



City of Santa Barbara California

IV.

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 7, 2013
AGENDA DATE: February 14, 2013
PROJECT ADDRESS: 2215 & 2305 Edgewater Way (MST2008-00085)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner *DK*
Kelly Brodison, Assistant Planner *KAB*

I. PROJECT DESCRIPTION

The proposed project involves a lot line adjustment between 2215 Edgewater Way (Lot 2) and 2305 Edgewater Way (Lot 1), with construction proposed on the resulting lots. The two proposed lots are identified as Adjusted Parcel 1 and Adjusted Parcel 2. The property line dividing the two existing lots runs east-west, resulting in a bluff top lot and a non-bluff top lot. The proposed lot line adjustment would change the orientation of the dividing lot line to a north-south configuration, resulting in two bluff top lots.

Existing Lot 1 (2305 Edgewater Way – non-bluff top) is 11,264 square feet with a 9% slope. Adjusted Parcel 1 would be 22,016 square feet with a 43.5% slope. Existing Lot 2 (2215 Edgewater Way – bluff top) is a 43,127 square lot with a 48% slope. Adjusted Parcel 2 would be 31,375 square feet with a 48.8% slope.

All of the existing development is on Existing Lot 1, which contains a single-family residence, a detached two-story guest studio (not a legal unit), and a detached, unpermitted two-car carport.

Adjusted Parcel 1 includes the construction of a 435 square foot two-car garage and a new 205 square foot entrance trellis for the existing 2,219 square foot two-story single-family residence. A modification is requested for a corner of the garage to encroach 2'-11" into the 20' front setback at the north property line.

Adjusted Parcel 2 includes the conversion of the existing 627 square foot guest studio to a single family residence with a 240 square foot deck, the demolition of the existing 283 square foot "as-built" carport, and construction of a 450 square foot detached two-car garage and a 419 square foot basement. A corner of the garage will require a modification to allow an encroachment of 2'-7" into the 20' front setback at the north property line. A modification is also requested on this lot to allow a new 5' high hedge and walk through gate to exceed 3.5' within 10' of a portion of the east front property line for approximately 58 lineal feet at Mohawk Road.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Lot Line Adjustment (LLA) to adjust the property line between 2305 Edgewater Way and 2215 Edgewater Way (SBMC §27.40 & Gov. Code 66412);
- B. Two Modifications to allow the new garage structures on both adjusted parcels to encroach into the front setback on Edgewater Way (SBMC §28.15.060 and 28.92.110);
- C. A Modification to allow a 5' high hedge and gate to exceed 3'-6" in height within 10' of a front property line (SBMC §28.7.170 and 28.92.110);
- D. A Coastal Development Permit (CDP2008-00023) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

APPLICATION DEEMED COMPLETE:

November 21, 2012

DATE ACTION REQUIRED PER MAP ACT: February 14, 2013

III. RECOMMENDATION

Upon approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section IV of this report, and subject to the conditions of approval in Exhibit A.



IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

| | | | |
|--|-----------------------------------|--------------------|----------|
| Applicant: | Raymond Appleton, Permit Planners | | |
| Property Owner: | John Sharrat | | |
| Site Information | | | |
| Parcel Numbers: | 041-350-013 (Lot 1) | | |
| | 041-350-014 (Lot 2) | | |
| General Plan: | Low Density Residential | Zoning: | E-3/SD-3 |
| Local Coastal Plan: Residential: 5 units/ac | | | |
| Existing Use: | Residential | | |
| Adjacent Land Uses | | | |
| | North - Residential | East - Residential | |
| | South - Pacific Ocean | West - Residential | |

B. SITE STATISTICS

| | | 2305 Edgewater Way (Lot 1) | 2215 Edgewater Way (Lot 2) |
|-----------------|----------|----------------------------|----------------------------|
| Lot Area | Existing | 11,264 sq. ft. | 42,127 sq. ft. |
| | Proposed | 22,016 sq. ft. | 31,375 sq. ft. |
| Slope | Existing | 9% | 48% |
| | Proposed | 38% | 42% |

C. PROJECT STATISTICS

| Parcel | Lot Area (Net) | Living Area | Garage | Total |
|--------|----------------|---------------|-------------|---------------|
| Lot 1 | 22,016 sf | 2,219 sq. ft. | 435 sq. ft. | 2,654 sq. ft. |
| Lot 2 | 31,375 sf | 1,046 sq. ft. | 450 sq. ft. | 1,496 sq. ft. |

V. ZONING ORDINANCE CONSISTENCY

A. ZONING ORDINANCE CONSISTENCY

The project site is zoned E-3, One Family Residential Zone, which requires a minimum lot size of 7,500 square feet and a minimum of 60' frontage on a public street. Both of the adjusted lots will comply with these requirements. Also, although the average slopes of both parcels will exceed 10%, slope density requirements do not apply to lots with frontage on the Pacific Ocean (SBMC §28.15.080).

| Standard | Requirement/ Allowance | Existing | Proposed |
|------------------------|-------------------------------------|--------------------------------------|----------------------------------|
| Setbacks | | | |
| -Front | 20' | 0' on Edgewater 17' on Mohawk | Lot 1=17'-1''* Lot 2=17'-5''* |
| -Interior | 6' | 6' | 6' |
| Building Height | 30' | 2 story | No change |
| Parking | 2 covered | None on Lot 1 283 sq. ft. carport | 2 covered on each lot |
| Open Yard | 1,250 sq. ft. | >1,250 sq. ft. | >1,250 sq. ft. |
| Fence Height | 3½' within 10' of front lot line | Nonconforming | 5'* |

*Modification requested

The proposed project would meet the requirements of the E-3 Zone, with the exception of the front setback modifications that are being requested to allow the proposed garages to encroach into the front setback and the hedge height modification. Requested modifications for the project are discussed below.

