



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: December 1, 2005
AGENDA DATE: December 8, 2005
PROJECT ADDRESS: 3501 Sea Ledge Lane (MST2004-00141; CDP2005-00018))
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Jaime Limon, Senior Planner

I. SUBJECT

The project consists of a proposal to construct a 484 square foot second-story cabana over a new three car garage addition to an existing 2,970 square foot single-family residence on a 1.03 acre lot located within the City's Coastal Zone. A 600 square foot sun deck, swimming pool and spa and 483 cubic yards of grading are proposed. Private utility improvements consisting of new undergrounding of utility lines, transmission poles along Sea Ledge Lane, the abandonment of the septic system and a new private sewer connection are also proposed. The demolition of existing unpermitted structures and as-built landscaping improvements associated with the development are proposed that would remedy an outstanding Enforcement Case (ENF2004-00239) on the property.

The discretionary application required for this project is a Coastal Development Permit (SBMC§28.45.009), to allow development on a property located within 50 feet of a coastal bluff in the appealable jurisdiction of the Coastal Zone.

DATE APPLICATION ACCEPTED: October 30, 2005
DATE ACTION REQUIRED: January 30, 2006

3501 Sea Ledge

047-082-004

VICINITY MAP



1500 Feet
1500 Feet
1500 Feet

Search Radius 000 Feet

0/05



II. SITE DESCRIPTION

Applicant: David Neubauer
 Property Owner: Neubauer Family Trust
 Project Address: 3501 Sea Ledge Lane
 Parcel Number: 047-082-004
 General Plan: Residential – 1 unit per acre
 Zoning: A-1 / S-D-3, Single-Family Residence and Coastal Overlay Zones
 Environmental Assessment: Exempt per CEQA Guidelines Section 15301 & 15303 (existing facilities and new small structures)
 Existing Use: single-family residence
 Proposed Use: single-family residence
 Topography: 28% average slope from north to south (not including ocean bluff)
 Access: Sea Ledge Lane (private)
 Adjacent Land Uses:
 North: Sea Ledge Lane
 South: Pacific Ocean
 East: single-family residential
 West: single-family residential

III. SITE STATISTICS

LOT AREA: 1.03 acres

UNIT SIZE: Floor Area

	Existing:	Original Proposed- 2004	Current Proposed:
Residence	2,970 square feet	2,970 square feet	2,970 square feet
Accessory bldgs/ Cabana	500 square feet	750 square feet	484 square feet
Garage	700 square feet	720 square feet	720 square feet
Addition	na	528 square feet	None
Total:	3,870 square feet	4,968 square feet	4,174 square feet

OPEN YARDS:

-Required: 1,250 sq. ft
 -Provided: more than 1,250 sq. ft.

PARKING:

-Existing: 2 covered
 -Required: 2 covered
 -Provided: 3 covered

IV. PROJECT DESCRIPTION

The project site is a bluff-top property located at the southwestern-most corner of the City's boundary that is accessible from Sea Ledge Lane, a private road stemming from Cliff Drive. Entrance into this small community of seaside homes is restricted by an electronically controlled security gate. The Sea Ledge Lane neighborhood rests upon an ancient, inactive landslide.

The project site is a 1.03 acre lot in the A1, Single Family Residence zone and is currently developed with a 2,970 square foot, one-story, single-family residence and two detached unpermitted structures (studio and one-story 1,000 square foot garage/storage building). 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 the two existing accessory structures (studio/workshop, three car garage) and abandonment of the septic system. A total of 482 cubic yards of grading is proposed along with drainage improvements for the site.

A master plan has been developed for the undergrounding of all overhead utility lines along Sea Ledge Lane. The plan includes methods and proposed routes for private sewer lateral connections. A 40 inch high retaining wall proposed along the base of the hill along Sea Ledge Lane is proposed to assist in the retention of soil slough off from the hill and to properly locate utility lines along the roadway. The master plan includes the proposal for the formation of a homeowner's improvement association to allow for future participation of other property owners in order to facilitate the undergrounding of utilities. 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. (Exhibit B and C, Site Plan and Applicant Letter).

