendations in the Preliminary Geotechnical Investigation Report prepared by GSI Soils, Inc. dated June 20, 2012 shall be incorporated into the project plans and specifications.
 - 1-2. **Geologic Investigation for pool and spa.** All recommendations in the Geologic Investigation Report prepared by Adam Simmons, dated October 19, 2014, and April 14, 2015 shall be incorporated into the project plans and specifications.
 - 2-3. **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, and telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

3.4. **Construction Storage/Staging.** A minimum width of 16' along the private Sea Ledge Lane shall remain clear and unobstructed for ingress/egress and emergency access during construction. The applicant shall provide 48 hour notice to adjacent neighbors if Sea Ledge Lane ever needs to be blocked for a temporary basis. 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. Said permit shall specify that workers are to park on the north side of Cliff Drive and be shuttled to Sea Ledge Lane.

4.5. **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. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. 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. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

5-6. **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. **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. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.

5. **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.

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.

April 15, 2015

Alicia Harrison, AICP
Land Use Planner
805.882.1442 tel
805.965.4333 fax
AHarrison@bhfs.com

VIA HAND DELIVERY

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RE MST2014-00537
Habra Request for Amendment to Coastal Development Permit MST2012-00135 for New Pool,
Spa, Deck and Pool Equipment
3425 Sea Ledge Lane
APN 047-083-012

Dear Planning Commissioners:

On behalf of Jacques Habra, owner of property located at 3425 Sea Ledge Lane, we are requesting approval of an amendment to existing Coastal Development Permit (CDP) MST2012-00135 for a new pool, spa, deck and pool equipment.

The property is located at the east end of Sea Ledge Lane, a private road serving a limited number of residences. The CDP mentioned above was approved on May 2, 2013 and revised on August 8, 2014, and allows for a 3,608 square foot residence and a 488 square foot garage. These improvements are currently under construction. As an amendment to the CDP the owner wants to construct a new 10 x 35 pool, a new 7 x 7 spa and pool equipment serving both the pool and spa. The owner also proposes to replace an existing deck of 1,130 square feet and extend the deck by 131 square feet. The decks would be wood, IPE or other material. The only grading required for the project is for excavation of the pool and spa.

The pool equipment is proposed to be located along the eastern edge of the pool area so that it is not in proximity to any neighboring residences. It will be screened via landscaping to dampen or eliminate any potential ambient noise.

The pool and spa add 496 square feet of impervious surfaces to the property. Per a review/update email from La Chaine & Associates, Inc. dated January 12, 2015, this minimal addition of impervious surface does not change the conclusions of their report and actually benefits drainage on the property by adding a minor component of capturing rainfall and slightly lessening site runoff. As such, all drainage systems already approved in the CDP will remain and will not be modified except as necessary to tie in the pool cover box/cover drain which captures potential pool overflow and directs it to the existing site drain system. One additional drainage recommendation is made by the Engineering Geologist in his April 14, 2015 report which includes a French drain system below the pool. The sole purpose of this French drain is for detection of a pool leak in the unlikely event that the redundant pool shell was to fail. The French drain is designed to gravity feed to a visible location on the property so that any leakage due to such failure could be spotted and mitigated immediately.

1020 State Street
Santa Barbara, CA 93101-2711
main 805.963.7000

The pool and spa improvements will be adjacent to an existing retaining wall located at the top of the bluff. Per the Engineering Geologist's April 14, 2015 letter, there has been zero measured erosion over the last 46 years due to the presence of this existing wall, therefore a setback from the current existing top of the bluff has been determined to be zero feet. The Engineering Geologist recommends a conservative residential structural setback from the wall of 15 feet for house additions, but he specifies that this does not pertain to the pool. The pool deck may extend to the existing wall due to the pool being on a self-supporting caisson and grade beam foundation that is independent from the support system for the retaining wall.