1. FRONT SETBACK MODIFICATIONS

No permit was found for the 283 square foot carport at 2215 Edgewater Way. It is currently constructed almost entirely within the front setbacks and does not meet the minimum dimensions for the required two car carport.

As part of the proposed Lot Line Adjustment, the applicant is providing the required parking for both of the adjusted lots. As stated in the project description, Adjusted Lot 1 is retaining the existing two-story home and proposing a new 435 square foot two-car garage, Adjusted Lot 2 is converting the existing guest house to a single family dwelling and constructing a new 450 square foot garage. The garages on both lots are being placed as far away from the front property line as possible; however, because of the lot configurations and the location of the existing structures, a corner of each of the garages is proposed with a small corner encroaching into the front setback. A corner of the garage on Lot 1 will encroach 2'-11" into the 20' front setback, and a corner of the garage on Lot 2 will encroach 2'-7" into the 20' front setback at the north property line.

The existing lots are constrained by the location of the existing structures. Staff is in support of these two front setback modifications because the project will provide the required parking for each of the homes on the new lots, reducing the need for on street parking, and the new configuration will significantly reduce the existing amount of encroachment at the corner of Mohawk Road and Edgewater Way.

2. HEDGE HEIGHT MODIFICATION

A Modification is requested to allow a new 5' high hedge and walk-through gate on Adjusted Lot 2 to exceed 3'-6" in height within 10' of the property line for approximately 58 linear feet along Edgewater Way. In 2009 the Planning Commission approved a similar modification to allow the southern portion of the fence and hedge to exceed 3'-6" in height for 41 linear feet, in order to provide privacy screening along the north-south section of Edgewater Way. The

applicant has a need to secure the bluff top portion of the property to prevent trespassing on the bluff and the potential for further erosion. Additionally, it is fairly standard to allow the secondary front yard of a corner lot to have a higher fence/hedge to allow privacy for the property's back yard. The frontage is not located adjacent to driveways, and is proposed far enough from the corner so as not to obstruct site lines for pedestrian or drivers. Allowing the hedge and walk through gate would allow for a more private yard area, and screen the residence from headlights from vehicles driving east on the lower portion of Edgewater.

3. LOT LINE ADJUSTMENT

The lot line adjustment will relocate a shared east/west property line to run north/south. Currently, 2215 Edgewater is a bluff top property which is situated almost entirely within the 75 year bluff setback. This proposal reconfigures the lot line so that each lot will have a developable area outside of the 75 –year seacliff retreat line.

The LLA also offers the advantage of bringing 2215 Edgewater into compliance by increasing its current street frontage to a length greater than the minimum requirement of 60'. Both of the newly adjusted lots will have street frontage on Edgewater. No new lot is being created. The parcels resulting from the lot line adjustment will conform to the proposed General Plan, Local Coastal Plan and zoning and building ordinances, and specifically satisfy all lot area, street frontage and setback requirements with the approval of the above-described modifications.

A. COMPLIANCE WITH THE GENERAL PLAN

1. LAND USE ELEMENT

Before a Lot Line Adjustment can be approved, it must be found consistent with the City's General Plan Land Use Element. Based on staff's analysis, the proposed lot line adjustment is consistent with the plans and policies of the City of Santa Barbara with the exception of the applicant's request to pay an in-lieu fee versus installing sidewalk improvements.

The proposed project 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 recognized as uniformly developed with small-lot, single-family residences with some multi-family and commercial developments in the vicinity of Cliff Drive and Meigs Road. This project would be consistent with the pattern of single-family residential development in the area, which is a mixture of one and two-story homes. Further, the existing development potential would be two single family residences each located on an E-3 zoned lot and therefore the proposed project would not change the density with regard to the General Plan Land Use designation.

2. HOUSING ELEMENT

The Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The proposed project would result in the conversion of a guest house into a single family residence, providing a new opportunity for home ownership. Therefore the proposed project is potentially consistent with this goal of the Housing Element.

Housing Element Policy 3.3 "New development in or adjacent to existing residential neighborhood must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood."

The neighborhood surrounding the project site is comprised of single-family residential development. This proposal would not result in any new development other than the construction of two new garages. The existing houses are compatible in terms of size and scale with the surrounding residential neighborhood; therefore, the proposed project would be potentially consistent with this policy of the Housing Element.