V. BACKGROUND

Repairs and improvements to this residence due to electrical code related problems have been underway since 2003. The residence has been repaired with interior renovations and minor exterior improvements; including a new roof, under separate permit `be abated while other enforcement actions were placed on hold pending the outcome of the current development application. In June 2003, Mr. Nuebauer obtained ABR approval and a fence permit along with approval of "minor landscaping" including the installation of palm trees. The installation of the king palm trees was later determined to require a Coastal Development Permit because they are within 50 feet of the bluff. The fence permit approval decision was subsequently appealed to City Council by an adjoining neighbor but later withdrawn based on ongoing discussions to resolve disputes involving easements and location of as-built improvements. The as-built landscaping component of the project was required to be included as part of the major development proposal as further described in this staff report.

The proposed project scope has undergone several variations over the past two years as a result of input from City Staff, ABR and neighbors. The applicant has also shown a willingness to revise the project scope to meet city requirements, respond to areas of concern and improve the

overall appearance of his property. The proposal to provide a master plan for the location of utilities and wall improvements along Sea Ledge Lane is an example of this type of cooperation.

VI. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines. The Guidelines of the California Environmental Quality Act (CEQA) identify some types of projects that are exempt from environmental review. Staff and the City's Environmental Analyst reviewed the project and determined that the project qualifies for a Categorical Exemption per CEQA Sections 15301, Existing Facilities, and 15303, New Construction of Small Structures. Section 15301 exempts the minor alterations and additions to existing structures. Section 15303 exempts construction of accessory structures. The following reports and issues were considered in reviewing the project for its environmental determination.

A. ARCHAEOLOGICAL RESOURCES

Staff required the preparation of Phase I archaeological reports for the project since the site is located within the Prehistoric Sites & Watercourses area of cultural sensitivity. The report concluded that no cultural resources were identified during the Phase I Investigation. However, since there still remains some potential for discovery of prehistoric cultural resources at the site due to the grading work, staff has recommended a standard condition of approval that will require notification of a qualified archeologist if any historic or prehistoric artifacts are discovered during the course of construction. The archeologist will assess the significance of any discovery and will determine an appropriate response.

B. HYDROLOGY REPORTS AND SITE DRAINAGE

A Hydrology study was prepared by William H. Anikouchine, Engineering Geologist, to evaluate the existing drainage flow patterns and expected drainage flow after construction. Site drainage consists of a system of drain inlets and piped drains that collect and redirect site drainage flows. The site improvements will also allow for the placement of curbs to prevent drainage from being directed onto the property or towards the bluff top. (Exhibit D) City Staff has reviewed the project and anticipates that the additional water runoff from the new construction would be controlled and that the new drainage improvements are sufficient.

C. ENGINEERING GEOLOGIC REPORT/RATE OF BLUFF RETREAT

William H. Anikouchine also prepared an Engineering Geologic Report for the proposed improvements at this bluff top site, including the proposed in ground swimming pool and spa. Although Staff had questions regarding the scope and location of the site improvements, Staff found the report acceptable for addressing geologic conditions for the current project. Mr. Anikouchine stated that a rock revetment has been successful in protecting most of the sea cliff below from bluff toe erosion and there has been no

appreciable retreat of the sea cliff on the subject property since the revetment project and the installation of drainage control features. Dr. Anikouchine examined historical aerial photographs to ascertain the rate of bluff retreat since 1928. Although the rate of retreat is known to vary from year to year, the report indicates a conservative estimate rate of erosion to be 1"/yr and identifies the 75 year bluff retreat setback to be 6 feet from the top of bluff. None of the proposed work would be within the proposed setback area (Exhibit E).

D. CONSTRUCTION PROCESS

Standard measures to minimize short-term construction dust, noise, solid waste, and circulation/parking have been recommended in the attached Conditions of Approval (Exhibit A).

