



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 2, 2012
AGENDA DATE: February 9, 2012
PROJECT ADDRESS: 2 Oliver Road (MST2011-00327)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a proposal for a new 115 linear foot chain link fence varying in height from 3 feet, 6-inches to 6-feet tall located on a 26,677 square foot parcel developed with an existing single-family residence. The proposed fence is located along the westerly property line within 50 feet of the coastal bluff in the appealable jurisdiction of the Coastal Zone

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP20011-00016) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

APPLICATION DEEMED COMPLETE: January 17, 2012
DATE ACTION REQUIRED: March 16, 2012

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and height of the proposed fence are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Roy Harthorn		
Property Owner:	Mike Walker		
Site Information			
Parcel Number:	045-100-085	Lot Area:	26,676 sq. ft.
General Plan:	Residential	Zoning:	E-3/SD-3
Existing Use:	Residential	Topography:	~57%
Adjacent Land Uses			
	North – Single Family Residential		East - Single Family Residential
	South – Pacific Ocean		West - Single Family Residential 1

B. PROJECT STATISTICS

	Existing
Living Area	1,824 sq. ft.
Garage	420 sq. ft.
Total	2,244 sq. ft.

V. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20'		No Change
-Interior	6'		No Change
-Rear	6'		No Change
Building Height		2-story	No Change
Parking	2 covered	2 covered	No Change
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	>1,250 sq. ft.

The proposed project would meet the requirements of the E-3 Single Family Residence/Coastal Overlay Zones, related to building height, solar access, setbacks, open yard requirements and parking.

VI. BACKGROUND

The subject site is the last parcel on Oliver Road, adjacent to the southern terminus of Oliver Road and the ocean bluffs. The project site is adjacent to a public viewing point at the terminus of Oliver road. At the end of the road the bluff drops steeply, more than 115 feet to the beach below. The westerly property line runs parallel to the public access point.

Currently trespassers from the City right-of-way are eroding the bluff edge by loitering and camping on an exposed cliff at the southern side of the applicant's property overlooking the beach below. The cliff area where the loitering is occurring is on the applicant's property, approximately 20'-30' to the east of the City right-of-way and over 100' of vertical drop to the beach below.

Along this westerly property line, the applicant is proposing to construct a three and one half foot (42") to six foot high, black chain link safety and security fence, extending in a north-south direction from the southern edge of the driveway to a point approximately 2 feet (cantilevered) beyond the bluff edge. The majority of the fence will be concealed inside or adjacent to an existing dense hedge. The only portion of the fence visible from Oliver Road is an approximately 18 foot long section near the driveway that will not exceed 42" in height, in compliance with the Zoning Ordinance fence height. The fence will then be raised to 6' high for approximately 89 feet inside the existing hedge. A smaller exposed section of the proposed fence measuring approximately 8' long near the bluff edge will be obscured by the regeneration of existing vegetation along the property line. Six foot high fence posts will be placed every 10 feet (a total of 11 posts), and will be excavated approximately 12 inches deep.

The fence is being requested to provide a safety barrier between the undeveloped City owned/Right of Way at the end of Oliver Road and the steep terrain on the property, to discourage unauthorized loitering.

A. GENERAL PLAN CONSISTENCY

The project site is located in the West Mesa neighborhood, as identified in the Land Use Element of the General Plan, and has a land use designation of Residential, five units per acre. This area is primarily developed with small-lot, single-family residences. The project consists of the installation of a chain link fence that is needed to separate the public Row-of-Way from the applicant's private property. There is an existing residence and garage that will remain unchanged. The project is, and will remain, consistent with the General Plan Land Use designation and will continue to be compatible with the surrounding neighborhood. Therefore, this project can be found consistent with the policies of the General Plan. No change in residential density is proposed as a part of this project.

B. LOCAL COASTAL PLAN CONSISTENCY

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project site is in Component Two of the LCP and the West Mesa Neighborhood, which are bounded by existing development along Cliff Drive on the north, the Pacific Ocean on the south, on the east by Meigs Road, and on the west by Arroyo Burro County Beach Park. Most of the West Mesa is designated for single family residential development. The major coastal issues identified for

Component Two include seacliff retreat and flooding hazards; public access, both vertically and laterally along the bluffs, overuse of public facilities, protection of recreational access, protection of archaeological resources and maintenance of existing coastal views and open space.

The project site was not found to be archaeologically sensitive and is not subject to flooding. The site does not serve as a public facility, recreation area, or public coastal access point. The proposed development would not alter any natural landforms. The project can be found consistent with these applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines. Coastal issues applicable to the subject property are discussed below.

Neighborhood Compatibility

LCP Policy 5.3 states that new development must be compatible in terms of scale, size and design with the neighborhood, and that new development shall not overburden public circulation or on-street parking resources. The project has been reviewed by the Single-Family Design Board and has been found to be compatible with the neighborhood. The new chain link fence along the property line is compatible with the surrounding residential uses in the neighborhood.

