



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 014-14
1360 SHORELINE DRIVE
COASTAL DEVELOPMENT PERMIT
MARCH 19, 2014

APPLICATION OF KEVIN MOORE, ARCHITECT, 1360 SHORELINE DRIVE, APN - 045-193-014, ZONE DESIGNATIONS: ONE-FAMILY RESIDENCE (E-3)/COASTAL OVERLAY (S-D-3), GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (5 UNITS/ACRE), LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL (5 UNITS/ACRE) (MST2013-00529)

The proposed project involves a 318 net square-foot addition, and interior remodel of an existing one-story single-family residence. Also proposed are a new front deck, approximately 90 square feet and two feet above grade, and a new rear deck with an arbor, approximately 140 square feet and two feet above grade.

The discretionary application required for this project is:

A Coastal Development Permit (CDP2014-00003) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060)

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

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, March 12, 2014.
2. Site Plans

I. NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer approved the requested Coastal Development Permit making the following findings and determinations:

- A.** The project is consistent with the policies of the California Coastal Act, because, as described in Section V.C of the written Staff Report dated March 12, 2014, no Coastal resources, such as public recreation, coastal access, or scenic views would be impacted.
- B.** 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 there are no sensitive resources on or adjacent to the project site as described in Section V of the Staff Report.

II. Said approval is subject to the following **Conditions of Approval:**

A. Approved Development. The development of the Real Property approved by the Staff Hearing Officer on March 19, 2014 is limited to a 318 net square-foot addition and interior remodel of an existing one-story, single-family residence. Also proposed are a new front deck, approximately 90 square feet and two feet above grade, and a new rear deck with an arbor, approximately 140 square feet and two feet above grade, and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.

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

1. Complete final building permit corrections and obtain a Building Permit (BLD) for construction of approved development and complete said development.
2. 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.

C. 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. **Community Development Department.**

- a. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner Date

Contractor Date License No.

Architect Date License No.

Engineer Date License No.

D. 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.

E. 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 Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **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.

This motion was passed and adopted on the 19th day of March, 2014 by the Staff Hearing Officer of the City of Santa Barbara.

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



Kathleen Gob, Staff Hearing Officer Secretary

Date 3/20/14

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150):**
 - a. The project is consistent with the policies of the California Coastal Act, because, as described in Section V.C of the Staff Report, no Coastal resources, such as public recreation, coastal access, or scenic views would be impacted.
 - b. 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 there are no sensitive resources on or adjacent to the project site as described in Section V of the Staff Report.

6. **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:** The Staff Hearing Officer 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:
- a. Otherwise explicitly modified by conditions of approval for the coastal development permit.
 - b. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
 - c. 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.