VII. ARCHITECTURAL BOARD OF REVIEW

The Architectural Board of Review (ABR) reviewed the proposed project on two occasions. At the first meeting on March 22, 2004, the ABR requested that the applicant provide more information regarding the master bedroom addition such as more photo documentation of the public view corridors and privacy impacts of the proposed second story windows. An organized site visit of the property was requested by the ABR to be conducted prior to their next review based on concerns from some of the residents regarding the second story addition location and amount of upper floor decks proposed. On September 6, 2005, the ABR reviewed the project design again immediately following an organized site visit to view story poles. The Planning Commission also reviewed the story poles on September 7, 2005. The ABR was still concerned regarding the design of the second story master bedroom/deck addition over the main residence but found the proposal for the detached cabana and deck, the three car garage, pool, landscaping and other improvements to be acceptable.

The cabana structure was determined to meet an acceptable hillside design technique given the architecture tucks into the hillside, creating a one-story presence. The ABR did not have favorable comments on the design of the master bedroom addition. The Board did not support the three sided cantilever finding it to be problematic, and requested a redesign to solve the awkwardness of the design solution. The Board did not support the use of glass railings for the existing roof deck over the main residence. The Board found the grading work and the landscape plan including the installation of the palm trees acceptable. The project was continued indefinitely to the Planning Commission.

The applicant elected to eliminate the second story master bedroom addition from the project rather than pursue a redesign. Minutes from both meetings are attached as Exhibit F. Preliminary and final approval, with Neighborhood Preservation Ordinance findings, by the ABR will be required following Planning Commission approval of the project.

VIII. ISSUES

A. CALIFORNIA COASTAL ACT/ LOCAL COASTAL PLAN CONSISTENCY

A Coastal Development Permit (CDP) is required for any project within fifty feet of the edge of a coastal bluff and, for property located between the sea and the first public road paralleling the sea, where there would be an increase of ten percent (10%) of the existing structure. The proposed project would result in a 1,208 square foot increase in the internal floor area of the existing permitted structure. This is an increase of more than 10%. Therefore, the project requires a CDP

Section 30251 of the State Coastal Act (the Act) identifies the scenic and visual qualities of coastal areas as resources of public importance. One of the stated goals of the Act is that new development must be sited and designed to protect views along the scenic coastal area, minimize the alteration of natural land forms and be visually compatible with the character of the surrounding areas. Furthermore, where feasible, visually degraded areas are to be restored and enhanced.

Section 30253 requires that new development: 1. "minimize risks to life and property in areas of high geologic, flood and fire hazard;" and 2. "assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site.....along bluffs and cliffs".

At the south side of the residence, which faces the bluff, some palm trees have been planted in close proximity to the bluff but outside the 75 year setback. However, none of the proposed new construction work would extend closer than the existing residence, which is located approximately 35 feet from the top of the bluff, and none of the construction is proposed in the 75-year setback on the bluff top. The other proposed new development is located on the north side of the existing residence away from the bluff top and would remain visually compatible with the character of the site and with the neighboring bluff top properties. The center line of the new lap pool would be located 120 feet from the 75 year setback line. The majority of the new landscaping, most of which consists of low native plantings, and new trees, is concentrated at the front of the property in the compound area. However, the "as-built installation of new king palm trees on the ocean bluff side is considered "new development" and this work is included as part of the CDP application.

The existing un-irrigated kikuya grass lawn area is not expected to undermine the cliff stability. The existing drip irrigation system is proposed to remain. The project would not block coastal views or have an impact on open space areas. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

B. ZONING ORDINANCE AND GENERAL PLAN CONSISTENCY

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

and is consistent with the General Plan density classification of one dwelling unit per acre. The Seismic Safety - Safety Element identifies seacliff retreat as a hazard to coastal bluff development and offers recommendations for hazard reduction. Methods to minimize the hazard include placing new development away from the edge of the cliff such that normal rates of erosion and cliff material loss would not seriously affect the structure during its expected lifetime. All development would be proposed in locations that are no closer to the bluff face than the existing residence, which is already located outside the 75 year geologic bluff retreat setback area. Therefore, the project complies with applicable portions of the General Plan.

C. NEIGHBORHOOD COMPATIBILITY

The project consists of a two story accessory building addition to an existing one-story residence. The residence would remain consistent with the pattern of single-family residential development in the area, which is a mixture of one- and two-story residences. There are other accessory buildings that exist on Sea Ledge Lane. The proposed cabana floor plan has been designed with an oversized half-bath which the applicant insists be allowed to remain in this configuration. A Zoning Compliance Declaration may be required to be recorded against the property to clarify the intended purpose of the detached accessory structure for future owners. No modifications are requested. The proposed project has been designed to cut into the existing hillside embankment and is compatible with respect to the scale, size and design of existing development in the surrounding neighborhood.