The structural foundation for the pool includes five drilled piles, four for the pool and one for the spa. The piles are 30 inches in diameter, 40 feet in depth and spaced appropriately so as to create independent support for each pile. Water within the proposed pool is roughly half the weight of the soil to be removed to install the pool. Therefore construction of the pool will not impact the existing wall since (1) the weight of material to be retained behind the existing caisson supported retaining wall is being reduced and will not add excessive weight to the top of bluff, (2) any weight of the pool structure will be supported by the proposed independent foundation system including self-supporting caissons. The Engineering Geologist concludes that the new caissons will not interfere with the integrity or functionality of the existing caissons and therefore will not impact stability of the coastal bluff, and if accelerated erosion were to undermine the pool, which he feels is unlikely given the existing wall, existing residence located below the subject property and the zero measured erosion rate noted above, he does not feel there would be safety concerns since both structures have independent caisson foundation support.

Pool safety fencing is proposed along the eastern portion of the residential site between the residence and the bluff, including a short extension of fence on the slope to ensure no access around the fence at the top of the slope. The western portion of the residential site is already fenced. Pool safety fencing located on the ocean side of the proposed pool is not necessary or required due to the very steep slopes (over 80%) and existing terrain that make access to the pool from the bluff portion of the site infeasible. Fencing will be a minimum 5 foot high black vinyl coated chain link screened with *laurus nobilis* (sweet baby) hedge.

The area of the new pool and spa is currently approved for dimondia and decomposed granite (dg). With the new pool in place, the remaining landscape areas will be the same materials – dimondia and dg – as shown on the proposed landscape plan. Two new podocarpus gracilior trees are proposed along the west side of the rear yard to provide screening. No vegetation on the bluff side will be removed. Per a November 8, 2012 report by the Engineering Geologist, the existing deep rooted, drought tolerant plants help to stabilize the slope and should be maintained on the sloping areas of the property in order to minimize the potential for over-saturation and erosion.

The pool will include three (3) lights in the pool and one (1) light in the spa. Each of the lights is proposed to be 15 watt white LED. All other exterior lighting was approved as part of the house addition CDP.

The property is on City water and private septic. The pool is intended to be filled by an outside vender, not City water. When necessary for the pool to be drained, it will be done by a pumper truck and removed from the property to an approved disposal site. No water from the pool will be dispersed onto the coastal bluff.

Pool construction is anticipated to last about 60 days. Pool construction method is anticipated to be shotcrete. Construction staging will be in the driveway area which is already disturbed due to current construction activity.

Planning Commission
April 15, 2015
Page 3

We hope this submittal adequately provides all project information needed for your review and approval.
Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alicia Harrison', with a long horizontal flourish extending to the right.

Alicia Harrison, AICP

015140\0001\12250512.1

3425 Sea Ledge Lane

Single Family Design Board Minutes

Consent Calendar

November 17, 2014

Public Comment: Joyce and Leon Lunt, adjacent neighbors at 3487 Sea Ledge Ln, submitted a letter expressing concerns about installing a pool during a drought and an allegedly over-height hedge in between the two properties.

Continued indefinitely to Planning Commission to return to Consent with the following comments:

- 1) The Board finds the pool aesthetically appropriate.
- 2) Show the enclosure or landscaping treatment around the pool equipment.
- 3) Provide a detail of the chain link fence.
- 4) Show any lighting associated with the pool.

LOCAL COASTAL PLAN POLICIES

GENERAL POLICIES

Policy 1.1 The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan.

Policy 1.2 Where policies within the land use plan overlap, the policy which is the most protective of the resources, i.e. water, air, etc. shall take precedence.

Policy 1.3 Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.

HOUSING POLICIES

Policy 5.3 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.

Action

Projects in the coastal zone will be reviewed by the Architectural Board of Review or Historic Landmarks Commission in accordance with the established rules and procedures.

HAZARDS POLICIES

Policy 8.1 All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are:

- (1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;
- (2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property;
- (3) the drainage system is designed to be minimally visible on the bluff face.

