



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 5, 2006
AGENDA DATE: January 12, 2006
PROJECT ADDRESS: 3339 Cliff Drive (MST2003-00388)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner *JMH*
Kathleen Kennedy, Assistant Planner *Kth*

I. PROJECT DESCRIPTION

The project consists of a one-year time extension for a project that received approval of a Coastal Development Permit on January 15, 2004. The approved project consists of a 1,200 square foot, second story addition and a 284 square foot, first story addition to an existing 4,009 square foot, one-story single-family residence. The project also includes a 700 square foot, detached three-car garage. The project site is located on a 1.3-acre lot in the Hillside Design District and in the appealable jurisdiction of the Coastal Zone.

II. REQUIRED APPLICATION

The discretionary application required for this project is a Time Extension of the Coastal Development Permit to allow development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

III. DISCUSSION

According to SBMC 28.45.009.6.q, *Expiration Date and Extensions*, a coastal development permit shall expire two (2) years from date of issuance unless otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use on the development has commenced. The expiration date of a coastal development permit, for which construction or use of the development has not commenced, may be extended for up to one (1) year upon request for an extension of time filed with the City prior to that expiration date. Such an extension of time may be granted no more than three (3) times, and under no circumstances shall the expiration date of any coastal development permit, on which construction or use of the development has not commenced, be more than five (5) years after the date of issuance.

Since the January 15, 2004 approval of the Coastal Development Permit, the subject property has undergone a change in ownership. The stated purpose of the time extension request is to provide time for the new owner of the property to proceed with a new similar design that would be in substantial conformance with the approved project.

IV. RECOMMENDATION/ FINDINGS

Staff recommends that the Planning Commission approve a one-year time extension, to January 15, 2007, for the Coastal Development Permit based on the following findings:

1. The development continues to be in conformance with the certified local coastal program,
2. The applicant demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record.
3. There are no changed circumstances that may affect the consistency of the development with the certified local coastal program, the general plan and applicable City ordinances, resolutions and other laws.

Exhibits:

- A. Applicant's letter dated December 7, 2005
- B. Planning Commission Resolution 003-04
- C. Site Plan

RECEIVED

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CITY OF SANTA BARBARA
PLANNING DIVISION

December 7, 2005

City of Santa Barbara
Planning Commission
630 Garden Street
Santa Barbara, California

RE: 3339 Cliff Drive, Santa Barbara, CA 93109
Planning Commission Resolution No.003-04
Coastal Development Permit : January 15,2004
Assessor's Parcel Number : 047-082-015
Land Use Zone : A-1 / SD-3
MST2003-00388

TIME LINE EXTENSION REQUEST

Dear Planning Commission,

Introduction

We are requesting a one-year time extension for the Coastal Development Permit that was approved by the Planning Commission on January 15, 2004. The reason for the extension is that the new owner of the property is planning to proceed with a different project that is similar in scale to that of the originally approved CDP and needs additional time to finalize the design and go through the regulatory process.

Description of Approved Project

The approved proposal is for a new 1,200 square foot, second-story addition and a 284 square foot, first-story addition to an existing 4,009 square foot, one-story single-family residence on a 1.3 acre lot located in the Hillside Design District and Appealable Jurisdiction of the Coastal Zone. The proposal also includes a new 700 square foot, detached, three-car garage and 485 square feet of second-story deck and exterior stairs. The exterior of the residence will have a new integral colored plaster with a smooth trowel finish. The existing aluminum windows will be replaced with wood windows and a new standing seam metal roof will replace the existing concrete roof tiles. The proposed addition and remodel is in keeping with the mass,

D. Kirkhart AIA
Michael Holliday AIA
Bruce A. Bartlett AIA
Steven N. Carter AIA
T.R. Kilpelainen

ARCHITECTURE

INTERIORS

DesignARC

Santa Barbara

Los Angeles

Orange County

City of Santa Barbara
Planning Commission
December 7, 2005
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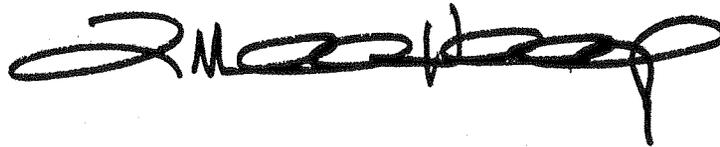
bulk and scale of similar developments along Cliff Drive.