3. CIRCULATION ELEMENT

In order to be found consistent with the General Plan, the project must be found to be consistent with the Circulation Element, which is one of the required elements of the General Plan. As part of the Circulation Element, the Pedestrian Master Plan (PMP) requires that a sidewalk, curb and gutter be installed along the street frontage. The applicant is proposing a curb and gutter, however in order for staff to find the project consistent with the General Plan and Pedestrian Master Plan, a sidewalk must also be installed. It is Staff's opinion that the construction of a sidewalk is necessary for the reconfigured lots to comply with goals and policies contained in the City's General and Local Coastal Plans. The Subdivision Map Act Government Code Section 664412 (d) states, in part, "(a)n advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general Plan, any applicable specific plan, any applicable coastal plan and zoning and building ordinances" If the construction of a sidewalk is necessary for the reconfigured lots to comply with the general plan or the coastal plan, a condition requiring the construction of sidewalk improvements could be considered.

Public Improvements

The Pedestrian Master Plan calls for public pedestrian improvements to be implemented as part of development projects, including subdivision. PMP Policy 6.1 states: *the City shall incorporate the Pedestrian Master Plan into the land development process.* Followed by Strategy 6.1.1 which states: *Use the Pedestrian Master Plan Design Guide in the project approval process.* The project sits at the west end of the Mesa in close proximity to the Douglas Family Preserve (DFP) and the Mesa Lane Steps beach-way access, and is identified in the PMP as a portion of the neighborhood where sidewalk is missing. There is a significant amount of foot traffic in this neighborhood. Most of the neighborhood has not had sidewalk improvements; however, there is an existing sidewalk and parkway at 2307 Edgewater, the immediate neighbor the west, and further to the west as you approach the DFP, a recent subdivision resulted in a significant additional 370 foot linkage of sidewalk on the south side of Medcliff Road which was completed in March of 2012.

The applicant is offering payment of monies in lieu of the sidewalk construction. The Planning Commission may consider that offer, and accept it if a determination is made that such offer allows the project to conform to the plans and policies identified above. Staff does not believe this is the case, and recommends that the Commission decline the offer to pay an in-lieu fee, and require the installation of a minimum 5 foot sidewalk per City Standard along the entire frontage of Edgewater Way and Mohawk Road. The installation of sidewalk shall conform to ADA standards and terminate at existing improvements to the satisfaction of the City Engineer. Staff has included language for these improvements in the conditions (Exhibit A). Planning Commission will make the final determination.

B. COMPLIANCE WITH THE LOCAL COASTAL PLAN

In order to approve the Coastal Development Permit, the project must be found consistent with both the City's Local Coastal Plan projects and the California Coastal Act. The project is in Component 2 of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential, and has very limited additional development potential. The major coastal issues identified for Component Two include seacliff retreat and flooding hazards; maintain and providing public access, both vertically and laterally along the bluffs, preventing overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal view and open space. This proposal creates no changes in the residential land use allowed for the site and due to its location and the minimal amount of proposed development, the project raises no substantial issues with respect to the Coastal Act or Local Coastal program policies.

The project site was not found to be archaeologically sensitive. The site does not serve as a public facility, recreation area, or public coastal access point. The proposed new garages would not alter any natural landforms and public views will not be affected because the new structures are one story placed in front of existing two structure houses and on the street side of the bluff top properties. Also, there are no issues with unstable soils, high groundwater, seismic safety, seacliff retreat flooding or fire. Therefore, the project can be found consistent with the applicable policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines. The issues of hazards, neighborhood compatibility, views and are discussed further below.

HAZARDS

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.

(1) Seacliff Retreat

The LCP states that new development on the top of a cliff shall be placed at such distance away from the edge of the cliff that normal rates of erosion and cliff material loss will not seriously affect the structure during its expected lifetime. This policy is implemented by locating new development outside the 75-year geological setback to protect bluffs from erosion and maintain the natural topography of the bluffs. The 75-year geological setback is determined by an engineering geologist based on an average rate of retreat. Earth Systems Southern California prepared an engineering geology report and addendum dated February 20, 2008 and October 14, 2008 respectively, (available under separate cover) which determined that the rate of retreat for this particular property is approximately 6.9 inches per year. The limits of the seacliff retreat setback is shown on Sheet A0.2 of the project plans, and noted as "top of bluff setback". No construction will occur within the seacliff retreat setback, and the proposed garages have been located on the street side of the existing residential structures away from the top of the bluff.

The geology report stated that in order to minimize the potential of rapid additional erosion/landsliding, the landscaping installed should be drought tolerant and irrigated only for a period of time to establish the plants and then

discontinued, and that site surface drainage should be controlled by area drains in order to minimize potential erosion due to runoff. These recommendations are made to maintain the current bluff top retreat rate instead of increasing the rate by additional surcharge to the bluff edge.

(2) Drainage

The addition of water to the seacliff can significantly lower inherent cliff stability. A Drainage Analysis has been prepared for each of the newly adjusted lots by Flowers & Associates (available under separate cover). The Analysis recommends Best Management Practices for each of the lots in the form of rain gardens installed adjacent to the new garages. Rain water will be collected by roof gutters and discharged to the rain gardens by downspouts and vegetated surface swales. With these improvements, the resultant project will comply with the City's Storm Water Management Program. In addition, permeable driveways are proposed to further exceed storm water quality compliance.