VISUAL QUALITY POLICIES

Policy 9.1 The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by:

- (1) Acquisition of land for parks and open space;
- (2) Requiring view easements or corridors in new development;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

Policy 9.3 All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

GENERAL PLAN- SAFETY ELEMENT

COASTAL BLUFF DEVELOPMENT

Policy S23 Coastal Bluff Development Guidelines. The following guidelines shall be used to evaluate proposed development on coastal bluffs:

- a. Setbacks from the bluff edge shall be adequate to address long-term erosion and slope stability issues.
- b. Development, redevelopment, renovations, and additions on bluff top parcels shall be located and designed so that they will not be adversely affected by the long-term erosion of the adjacent cliff. A minimum period of 75 years shall be considered when evaluating the effects of bluff retreat over the life of a project. New development shall be placed at a distance away from the bluff edge such that the long-term erosion of the bluff will not seriously affect the structure during its expected lifetime.
- c. All development, redevelopment, renovations and additions on bluff top parcels shall be located and designed so that erosion of the bluff at the project site or other locations will not be exacerbated. This includes, but is not limited to, locating and designing structures and other improvements to prevent a substantial increase in water percolation, weight placed near the bluff edge, and drainage over the bluff edge and down the cliff face.
- d. For proposed new development which may become threatened by bluff erosion, coastal development permit conditions shall require demolition by owners in the event that failure of the structure due to future bluff erosion is deemed imminent by the City.

Policy S24 Site- or Area-Specific Investigations of Coastal Bluff Retreat Rates. Evaluations of coastal bluff retreat rates and potential impacts of proposed projects shall be based on a site- or area-specific geologic investigation. These investigations shall determine the projected average rate of coastal bluff retreat (e.g., inches per year) based on an evaluation of historic and projected erosion rates.

- a. Past site-specific bluff retreat data derived from historical aerial photo review and other information may be considered when preparing estimates of future site-specific bluff retreat rates.
- b. Potential future accelerated rates of erosion and cliff material loss associated with climate change-induced sea level rise as identified in the most recent State projections must be considered. Exact future rates of accelerated coastal bluff retreat are unknown and will vary among location and over time, but are estimated, as of 2008, to average 12 inches per year, potentially accelerating to 1 to 3 feet per year in Santa Barbara if sea level rise progresses (URS 2008).
- c. Site-specific estimates of bluff retreat, as well as analysis of potential project effects and measures to address effects, shall be prepared by a Registered Geologist, Engineering Geologist or other similarly qualified individual, and are subject to approval by the City.

Policy S25 Structural Setback from the Bluff Edge for Slope Stability. Bluff edge setbacks shall be adequate to address long-term erosion and slope stability issues. The required development setback from the bluff edge shall be determined in accordance with the Coastal Act, the associated California Code of Regulations provisions [such as Regulation § 13577 (h)], (The “Coastal Commission guidelines,”) and by an analysis that includes the most recent methodology used by California Coastal Commission staff. For example, methodologies include the California Coastal Commission memorandum entitled “Establishing Development Setbacks From Coastal Bluffs (2003), provided in Appendix B of the Safety Element Technical Background Report. Factors to be considered include determining bluff edge, slope stability/ factor of safety and long-term bluff retreat. Modifications to the prescribed setback calculation methodology and setbacks may be approved by the City to reflect site-specific geological conditions.

Policy S26 Bluff Top Drainage. All new development of bluff top land shall have drainage systems carrying run-off away from the bluff edge and cliff to the nearest public street. In areas where conveyance of runoff landward is constrained by conditions such as engineering feasibility, cost and/or requirements for easements, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private drainage systems may be permitted if each of the following criteria are met:

- a. The drainage system is designed to be minimally visible on the cliff face and shall be maintained to remain minimally visible for the life of the project;
- b. The drainage system is designed and constructed to operate properly with only minimal maintenance requirements;
- c. The drainage system is designed and maintained to be effective for the life of the project including periodic replacement of the drainage system to adapt to bluff erosion as needed; and
- d. The drainage system will not result in accelerated erosion of the bluff.

Possible Implementation Action to be Considered

S26.1 Consider consolidated drainage systems where appropriate and feasible. Consolidated drainage systems could be sized to accommodate run-off from nearby and similarly drained parcels if a consolidated system is found to be most

beneficial, efficient, and will not result in environmental damage, and property owners are in agreement regarding the installation and maintenance of a consolidated system.

Policy S27 Loading. Development that will result in excessive weight to the top of the bluff (e.g., large structures, swimming pools, artificial fill, non-native vegetation etc.) should be discouraged.

Policy S28 Improper Vegetation. Where feasible, existing vegetation that requires large amounts of water should be replaced with native, drought-tolerant vegetation.