Public/Coastal Access: Currently the public is inadvertently trespassing onto the applicant's property in order to reach the beach cliff. This presents a dangerous situation, due to the steep drop in elevation to the beach below with no barrier between the cliff on the subject parcel and the public access way at the end of Oliver Road. . The proposed fence will not hinder public access to the coast as it will be constructed along the property line dividing a privately owned property at 2 Oliver Road and the Right of Way at the terminus of the Oliver Road.

Views: The scenic and visual qualities of coastal areas should be considered as a resource of public importance (Coastal Act Policy 30251). Projects along the coast should be sited and designed to protect views to and along the ocean and scenic coastal areas (LCP Policy 9.1). The project includes a new chain link fence to be constructed along the westerly property line. The views of the fence from the ocean and beach will be minimal because of the dark color of the chain link fence and the existing vegetation screening the fence. The SFDB, as noted below, stated that the project is acceptable aesthetically.

Policy 9.1 of the LCP states that existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. The proposed fence will not inhibit existing views to, from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

Hazards: Coastal Act Policy 30253 and LCP Policy 8.2 require that any construction on the bluff be limited to public beach access ways and pipelines and that such structures be engineered to minimize alteration to or impacts on the bluff and beach. The policy also requires projects to "assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Staff believes that the proposed fence will actually reduce

impacts on the bluff from erosion that has been occurring from illegal trespassers, campers and littering.

Seacliff Retreat

The General and Local Coastal Plans strive to eliminate or reduce the hazards created by loading and drainage related issues, which contribute to bluff erosion and undercutting of the slope. The Local Coastal Plan also states that new development should be located outside the 75-year geological setback to protect bluffs from erosion and maintain the natural topography of the bluffs. Although the proposed fence is within the 75-year setback area, the ground disturbance is minimal (10 post holes), and no changes are proposed to the bluff itself.

Seismic Safety/Safety Element: The Seismic Safety/Safety Element goals are to protect life, property, and public well-being, and to reduce or avoid adverse economic, social, and environmental impacts caused by geologic hazards and conditions. There is an extensive discussion of sea cliff retreat in both the Seismic Safety-Safety Element and the Hazards section of the LCP. The coastal bluffs are subject to significant erosion due to a combination of factors, including wave action, wind and rain erosion, and composition of the geology. The Seismic Safety-Safety Element, the Coastal Act, and the LCP generally prohibit development on the bluff face other than for public access to the beach and, in certain cases, drainage pipes. In order to protect development at the top of the bluff, the Coastal Act, the LCP and the city Seismic Safety/Safety Element prohibit most development within a 75-year bluff setback area. No new significant structures are proposed, however, the proposed fence will encroach into the 75-year bluff setback. The bluff top at this private property has become a hazard and is an invitation for trespassers and with the potential to create hazardous and dangerous situations therefore, the proposed development can be found consistent with the policies in the Seismic Safety/Safety Element.

VII. ENVIRONMENTAL REVIEW

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15303 (New Construction). Section 15303 allows for construction of new small structures including accessory structures such as fences.

VIII. DESIGN REVIEW

The project was reviewed by the Single Family Design Board (SFDB) on August 22, 2011. The SFDB found the proposed chain link fence acceptable, and directed the applicant to use a green or black chain-link fence, and to use the existing hedges to provide screening, as suggested in the Single Family Residential Design Guidelines. The last 10 to 15 feet of the fence along the bluff shall be reinforced to discourage vandalism.

IX. FINDINGS

The Staff Hearing Officer finds the following:

COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse affects related to coastal resources, including views, public access and hazards as described in Section V.C of the Staff Report.
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 because the additions are compatible with the existing neighborhood, are not visible from the beach, will not impact views from public view corridors, will not impact public access, will not contribute to safety or drainage hazards on the site, is not in an archaeological sensitivity zone and will not disturb the coastal bluff or, as described in Section V.C of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated December 20, 2011
- D. SFDB Minutes

PLANNING COMMISSION CONDITIONS OF APPROVAL

2 OLIVER ROAD
COASTAL DEVELOPMENT PERMIT
FEBRUARY 9, 2012

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

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

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee.
3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, 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. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 9, 2012 is limited to approximately 115 linear feet of black chain link fence ranging from 3 feet, 6-inches to 6-feet in height along the westerly property line and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
 5. **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.
 6. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, 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.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission / Staff Hearing Officer land use conditions have been satisfied.
1. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and/or any related Conditions of Approval.
 2. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the bluff. All

existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion.

- D. **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. **Public Works Department.**
 - a. **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 prepares said agreement for the Owner's signature.
 2. **Community Development Department.**
 - a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
 - b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
 - c. **Conditions on Plans/Signatures.** The final 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 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.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. 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, 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. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. **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 §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

G. **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 Planning Commission / 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. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
4. **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.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission 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:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. 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.

