



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 014-08
3339 CLIFF DRIVE
COASTAL DEVELOPMENT PERMIT
APRIL 24, 2008

APPLICATION OF DAWN SHERRY, ARCHITECT FOR JOHN SHELDON, 3339 CLIFF DRIVE, 047-082-015, A-1/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE (MST2007-00607, CDP2008-00007)

The proposed project involves replacement of approximately 859 square feet of an existing pool-level patio and 336 square feet of an existing upper-level patio with flagstone over concrete; replastering and coping of the existing swimming pool; and replacement of 423 square feet of gravel driveway with concrete. A Coastal Exemption was granted for replacement of a portion of the upper-level patio located at a distance greater than 50 feet from the bluff top and beyond the 75 year bluff retreat setback line (MST2007-00455). Both the pool-level patio and the upper-level patio were removed without the benefit of permits. Landscaping changes in the rear yard, including replacement of lawn with drought-tolerant plants, will be completed in accord with Planning Commission Resolution 005-02 and ABR-approved plans (MST2000-00612). The project site is located on a 1.3-acre lot in the Hillside Design District and Appealable Jurisdiction of the Coastal Zone. The site is currently developed with a 3,223 square foot single-family residence and 612 square foot attached garage.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2008-00007) 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 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, March 31, 2008
2. Site Plans
3. Correspondence received in support:
 - a. Leon and Joyce Lunt, via email
 - b. Dan B. Secord, M.D., via email

4. Correspondence received in opposition:

- a. 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; and
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.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the issuance of any Public Works Permit or Building Permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be 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. **Uninterrupted Water Flow.** The 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.
2. **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 will prepare said agreement for the Owner's signature.
3. **Cliff Drive Sewer Connection.** 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, 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.
4. **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.

5. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company.

B. Building Permit Plan Requirements. The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Conditions on Plans/Signatures.** The final Planning Commission 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 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.

C. Prior to Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Landscaping Installation.** Landscaping shall be installed as approved by the Architectural Board of Review (MST2000-00612) in accordance with Planning Commission Resolution No. 005-02.
2. **Repair Damaged Public Improvements.** Repair any damaged public improvements caused by construction (e.g., curbs, gutters, roadways, etc.)

subject to the review and approval of the Public Works Department per SBMC §22.60.090.

3. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

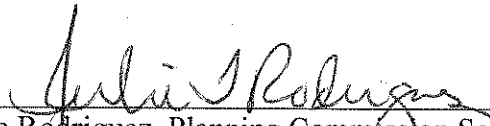
The Planning Commission's action approving the Coastal Development Permit shall expire two years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval of the Coastal Development Permit.
2. Construction or use of the development has commenced.
3. A Building Permit for the work authorized by the Coastal Development Permit is issued prior to the expiration date of the approval, and such Building Permit remains valid.
4. A time extension is granted prior to Coastal Development Permit expiration. A one year time extension may be granted by the Community Development Director upon findings provided in Santa Barbara Municipal Code §28.44.230.B. Time extension applications must be submitted to the Community Development Director for consideration prior to Coastal Development Permit expiration. Not more than three time extensions may be granted.

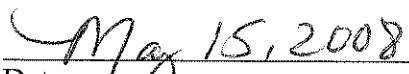
This motion was passed and adopted on the 24th day of April, 2008 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Larson, Myers, 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.



Julie Rodriguez, 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.