The project minimizes risks to life and property in areas by preventing loading along the bluff top and assuring stability and structural integrity. The project reduces development impacts, which contribute to erosion and geologic instability, and restores the natural conditions along the bluff and cliff.

2. NEIGHBORHOOD COMPATIBILITY

Policy 5.3 of the Local Coastal Plan states that new development in and /or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted. The neighborhood consists of a mix of single-story and two story houses with a mix of architectural styles. The construction of a new garage, and trellis on each lot and a basement for one of the homes is compatible with surrounding neighborhood. In addition, any future development on the proposed lots will be required to comply with the E-3 zone requirements and will be reviewed by the Single Family Design Board.

3. VIEWS

Policy 9.1 of the LCP states that scenic and visual qualities of coastal areas should be considered and protected as a resource of public importance (Coastal Act Section 30251). Projects along the coast should be sited and designed to protect views to and along the ocean and scenic coastal areas and to minimize the alteration of natural landforms. Project should be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. Public views of the ocean from Edgewater Way are blocked due to the mature vegetation and existing residential development. The closest and best view of the ocean is from the southern intersection of Edgewater Way and Mohawk Road, where Edgewater Way is offset. The proposed garages will be toward the street on Edgewater and located in front of the existing two story homes, and therefore would not degrade existing public views to, from or along the ocean or any scenic coastal areas. The request to allow the hedge to exceed 3.5' along Mohawk will not block public view

because the hedge will be maintained at a height of 5'. The existing elevation goes from 130' from the intersection of Mohawk and Edgewater Way to 120' as you approach the bluff top. Because of the change in grade, the 5' high hedge will be level with the existing and permitted fence and hedge between 2211 Edgewater Way and 2215 Edgewater. This condition allows the property owner privacy for their outdoor living space while preserving ocean view from the public right of way.

II. ENVIRONMENTAL REVIEW

This project is Categorically Exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305, which allows for minor encroachment permits and minor lot line adjustments where no new building site has an average slope greater than 20 percent. For the purposes of this exemption, building site is defined as the area within a lot of record actually proposed for development with buildings, structures, or uses (yard areas, driveways, parking areas, etc.), and any areas of disturbance required in order to construct and/or develop such buildings, structures, or uses.

III. DESIGN REVIEW

This project was reviewed by the ABR on two separate occasions (meeting minutes are attached as Exhibit D). At the first review on October 26, 2009, the applicant proposed new garage structures on each of the newly created lots with up to 10' of encroachment into the front setback on Edgewater Way. The SFDB reviewed the proposed project and commented that the lot line adjustment was supportable however requested that the applicant to restudy the placement of the garages for compatibility with the surrounding neighborhood. Staff directed the applicant to place the garages so that the minimum amount of encroachment would be required. The project also included a request for an over height hedge and fence along the eastern front of Mohawk Road to screen the house from oncoming traffic on Edgewater and the Board supported this request.

The applicant revised their proposal and returned to the SFDB on January 19, 2010. The new garages were pushed all the way back to the face of the existing buildings so that only the north east corner would encroach into the front setback between 2'-11" and 2'-7". The Board found this revised site plan acceptable as it minimizes the amount of setback encroachment requested while still providing two covered parking spaces on each lot. The Board forwarded the project to the Planning Commission with positive comments. The project will return to the SFDB following Planning Commission review.

IV. FINDINGS

The Planning Commission finds the following.

A. FRONT YARD MODIFICATIONS FOR EDGEWATER WAY

The requested modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the reconfigured lots as discussed in Section V.A. of the Staff Report. The lots are currently developed so that the existing structures would prevent any type of conforming garage without encroaching into the front setback. The modifications are requested to allow the northwest corners of each garage to encroach a small amount (2'-11" on Adjusted Lot 1 and 2'-7" on Adjusted Lot) into the front setbacks on Edgewater Way. The proposed location of the garages requires the least amount of

encroachment possible in order to provide each lot with two covered parking spaces. The garages will provide required parking on the newly configured lots and will eliminate the existing unpermitted carport which is entirely in the front setback of Lot 2.

B. OVERHEIGHT HEDGE MODIFICATION ON MOHAWK ROAD

The requested modification to allow a hedge and entry gate to exceed 3.5 feet in height within 10 feet of the front property line is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement. As discussed in Section V.A. of the Staff Report, the property frontage acts as a secondary private yard for the existing structure, and the increased hedge height will aid in screening the windows from oncoming traffic, providing privacy for the yard area and will allow the owner to secure the bluff top from trespassers, without obstructing public views.

C. LOT LINE ADJUSTMENT (SBMC §27.40)

As described in Section V.A. of the Staff Report, the proposed Lot Line Adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances. The newly adjusted lots would be 22,016 square feet and 31,375 square feet, which are consistent with the minimum lot size of 7,500 square feet. Each lot will exceed the minimum requirement in the E-3 zone to provide 60 feet of frontage. The reconfiguration of the lots allows both lots to be developed with single family residences, consistent with the surrounding neighborhood while precluding development within the 75' year bluff setback. The lot line adjustment will also allow the guest house to be converted to a single family residence that conforms to the requirements of the E-3 single family zone. The conversion of the existing guest house will not increase the density because there are no new lots being created.

D. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

The proposed project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the new construction is compatible with the existing neighborhood, would promote natural bluff top vegetation and appearance, would not impact views from public view corridors, would not impact any existing public access points to the beach, and would improve safety and drainage hazards on the site and is not located on an archaeologically sensitive site, as described in Section V.B. of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated September 9, 2011
- D. SFDB Minutes
- E. Applicable General Plan Policies and Local Coastal Plan Policies

PLANNING COMMISSION CONDITIONS OF APPROVAL

2215 & 2305 EDGEWATER WAY
LOT LINE ADJUSTMENT, COASTAL DEVELOPMENT AND MODIFICATIONS
FEBRUARY 14, 2013

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. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Final Map. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Submit an application for and obtain City Council approval of the Lot Line Adjustment and Agreement(s) and record said documents.
5. Submit an application for and obtain Building Permit(s) for, and complete, the construction of all private improvements.

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 14, 2013, is limited to lot line adjustment between 2215 Edgewater Way (Lot 2) and 2305 Edgewater Way (Lot 1) resulting. The two lots are identified as Adjusted Parcel 1 and Adjusted Parcel 2. Adjusted Parcel 1 would be 22,016 square feet with a 43.5% slope and Adjusted Parcel 2 would be 31,375 square feet with a 48.8% slope. 2305 Edgewater Way includes the construction of a 435 square foot two-car garage and a new 205 square foot entrance trellis for the existing 2,219 square foot two-story single-family residence. 2215 Edgewater Way includes the conversion of the existing 627 square foot guest studio to a single family residence with a 240 square foot deck, the demolition of the existing 283 square foot "as-built" carport and construction of a 450 square foot detached two-car garage , a 419 square foot basement and a new 5' high hedge and walk through gate to exceed 3.5' within 10' of a portion of the east front property

line for approximately 58 lineal feet at Modoc Road and the improvements shown on the site plan and Lot Line Adjustment 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(s) of each adjusted parcel shall allow for the continuation of any historic flow of water onto the Real Property including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate. No additional storm water flows in quantity or direction shall impact existing property to the west of Lot 1.
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(s) 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. **Hedge Height.** The proposed hedge and entry gate on 2215 Edgewater Way, along Mohawk Road, shall be maintained at a height of no more than 5' as shown on the approved plans.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner(s) shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
7. **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.

8. **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.
 9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant project design approval until the following Planning Commission and use conditions have been satisfied.
1. **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.
 2. **Hedge.** The proposed hedge and entry gate on 2215 Edgewater Way, along Mohawk Road, shall be maintained at a height of no more than 5' as shown on the approved plans and should be a species that is appropriate for bluff top plantings.
 3. **Drainage.** Drainage improvements shall be shown on the Landscape Plan and Site Plan and shall be installed per the drainage analysis prepared by Flowers & Associates dated August 20, 2010. These improvements shall include:

2305 Edgewater Way: A new permeable driveway and a 225 square foot surface detention/infiltration basin (6 inches deep with 4:1 side slopes) with a capacity of 58 cubic feet of storage shall be installed adjacent to the garage in the front yard. Rain water from the garage and the existing residence will be collected by roof gutters and discharged to the ground surface by downspouts and to the basin by vegetated surface swales. The basin shall be constructed with a 1 foot depth layer of gravel beneath the basin to increase the storage capacity by approximately 22

cubic feet. Stormwater will be infiltrated/percolated into the highly permeable soil on site.

2215 Edgewater Way: A new permeable driveway and a 140 square foot surface detention/infiltration basin (6 inches deep with 4:1 side slopes) with a capacity of 50 cubic feet of storage shall be installed adjacent to the garage in the front yard. Rain water from the new garage will be collected by roof gutters and discharged to the ground surface by downspouts and to the basin by vegetated surface swales. The basin shall be constructed with a 1 foot depth layer of gravel beneath the basin to increase the storage capacity by 22 cubic feet. Stormwater will be infiltrated/percolated into the highly permeable soil on site.

4. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
 5. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
 6. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.
- 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. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.e located along Edgewater Way and Mohawk Road shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.
 - b. **Lot Line Adjustment.** The Owner shall submit a *Lot Line Adjustment* application for review and approval to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject document which shall be recorded in the Office of the County Recorder.

- c. **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.
- d. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment, rate and volume). The project shall comply with the Drainage Analysis prepared by Flowers & Associates dated August 18, 2010 and August 20, 2010. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc., or groundwater pollutants would result from the project.
- e. **Edgewater Way and Mohawk Road Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on 2215 and 2305 Edgewater Way. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following:
 - (1) Install approximately 180 linear feet of 5 foot wide sidewalk, 4 foot parkway and two driveway aprons modified to meet Title 24 requirements with a maximum width of 16 feet, installation of Type 3 Curb Ramp.
 - (2) Install two foot concrete curb and gutter along entire frontage per the City Standard. The curb and gutter installation shall include saw cutting and removal of a minimum of two feet of existing asphalt street beyond the new lip of gutter and replacement of asphalt street in kind but in no case less than 4" asphalt concrete. Slurry seal shall be applied to the street to the existing centerline to visually match the existing roadway surface.
 - (3) Lot 1 shall install sewer and water service laterals connecting to City water and sewer mains.
 - (4) City Water Department shall perform the installation of water service, meter and box for Lot 1.