Policy S29 Improvements to Threatened Coastal Properties. The City recognizes the need for owners of threatened coastal properties to perform maintenance and modest improvements to threatened principal structures (primary living quarters, main commercial buildings, and functionally necessary appurtenances to those structures, such as septic systems and infrastructure) and other facilities. City goals are to minimize exposure of substantial new improvements to hazards of bluff retreat and avoid the need for installation of environmentally harmful coastal protection structures that could be requested to protect such improvements. To meet these goals, the following guidelines apply:

- a. Protection for existing structures shall first focus on techniques that avoid use of coastal protection structures including use of non-intrusive techniques such as drainage control, installation of drought tolerant landscaping, construction of cantilevered grade beam foundations, etc.
- b. Demolition or relocation of threatened principal structures and facilities further inland on parcels shall be favored over installation of coastal protection structures.
- c. Coastal protection structures shall not be allowed for the sole purpose of protecting accessory structures or landscape features (e.g., garages, carports, storage sheds, decks, patios, walkways, landscaping).
- d. The siting of new major improvements shall consider accelerated rates of coastal bluff retreat associated with climate change-induced sea level rise as projected by the State of California, and an area- or site-specific geologic investigation that accounts for climate change effects.
- e. For proposed new structures that have the potential to be threatened by bluff erosion, coastal development permit conditions shall require demolition by owners in the event failure due to future bluff erosion is deemed imminent by the City.

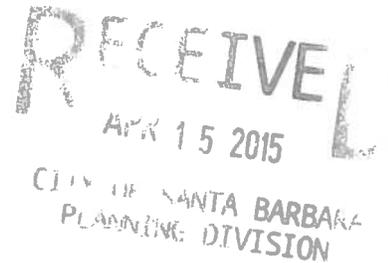
Policy S30 Development on the Cliff Face. With the exception of drainage systems identified in Policy S26, no development shall be permitted on the cliff face except for engineered staircases or access ways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.

April 14, 2015

Mr. Jacques Habra
c/o Peter Becker Architect

Attn: Mr. Tom Henson & Ms. Valeri Schillberg

Re: *Geologic Investigation – Proposed Pool Project*
3425 Sea Ledge Lane
Santa Barbara, California



Dear Mr. Habra:

Pursuant to your request, I have examined the geologic conditions and construction plans prepared by John D. Oeltman (dated April 13, 2015) and architectural plans prepared by Peter Becker Architect (dated April 13, 2015) for the proposed pool to be built on the above described parcel. I have also reviewed my Preliminary Geologic Investigation Report prepared for the Property (dated November 28, 2012) and addendum letters for the proposed spa (April 17, 2013) and pool (October 19, 2014), and update letter for the proposed residence (dated July 15, 2014). The purpose of my investigation was to examine the possibility of constructing a pool southeast of the residence adjacent to the existing retaining wall, to determine the potential risks, if any, where the pool is situated adjacent to the descending slope.

The proposed pool will be constructed with its own self-supporting, independent caisson foundation design and not tied to the existing foundation systems for the retaining wall or proposed house addition. The structural design for the pool includes five drilled piles, including four for the pool and one for the spa. The piles are 30 inches in diameter and 40 feet in depth. The pool piles are spaced appropriately so as to create independent support for each pile. Water within the pool is roughly half the weight of the soil to be removed to install the pool. Therefore, construction of the proposed pool will not impact the existing retaining wall or stability of the slope since the weight of material to be retained behind the existing caisson supported retaining wall is being reduced and will not add excessive weight to the top of bluff (consistent with LCP Policy S27). Any weight of the pool structure will be supported by the proposed minimum 40 foot deep caissons. As designed, the new caissons will not interfere with the integrity of the existing caisson systems supporting the retaining wall or house.

A French drain system will be placed below the proposed pool. A 3-inch diameter minimum PVC schedule 40 system placed in 10 to 12 inches of gravel below the pool is recommended. The French drain will exit at a visible gravity fed downslope outfall location to the east of the pool so that any potential future pool seepage could be spotted and mitigated so as to minimize potential for saturation of the soil on the slope. Potential overflow will go to a 3 inch cover drain/cover box. Careful attention to the pool construction design has been proposed to reduce the potential for future pool leaks.