Roy W. Harthorn, Building & Safety Code Consultant
Certified Building Official and Plans Examiner
www.codeconsult.com

RECEIVED

December 20, 2011

JAN 25 2012

City of Santa Barbara Planning Commission,
c/o Community Development Department
630 Garden Street
Santa Barbara, CA 93102

CITY OF SANTA BARBARA
PLANNING DIVISION

Re. Proposed Safety and Security Fence; 2 Oliver Road, Santa Barbara, CA
Application MST-2011-00327

Dear Commissioners,

On behalf of Mr. Michael Walker, this letter is written to you to describe a fence he proposes for construction at his home and property located at 2 Oliver Road on the Mesa. Mr. Walker's home is located at the Southern terminus of Oliver Road near the bluff adjacent to the Santa Barbara coastline. As you are aware, beyond the end of the road the bluff drops precipitously more than 115 feet to the beach below.

Along his south westerly property line, Mr. Walker is proposing to construct a three and one half to six foot high black chain link safety and security fence extending in a north-south direction from the southern edge of his driveway (perpendicular to the bluff) to a point approximately 2 feet (cantilevered) beyond the bluff edge. The purpose of the fence is to provide the general public a safety barrier between the undeveloped City owned/controlled Oliver Road - Right of Way (ROW) and the naturally steep terrain on his property. The fence will also enhance the security of Mr. Walker's property.

Mr. Walker is understandably concerned that at present, trespassers from the City ROW are eroding the bluff edge by creating/maintaining an illicit trail to a small and exposed promontory (on his property) and in doing so may further be endangering themselves and others (rescue personnel, beach users, etc.). The small promontory on Mr. Walker's property is some 20'-30' beyond the City ROW and over 100' vertical to feet to the beach below. At one time (more than 10 years ago) this small area (a switchback) appears to have been a part of a very steep, dangerous and illicit path that started in an easterly direction from the City ROW on to Mr. Walker's property and then quickly turned back in a westerly direction back to the City ROW and then made its way (very steeply) back and forth across the face of the bluff (the remainder of which was entirely on the City ROW) to the beach.

Application MST-2011-00327 - Proposed Safety and Security Fence - 2 Oliver Road
December 20, 2011

Episodic slope failures on the bluff face over the last several decades has left that former route impassible and is now the face of a (near vertical) cliff.

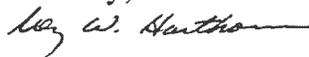
The length of the proposed safety/security fence measures approximately 115' long. In compliance with the City zoning ordinance, the (Northerly) portion of the fence (which adjoins the driveway to Mr. Walker's home) would be 3.5 feet high for a minimum distance of 10 horizontal feet. The remainder of the fence would be 6 feet in height.

The majority of the fence will be concealed inside or adjacent to an existing dense hedge. The only portion of the fence visible from Oliver Road is (approximately) 18 foot long section near Mr. Walker's driveway that again measures 42" high and then 6 feet high for (approximately) 89 feet inside the existing hedge. A smaller exposed section of the proposed fence (that measures approximately 8' long near the bluff edge) will quickly be obscured by the regeneration of existing vegetation along this section of Mr. Walker's property that has been repeatedly damaged by trespassers. Re-use of one or more existing fence posts near the bluff edge (constructed prior to Mr. Walker's ownership) will minimize disturbance of the bluff top.

Besides the obvious general concern for the public's safety, Mr. Walker is also concerned about both his and the tax payer's exposure to liability resulting from maintaining a potentially hazardous condition. The remaining vestige of the illicit trail may have the undesirable effect of deluding some into thinking there may still be public access down the cliff to the beach. The topography gradually steepens along the illicit and eroded pathway and then suddenly drops off to the beach more than 100' below. Reckless behavior of unsupervised teenagers and homeless and unrestricted access from the City ROW further contributes to the overall problem.

Mr. Walker and his consultants have met and conferred with planning staff who have communicated their support (on the basis of protecting public safety) for this approach. Mr. Walker appreciates your further consideration and approval of his proposal.

Sincerely,



Roy W. Harthorn,
Building & Safety Code Consultant



SINGLE FAMILY DESIGN BOARD
CASE SUMMARY

2 OLIVER RD

MST2011-00327

BUILDING

Page: 1

Project Description:

Proposal for a new 120 linear foot chain link fence varying in height from 3 feet, 6-inches to 6 feet tall located on a 26,677 square foot parcel developed with an existing single-family residence. The proposed fence is located along the westerly property line within 50 feet of the coastal bluff in the appealable jurisdiction of the Coastal Zone, and requires Planning Commission review of a Coastal Development Permit.

Activities:

8/22/2011 **SFDB-Consent (New)**

(Comments only; project requires Environmental Assessment and Planning Commission review for a Coastal Development Permit.)

Continued indefinitely to Planning Commission to return to Consent with comments:

- 1) The Board finds the proposed chain-link fence acceptable with the direction to use a green or black chain-link fence, and the use of existing hedges (to remain) to provide screening, as suggested in the Single Family Residential Design Guidelines.*
- 2) The last 10 to 15 feet of the fence along the bluff shall be reinforced to discourage vandalism.*

8/22/2011 **SFDB-Consnt Mail Notice Prep'd**

8/8/2011 **SFDB-Resubmittal Received**

SFDB submitted for noticed consent

EXHIBIT D