- (5) Applicant shall pay most current Water and Sewer Buy-In Fees and Water Service Connection Fee for Lot 1.
 - (6) Lot 2 water meter and box shall be upgraded to meet the current City standard (as needed).
 - (7) Applicant shall install Southern California Edison cobra head, street light on existing power pole at frontage of Edgewater Way. Application shall submit application requirements with Southern California Edison.
 - (8) The Applicant is not required to underground the existing distribution lines along the project frontage. The existing overhead service lines to 2215 and 2305 Edgewater Way shall be placed underground and no new overhead service lines shall be installed.
 - (9) Any work in the public right-of-way requires a Public Works Permit.
- f. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed *Agreement to Construct and Install Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the Agreement (as needed) if Lot Line Adjustment and occupancy is desired by Applicant prior to completion of the public improvements.
- g. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
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. A statement shall also be placed on the 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. **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. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
5. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
6. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
7. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
8. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
10. **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), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. 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.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
13. **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. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- 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.
- 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 prior to issuance of any building permit or recordation of the Map, whichever comes first.

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 MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

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.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

RAYMOND A. APPLETON
PERMIT PLANNERS
1482 EAST VALLEY ROAD #253
MONTECITO, CA 93108

TEL (805) 564-4800 FAX (805) 563-1952 CELL (805) 895-1414 E-MAIL: PERMITPLANNERS@EARTHLINK.NET

September 9, 2011

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
SEP 22 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Lot Line Adjustment / Master Application MST 2008-00119
2305 & 2215 Edgewater Way / APN 041-350-013 & APN 041-350-014

Dear Planning Commission:

As the authorized permit agent for John Sharratt, the owner of both subject properties, I am providing a project description and request for approval of a lot line adjustment. The project consists of a lot line adjustment between 2305 Edgewater Way and 2215 Edgewater Way, which will be referred to as 2305 and 225 for the purpose of this letter.

Existing property 2305 includes an 11,264 sq.ft. lot with an estimated 9% slope. Existing property 2215 includes a 43,127 sq.ft. lot with an estimated 48% slope. The lot line adjustment will transfer 10,735 sq.ft. of lot area from 2215 to 2305. The resulting properties will have 21,999 sq.ft. (2305) and 31,392 sq.ft. (2215), and slopes of 38% (2305) and 42% (2215). The development areas of 2305 will remain at 9% and the development areas of 2215 will be 14%.

Existing property 2305 is developed with a 2-story single family residence, a detached 2-story guesthouse, and a detached 2-car carport. Existing property 2215 was developed by a previous owner with an unpermitted single family residence and an unpermitted detached bedroom building. The unpermitted structures on 2215 were demolished by Mr. Sharratt and already removed under a Planning Commission approved Master Application MST 2009-00085, Coastal Development Permit CDP 2009-00004, and Building Permit BLD 2008-02705. The approvals included a Modification of the front yard setback of 2215 to allow the hedge and fence to be 5 feet height rather than 3 feet 6 inches. The approvals also included a re-vegetation and drainage plan for the area below the top of slope previously occupied by the unpermitted structures.

The proposal for the lot line adjusted property 2305 includes the retention of the existing 2-story, 2,393 net sq.ft. residence, construction of a new 2-car 435 net sq.ft. attached garage, and a new 162 sq.ft. entry porch with a new 122 sq.ft. trellis above. A corner of the garage will require a Modification to allow an encroachment of 2 feet 11 inches into the 20 feet front yard setback at the north property line. Because the street runs at an angle to the front of the property, one corner of the attached garage will require this small encroachment into the 20 feet front yard setback.

EXHIBIT C

September 9, 2011

Planning Commission

Re: Lot Line Adjustment / Master Application MST 2008-00119

2305 & 2215 Edgewater Way / APN 041-350-013 & APN 041-350-014

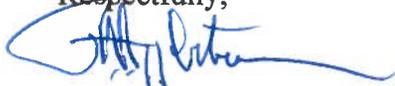
Page 2

The proposal for the lot line adjusted property 2215 includes the conversion of the existing 2-story 627 net sq.ft. guest house into a single family residence by the installation of a kitchen, the replacement of the existing 2-car carport with the construction of a new 2-car 450 net sq.ft. attached garage with a new 419 net sq.ft storage basement below, and the construction of a new 240 sq.ft. deck. A corner of the garage will require a Modification to allow an encroachment of 2 feet 7 inches into the 20 feet front yard setback at the north property line. Because the street runs at an angle to the front of the property, one corner of the attached garage and basement will require this small encroachment into the 20 feet front yard setback. A second Modification is requested to allow a new 5 feet height hedge and walk-through gate for 58 linear feet to exceed 3 feet 6 inches height along and within 10 feet of a portion of the east front property line. A 41 linear feet portion of the 2215 front property line previously received a Modification from the Planning Commission for the same front property line. This was and is because the street curves around this off-set corner property, and the headlights of the cars traveling from east to west shine directly into the residence requiring the taller hedge for privacy.