Measurement of past erosion on the slope suggests zero erosion over the past 48 years due to the presence of the existing retaining wall and rock revetment at the base of the slope (not to mention a

residence located below). Therefore a setback from the current existing top of the sea cliff has been determined to be zero feet. However, measurement of 1 inch per year retreat had been calculated on the neighboring property to the west (3427 Sea Ledge Lane) and used to determine a 75 year retreat rate without the presence of the retaining wall. Application of the site specific, conservative retreat rate of 1 inch per year (based on observations without a retaining wall west of the site) and a design life of 75 years (Santa Barbara County and California Coastal Commission Guidelines), the total theoretical sea cliff retreat for this site would be approximately 6.25 feet from the current top of bluff (from the sea wall). To create a conservative structural setback for the residential addition, an additional 7.75 feet was added to the 6.25 foot retreat (assuming no retaining wall) to provide a 15 foot residential structural setback from the top of slope. However, it is my opinion that the proposed pool may be placed within the residential structural setback given the low potential for retreat on the property, the presence of the existing caisson supported retaining wall, that the water of the pool is roughly half the weight of the soil currently being retained by the wall, and that the pool structure itself is designed to be on an independent caisson system that will not interfere with the existing caisson system of the house or the retaining wall. In my opinion, the addition of the pool structure and caisson foundation system will not impact the integrity or functionality of the existing retaining wall and therefore will not impact stability of the coastal bluff.

If accelerated erosion was to undermine the proposed pool in the next 75 years (unlikely with the existing retaining wall), there would be no safety concerns since the pool would be placed on its own self-supporting caisson/grade beam foundation. Based on the past findings, it is my conclusion that it is feasible to construct the proposed pool immediately behind the existing retaining wall.

If I can be of any further service to you on this or other geologic matters, please do not hesitate to contact my office.

Sincerely,



Mr. Adam Simmons
Certified Engineering Geologist & Hydrogeologist
State of California PG #6234 EG #2015 HG #509





City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 008-13
3425 SEA LEDGE LANE
COASTAL DEVELOPMENT PERMIT
MAY 2, 2013

APPLICATION OF RUSS BANKO, AGENT FOR JACQUES HABRA, 3425 SEA LEDGE LANE, APN 047-083-012, A-1/SD-3 ZONES, LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL-1 DU/ACRE (MST2012-00135)

The subject project is a proposal for alterations and additions to an existing one-story, 1,589 square foot, single-family residence with detached garage, located on a 17,490 square foot blufftop lot in the Hillside Design District. The proposed construction consists of 1,566 square feet of one and two-story additions, a 449 square foot basement; demolition of the existing garage to be replaced with a 451 square foot, two-car garage and a 220 square foot, one-car carport and a 1,211 square foot "as-built" deck with above-ground spa. Proposed grading includes approximately 340 cubic yards of cut, 180 cubic yards of fill and 160 cubic yards of export. The resultant residence of 3,826 square feet (which includes a 100% basement floor area reduction) is 87% of the guideline floor-to-lot area ratio (FAR).

The discretionary application required for this project is a Coastal Development Permit (CDP2012-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

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

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

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

1. Staff Report with Attachments, April 25, 2013.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Joyce and Leon Lunt, via email
 - b. Chris Krach-Bastian, via email
 - c. Paula Westbury, Santa Barbara, CA

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

- I. Approved the subject application making the following findings and determinations:
 - A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)
 1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse affects related to coastal resources, including views and public

access and the proposed addition is located outside of the 75-year seacliff retreat line as described in Section VI.B. 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 addition is compatible with the surrounding bluff top neighborhood, will not impact views from public view corridors, will not impact public access, is not an archaeologically sensitive site and would improve potential safety and drainage hazards on the bluff as described in Section VI.B. 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. The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. 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 May 2, 2013 is limited to a remodel and addition to an existing single-family residence resulting in a 4,275 square foot two-story residence including a 449 square foot basement, a 451 square foot garage, a 220 square foot carport and a 1,211 square foot "as-built" deck with above-ground spa and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Development Restrictions.** Habitable structures are prohibited within the 15-foot "structural setback," as noted on the plans and as recommended by Adam Simmons in the report titled "Seacliff Retreat Project - Addendum," dated April 17, 2013. Minor improvements, including the current extent of the "as-built" redwood deck, "as-built"

above-ground spa (set back the recommended 6.25 feet from the top of the retaining wall), drought-tolerant landscaping and limited hardscape improvements, are allowed between the existing retaining wall and the 15-foot "structural setback," as noted on the plans.