The new proposal is similar in size and scale to the original proposal approved by the Planning Commission. The description of the new proposal will be outlined in a new letter to the City in determining substantial conformance.

We look forward to the opportunity to present this project in greater detail to the City at the appropriate time. Please feel free to give me a call should you have any questions on the above. We also appreciate your attention to this matter as quickly as possible since existing approvals expire in about three (3) weeks.

Sincerely,

DesignARC, Inc.

A handwritten signature in black ink, appearing to read "J. Michael Holliday". The signature is stylized and somewhat cursive, with a long horizontal line extending to the right.

J. Michael Holliday, AIA
Principal Architect
1 N. Calle Cesar Chavez #210
Santa Barbara, CA 93103
805.963.4401

cc: John Sheldon



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 003-04
3339 CLIFF DRIVE
COASTAL DEVELOPMENT PERMIT
JANUARY 15, 2004

**APPLICATION OF KARL KRAS, ARCHITECT, AGENT FOR PROPERTY OWNERS
KAREN AND NOEL MACDONALD, 3339 CLIFF DRIVE, APN 047-082-015, A-1/SD-3
SINGLE-FAMILY RESIDENTIAL AND COASTAL OVERLAY ZONES, GENERAL PLAN
DESIGNATION: RESIDENTIAL, ONE UNIT/ACRE, BLUFF (MST2003-00388)**

The proposed project consists of a 1,200 square foot, second story addition and a 200 square foot, first-story addition to an existing 4,009 square foot, one-story single-family residence. The proposal also includes a 700 square foot, detached three-car garage. The project site is located on a 1.3-acre lot in the Hillside Design District and in the appealable jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit for development in the appealable jurisdiction of the 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 15301 (Existing Structures).

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 three people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 15, 2004
2. Site Plans
3. Correspondence received neither in support of nor in opposition to the project was received from Patricia Foley, Braemar Ranch Homeowner's Association

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):

1. The project is consistent with the policies of the California Coastal Act.
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.
3. The project is consistent with Chapter 3 (commencing with Section 30200) Policies of

the Coastal Act regarding public access and public recreation.

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. Owner shall submit a hydrology report for review and approval by the Public Works Department.
 2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on January 15, 2004 is limited to one dwelling unit and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 3. **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.
 4. **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.
 5. **Cliff Drive Sewer Connection Requirement.** As a condition of approval of this project, Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point

adjacent to Owner's Real Property. 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.

6. The owner shall remove any part of the fence from the beach area should any part of it fall onto the beach.

B. Design Review. The following is subject to review and approval of the Architectural Board of Review (ABR):

1. The ABR shall review the landscape plan and attempt to achieve accord between the applicant and adjacent property owner(s) with regard to privacy issues and multiple fences on the bluff.
2. Postholes for the chain link fence installed within 50 feet of the top of bluff shall be hand-dug.

C. 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.

D. 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. **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.
2. **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.
3. **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.

4. **Construction Hours.** Noise generating activities are prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m., Saturdays, Sundays, and holidays observed by the City as legal holidays 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.

5. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
7. **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.
8. **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.
9. **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.

- c. The contractor shall sweep daily the frontage of the property and adjacent properties along Cliff Drive to decrease sediment transport to the public storm drain system and dust.
10. **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.
11. **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.
12. **Septic System Inspection Required.** A septic tank inspection report shall be prepared by a qualified and authorized inspector in accordance

with the County of Santa Barbara Environmental Health standards. Any deficiencies will be repaired or upgraded to the satisfaction of the City and demonstrated on the plans for building permits.

13. **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. _____

- E. **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. **Septic System Improvements Completed.** All septic system improvements required by the system inspector shall be completed.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

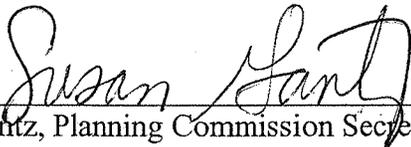
The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 15th day of January, 2004 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 1 (Maguire) ABSTAIN: 0 ABSENT: 1 (White)

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.



Susan Gantz, Planning Commission Secretary



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.