The lot line adjustment itself will relocate a shared east/west property line to newly run north/south. This offers the advantage of bringing property 2215 into compliance by increasing its current 41 feet street frontage to a length greater than the minimum requirement of 60 feet. It also offers the advantage of replacing the carport, which is located at the actual street front property line, with a garage set further back to the 20 feet front yard setback requirement, except for a small corner of the garage requiring the Modification. Another advantage of the lot line adjustment is that Mr. Sharratt is offering to include and accept a requirement that the hedge between neighboring 2211 and 2215 Edgewater Way to be maintained at the lower height of the existing fence at the front of 2211, which will provide neighbors with an unobstructed view of the ocean and horizon beyond.

Please contact me with any comments or questions.

Respectfully,



Raymond A. Appleton

Land Use Planner

Cc: John Sharratt

Attachments: Title Report for 2215 Edgewater Way prepared by Chicago Title Company
Title Report for 2305 Edgewater Way prepared by Chicago Title Company
Sea Cliff Retreat Study for 2215 & 2305 Edgewater Way prepared by Earth
Systems of Southern California.

Drainage Analysis for 2215 Edgewater Way prepared by Flowers & Associates
Drainage Analysis for 2305 Edgewater Way prepared by Flowers & Associates
Phase I Archaeology Survey for 2215 and 2305 Edgewater Way prepared by
Western Points Archaeology



SINGLE FAMILY DESIGN BOARD
CASE SUMMARY

2215 EDGEWATER WAY

MST2008-00119

R-LLA/CDP

Page: 1

Project Description:

Proposal for a lot line adjustment between the properties at 2215 Edgewater and 2305 Edgewater which will create two bluff top properties. The scope of work for the proposed western lot, 2305 Edgewater Way, includes the construction of a 400 square foot two-car garage for the existing 2,219 square foot two-story single-family residence and the total of 2,619 square feet on the 21,999 square foot lot is 56% of the maximum guideline floor to lot area ratio. The scope of work for the proposed eastern lot, 2215 Edgewater Way, includes demolition of the existing 283 square foot carport and construction of a 400 square foot detached two-car garage and conversion of the existing 627 square foot guest house to a single-family residence and the proposed total of 1,027 square feet on the 31,392 square foot lot is 21% of the maximum guideline floor to lot area ratio. Modifications are requested to allow the garages to encroach into the front setback, and for fences, gates, and trellis to exceed 3.5 feet in height within 10 feet of the front lot lines. The project is located in the appealable jurisdiction of the coastal zone. Planning Commission approval of a coastal development permit, a lot line adjustment, and modifications is requested.

Activities:

12/17/2010 **SFDB-Posting Sign Issued**

1/19/2010 **SFDB-Concept Review (Cont.)**

(Second concept review. Comments only; project requires environmental assessment and Planning Commission approval of a lot line adjustment and a Coastal Development Permit.)

Actual time: 5:00

Present: Raymond Appleton, Applicant; John Sharrat, Architect/Owner.

Public comment was opened at 5:23 p.m. The following individual(s) spoke in favor or opposition:

Bruce Venturelli: in favor.

Laura Bridley, neither.

A letter in opposition from Paula Westbury was acknowledged.

Public comment was closed at 5:28.

Activities:

Motion: Continued indefinitely Planning Commission and return to the Consent Calendar with the following comments:

- 1) The lot line adjustment is supportable.*
- 2) The modification for small portions of the two garages to encroach in front setback is supportable.*
- 3) The modification for over height fences, gates, and hedges at the east side of 2215 Edgewater is supportable to a maximum height of five feet.*
- 4) The architecture of each garage is compatible with the existing structure.*
- 5) Planning Commission to consider a hedge and fence height condition to be more specific with regard to the hedge along 2215 Edgewater East property line.*
- 6) If the Planning Commission makes no significant changes, the project may return to Consent Calendar.*

Action: Mahan/Mosel, 6/0/0. Motion carried. (Bernstein stepped down.)

1/12/2010

SFDB-Resubmittal Received

Resubmittal received

10/26/2009

SFDB-Concept Review (New) - PH

(Comments only; project requires environmental assessment and Planning Commission approval of a lot line adjustment and a Coastal Development Permit.)

Actual time: 5:10

Present: John Sharrat, Owner/Architect; Carrol Gross, Landscape Architect.

Public comment was opened at 5:33 p.m.

A letter from in support of the project from Laura Bridley was acknowledged.

A letter in opposition to the project from Paula Westbury was acknowledged.

Bruce Venturelli, in favor with conditions (submitted written support signed by 13 neighbors)

Gwen Hildred, opposed: not opposed to the stone wall, concerned about garages in setback, sidewalks, trash enclosure.

Public comment was closed.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) The lot line adjustment is supportable by a majority of the Board.*
- 2) The garages in the setbacks are not supportable. Provide information on the setback of the neighbor's garage. A glass garage door is not compatible with the neighborhood. Study the garage door width to be narrower.*
- 3) Refine the architecture of the guest house garage to be compatible with the original house.*
- 4) Consider a five foot high fence along the eastern property line to the bluff top.*
- 5) The landscape design is acceptable as presented.*
- 6) Trim the Pittoisporum tree.*
- 7) Design the project to provide room for future sidewalk widening.*

Action: Zink/Woolery, 5/0/0. Motion carried. (Bernstein stepped down. Carroll absent.)