3. **Parking.** Add and maintain a "no parking" sign in the designated Fire Department turn-around area located between 3425 and 3407 Sea Ledge Lane.
4. **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.
5. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new coastal development permit is required to authorize such work.
6. **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).
7. **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.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
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. 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. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
11. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

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. **Landscaping on Bluff Top Properties.** The Single Family Design Board (SFDB) shall review any new landscaping, irrigation and/or improvements to said landscaping north of the top of bluff setback. Per the Geologic Investigation prepared by Adam Simmons, dated November 28, 2012, the existing deep rooted, drought tolerant plants should be maintained on the sloping areas of the property in order to minimize the potential for over-saturation and erosion. Thick and deep rooted plant varieties help to stabilize the slope and keep it in a state of under-saturation. The re-vegetation program (in areas where the existing vegetation is sparse or to be removed) should be implemented as soon as practical after the construction, if necessary. Minimize the planting of high water use plants (including lawn) within 20 feet of the slope south of the retaining wall. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.
2. **Drainage.** Drainage improvements shall be shown on the Landscape Plan and Site Plan and shall be installed per the Drainage Analysis and Hydrology Report prepared by LaChaine & Associates, dated November 12, 2012, and the Bio-Retention Planter Box

calculations, dated March 11, 2013, and the Geologic Investigation prepared by Adam Simmons, dated November 28, 2012, to include:

- Installation of a 60 square foot bioretention planter box, to aid in removing sediment from storm water runoff generated by the subject property, at the eastern corner of the property between the rock bench and the driveway.
 - Installation of two new site drains/drop inlets to the east side of the house pad.
 - All runoff water from impervious areas such as roofs, patios, decks, French Drains (for basement) and driveways shall be captured and directed via an impervious conduit to an appropriate disposal area. No surface water or captured subsurface water shall be allowed to pass in an uncontrolled manner onto the surrounding slopes below. The collected water shall be transported to the base of slope via the existing non-perforated drainage pipes.
3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground, and to the extent feasible, shall not shed light beyond the property line.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
- a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
 - b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan for treatment, rate and volume. The Owner shall comply with the Drainage Analysis and Hydrology Report prepared by Lachaine & Associates, Inc., dated November 12, 2012, and the Bio-Retention Planter Box calculations prepared by Lachaine & Associates, Inc., dated March 11, 2013, as described in Condition C.2. The new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
 - c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle

weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.

- d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

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. **Design Review Requirements.** Plans shall show all design, landscape, exterior lighting, and tree protection elements as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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

- E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Preliminary Geotechnical Investigation.** All recommendations in the Preliminary Geotechnical Investigation Report prepared by GSI Soils, Inc. dated June 20, 2012 shall be incorporated into the project plans and specifications.

2. **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, and telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
3. **Construction Storage/Staging.** A minimum width of 16' along the private Sea Ledge Lane shall remain clear and unobstructed for ingress/egress and emergency access during construction. The applicant shall provide 48 hour notice to adjacent neighbors if Sea Ledge Lane ever needs to be blocked for a temporary basis. 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. Said permit shall specify that workers are to park on the north side of Cliff Drive and be shuttled to Sea Ledge Lane.
4. **Construction Hours Limitation.** No construction shall occur on Saturday, Sunday, or the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	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.

5. **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. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.

- o. The engine size of construction equipment shall be the minimum practical size.
- p. 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. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

6. **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. **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. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **Site Maintenance.** The existing site/structure(s) shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
5. **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:

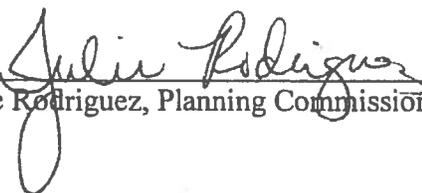
The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

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 la

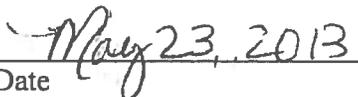
This motion was passed and adopted on the 2nd day of May, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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.