D. DRAINAGE

The Planning Commission approved a Coastal Development Permit for a 640 long rock revetment project in 1987 at the foot of the coastal bluff of four properties along Sea Ledge Lane including the subject property. Review of revetment project included the preparation of an EIR. A Rock Revetment Agreement and a Property Owners Joint Maintenance Agreement were required to be recorded against the property owners as a condition of approval under the CDP approval PC Reso. No. 08-87, dated January 22, 1987. The agreement indicated restrictions on the planting and watering of bluff areas and mandated the proper maintenance of landscaping and drainage facilities. (Exhibit G)

The approved landscape plan specified drought-tolerant plants only and prohibited the placement of large trees between the houses and blufftop. The installation of the palm trees appears to violate these original stated restrictions and the original ABR approved landscape plan.. Letters from an Arborist and the original landscape architect involved with the revetment project have been submitted to support the location of the "as-built" installed palm trees. (Exhibit H)

The proposed project would improve the existing drainage flow across the property and follow the recommendations outlined in the Hydrology Reports. The drainage between the existing house and the bluff will be modified by the addition of a 4 inch drain at the western property boundary with the pipes directed to the beach below. The drainage flow patterns for the driveway area and front terraced yard will be regraded to allow for

drainage to flow towards Sea Ledge Lane and to an existing storm drain inlet.

E. UNDERGROUND UTILITIES

The project proposes a comprehensive plan for the undergrounding of overhead utility lines serving the subject property, the abandonment of a septic system and the installation of a new private sewer lateral. The applicant has initiated the creation of a private improvement association and master underground utility plan to guide future undergrounding of utility lines for all property owners along Sea Ledge Lane. A small 40 inch high retaining wall along the private roadway is proposed to assist in the retention of the road embankment and to allow for the placement of underground utility lines. The installation of these systems will require coordination and agreements between property owners for the completion and costs associated with this undergrounding work. The ability for other property owners along Sea Ledge Lane to connect to some of these underground systems is dependent on their level of voluntary participation and the ability to obtain agreements for extending private sewer lines across other property owners parcels uphill from the project.

Staff is of the opinion that the requirement to abandon the septic systems and connect to private sewage systems is the appropriate direction for these bluff properties. Establishment of set guidelines and policies for the requirement to abandon septic systems should be a consideration for all new future development proposed on parcels along this coastal bluff area. In addition, the extension of the City sewer main should be targeted and accomplished to facilitate these property owners to connect their private forced laterals to a City gravity line.

F. AS-BUILT CONSTRUCTION/ZONING COMPLIANCE

The applicant has proposed phased improvements that would remedy the existing zoning violations for accessory structures constructed without permits and currently encroaching into required setbacks. The relocation of an entry gate (access for the adjoining neighbor) located on the subject property has been granted a separate coastal exclusion approval and is part of ongoing enforcement related actions. In addition, an as-built landscaping improvement consisting of the installation of several mature king palm trees on the bluff side of the property are proposed for approval.

The as-built roof deck/stairs at the main residence would be repaired, legalized, and improved in appearance. The applicant is requesting that a non-reflective polyvinyl or glass wind screen be approved. The demolition of these illegal structures and obtaining approvals for all as-built work would improve the appearance of the site and bring the property into zoning compliance. Because Sea Ledge Lane is a private road and the lot does not abut a named public street, the property does not have a front yard. The project also complies with the Zoning Ordinance requirements for height, parking and open yard.

IX. RECOMMENDATION/FINDINGS

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined below, and subject to the conditions of approval in Exhibit A.

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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated October 31, 2005
- D. Hydrology Reports dated June 26, 2004 and November 4, 2004
- E. Geological Report dated March 30, 2003
- F. Architectural Board of Review Minutes, March 22, 2004 and September 6, 2005
- G. PC Reso. No. 08-87, dated January 22, 1987.
- H. Letters from Landscape Architect and Arborist regarding landscape plan