



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 083-05 3501 SEA LEDGE LANE COASTAL DEVELOPMENT PERMIT DECEMBER 8, 2005

APPLICATION OF DAVID NEUBAUER, PROPERTY OWNER, 3501 SEA LEDGE LANE, APN 047-082-004, A-1/SINGLE-FAMILY RESIDENTIAL AND SD-3/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE (MST2004-00141)

The proposed project involves the construction of a new two story 488 accessory cabana structure and 600 square foot sun deck over a three car garage/storage structure. The project also includes a lap pool, spa, new security gate, roof deck with wind screen and as-built landscaping improvements. The proposal also includes the demolition of an accessory structure, storage building, workshop, three car garage and abandonment of septic system. A total of 482 cubic yards of grading is proposed along with drainage improvements for the site. A 40 inch high retaining wall, under grounding of private sewer and electrical utility improvements are also proposed for the private street. The project will result in a 3,458 square foot single family residence with a detached 720 square foot three car garage on a 1.03 acre lot.

The discretionary applications required for this project is:

A Coastal Development Permit to allow the proposed development in the appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303. (Existing Facilities)

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

WHEREAS, one person appeared to speak in opposition to the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 5, 2005
2. Site Plans
3. Correspondence received in support of the project:
 - a. William and Payton Budinger, 3511 Sea Ledge Lane
 - b. G. Mearce, 3410 Sea Ledge Lane
 - c. Jon Kochejian, 3416 Marina Drive

4. Correspondence received in opposition to the project:
 - a. Christopher Jacobs, 21 E. Carrillo Street, for Tom and Kathy Dunlap, 3443 Sea Ledge Lane

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

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

COASTAL DEVELOPMENT PERMIT (SBMC§28.45.009)

The project is consistent with all applicable policies of the California Coastal Act, the City's Coastal Plan, all implementing guidelines and all applicable provisions of the Code because the residential addition would be compatible with the existing residence and the neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site.

- II. Said approval is subject to the following conditions:

- A. **Recorded Agreements.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by Owner in a written instrument which shall be reviewed as to form and content by the City Attorney:
 1. **Uninterrupted Water Flow.** Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on December 8, 2005 limited to one dwelling unit and the improvements shown on the Site, Elevation and Landscaping Plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 3. **Coastal Bluff Liability Limitation.** 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. In consideration of City granting this discretionary approval, Owner unconditionally waives any present or future claims of liability on the part of the City (whether foreseen or unforeseen) arising from the aforementioned or other natural hazards and relating to this permit approval. Further, 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 Owner's successors-in-interest or third parties.

4. **Cliff Drive Sewer Connection Requirement.** The Owner understands and acknowledges that the City requires that all private residential development in this neighborhood shall eventually connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to the Owner's real property. Consequently, Owner's will at Owner's sole expense, connect their residence 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 Owners fail to comply with this condition of approval, City may enter the real property of Owners 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 the Owners' real property.
5. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides 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.
6. **Pool Discharge Plan.** The pool cannot drain into the septic tank, the leach field, the drainage easement or elsewhere on the property or on the bluff. The Pool Discharge Plan must show how the pool will be drained to a water tanker to be removed from the site and properly drained.
7. **Water Extraction Rights.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
8. **Zoning Compliance Declaration.** Record a Zoning Compliance Declaration that allows one single family residence on the parcel.

- B. **Design Review.** The following are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit or public works permit (as applicable):
1. **Cabana Structure Changes.** The size, bulk and scale of the cabana structure shall be reviewed to reduce the overall size of the covered deck. Relocate the cabana entrance from easement side to parking side and reduce the bathroom to a maximum of 30 square feet.
 2. **Grading Plan.** Review engineered grading plan. Any grading in excess of 500 cubic yards shall return to the Planning Commission for further review.
 3. **Palm Trees.** All palm trees installed on the ocean bluff side without approval shall be removed.
 4. **Roof Deck.** The existing roof deck on the residence shall be removed.
 5. **Landscape Plan Compliance.** Owner shall install and maintain the landscaping on the Real Property in accordance with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
- C. **Required Prior to Building Permit Issuance.** The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:
1. **Coastal Bluff Stairway.** Determine whether the existing stairway going down the bluff to the beach is legal. If it is not legal, a Coastal Development Permit for its removal shall be issued prior to building permits issued under this Coastal Development Permit approved on December 8, 2005.
 2. **Sea Ledge Lane Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on 3501 Seal Ledge Lane. As determined by the Public Works Department, the improvements shall include drainage system erosion protection, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
 3. **Sewer System Requirement.** The Owner shall submit engineered plans for a private sewage system for approval that shall comply with all local codes and ordinances. The Owner understands and acknowledges that the City will not issue a building permit for building expansions until such plans for the private

sewer system are approved. It is the Owner's obligation to demonstrate to the City that all rights and easements to install improvements to convey sewage have been acquired as necessary to demonstrate feasibility of the proposed private sewage system.

4. **Storm Water Quality Control.** Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
5. **Grading Limitation.** Excavation and grading shall be limited to the dry season of the year (i.e., April 15-November 1) unless otherwise approved by the Building Division based on identified erosion-control measures.
6. **Construction Contact Signage.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name and phone number, work hours, and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m. Monday through Friday, and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

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

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

8. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
9. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.

10. **Construction Storage.** On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited.
11. **Construction Dust Control.** During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, all areas of vehicle movement shall be wetted down in the late morning and after work is completed for the day. The frequency of watering shall increase whenever the wind speed exceeds 15 mph. Reclaimed water shall be used for all required watering if the Public Works Director determines that reclaimed water is reasonably available for such use.

The contractor shall sweep daily the frontage of the property and adjacent properties along Sea Ledge Lane to decrease sediment transport to the public storm drain system and dust.

12. **Demolition/Construction Materials Recycling.** Owner shall, to the maximum extent feasible, recycle and/or re-use all construction/demolition waste and materials in order to minimize construction-generated waste conveyed to the landfill. Containers shall be provided on site for that purpose.
13. **Unanticipated Archaeological Resources.** Prior to the removal of any vegetation or paving, or any demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by Owner. 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, preparation and implementation of a Phase III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, 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.

14. **Planning Commission Conditions and Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner Date

Contractor Date License No.

Architect Date License No.

Engineer Date License No.

- D. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements subject to the review and approval of the Public Works Department.
 2. **Complete Required Public Improvements.** Public improvements as shown on the building plans.

3. **Cross Connection Inspection.** Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist, at 886-6217.
4. **Sewer System Improvements Completed.** All sewer system improvements required by the system inspector shall be completed.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval unless such approval is extended in accordance with section 28.45.009(q) of the Santa Barbara Municipal Code.

This motion was passed and adopted on the 8th day of December, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1

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.

Deana McMillion, Administrative/Clerical Supervisor

Date

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