Activities:

10/26/2009 **SFDB-Mailed Notice Prepared**

10/9/2009 **SFDB-Resubmittal Received**

Initial SFDB submittal. 3 sets for FB review.

12/17/2010 **SFDB-Posting Sign Issued**

1/19/2010 **SFDB-Concept Review (Cont.)**

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1/12/2010 **SFDB-Resubmittal Received**

Resubmittal received

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10/26/2009 SFDB-Mailed Notice Prepared**10/9/2009 SFDB-Resubmittal Received**

Initial SFDB submittal. 3 sets for FB review.

Applicable General Plan and Local Coastal Plan Policies

2215 & 2305 Edgewater Way Lot Line Adjustment, modifications, Coastal Development

Land Use Element (GPU 2011)

GOALS

- *Resource Allocation:* Achieve a balance in the amount, location and type of growth within the context of available resources including water, energy, food, housing, and transportation.
- *Character:* Maintain the small town character of Santa Barbara as a unique and desirable place to live, work, and visit.
- *Design:* Protect and enhance the community's character with appropriately sized and scaled buildings, a walkable town, useable and well-located open space, and abundant, sustainable landscaping.

Neighborhood Policies

- LG14. Low Density Single Family Zoned Residential Areas. Maintain and protect the character and quality of life of single family zoned neighborhoods as a low density residential community.
- LG15. Sustainable Neighborhood Planning. Neighborhoods shall be encouraged to preserve and enhance the sense of place, provide opportunities for healthy living and accessibility, while reducing the community's carbon footprint.

Housing Element (GPU 2011)

GOALS

- *Housing Opportunities:* Ensure a full range of housing opportunities for all persons regardless of race, religion, sex, age, marital status, sexual orientation, ancestry, national origin, color or economic status, with special emphasis on providing housing opportunities for low income, moderate, middle income and special needs households.
- *New Housing Development:* Encourage the production of new housing opportunities which are sustainable, and increase equity by providing a sufficiently wide range in type and affordability to meet the needs of all economic and social groups, with special emphasis on housing that meets the needs of extremely low, very low, low, moderate, middle income and special needs households.
- *Conservation and Improvement of Existing Housing:* Conserve the existing housing stock and improve its condition while minimizing displacement, maintaining housing affordability, and preventing future blight or deterioration.

Open Space Element (1972)

Goal

The purpose of this open space element and the goal that it seeks to attain is elemental. It is to protect the character of Santa Barbara, as defined in the section of this report on principles and goals, by conserving and providing significant open and natural landforms through and around the community.

2. Establish and enforce a high water-quality standard.

Shoreline

4. Examine methods of preventing cliff erosion and institute any programs found to be effective.

Environmental Resources (GPU 2011)

GOALS

- *Sustainable Resource Use.* Protect and use natural resources wisely to sustain their quantity and quality, minimize hazards to people and property, and meet present and future service, health and environmental needs.
- *Reduce Greenhouse Gases.* Reduce where practicable greenhouse gas emissions contributions to climate change, and to air pollution and related health risks.
- *Reduce Fossil Fuel Use.* Reduce fossil fuel use through increased efficiency and conservation, and by developing renewable energy sources.
- *Climate Change Adaptation.* If applicable, incorporate adaptation to climate change in proposals for new development, redevelopment and public infrastructure.

Hydrology, Water Quality and Flooding Policies

ER16 Storm Water Management Policies. The City's Storm Water Management Program's policies, standards and other requirements for low impact development to reduce storm water run-off, volumes, rates, and water pollutants are hereby incorporated into the General Plan Environmental Resources Element.

Aesthetics and Visual Resources Policies

ER24. Visual Resources Protection. New development or redevelopment shall preserve or enhance important public views and viewpoints for public enjoyment, where such protection would not preclude reasonable development of a property.

ER25. Enhance Visual Quality. Not only retain, but improve visual quality of the city wherever practicable.

Conservation Element (1979, prior amendment 1994)

VISUAL RESOURCES

Goals

- Restore where feasible, maintain, enhance, and manage the creekside environments within the City as visual amenities, where consistent with sound flood control management and soil conservation techniques.
- Prevent the scarring of hillside areas by inappropriate development.
- Protect and enhance the scenic character of the City.

Policies

- 2.0 Development on hillsides shall not significantly modify the natural topography and vegetation.
- 3.0 New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

DRAINAGE AND FLOOD CONTROL

Goals

- Ensure that human habitation of the City's floodplains does not adversely affect public health, safety, and welfare.
- Encourage recreation, conservation and open space uses in floodplains.

Policies

- 4.0 Goals and policies of this Element are interrelated with those of the Safety and Open Space Elements and shall be considered together in land use planning decisions.

Circulation (GPU 2011)

GOALS

- *Integrated Multi-Modal Transportation System.* Create a more integrated multi-modal transportation system to connect people, places, goods, and services. Provide a choice of transportation modes and decrease vehicle traffic congestion.
 - *Street Network.* Provide a comprehensive street network that safely serves all transportation modes.
- C9. Accessibility. Make universal accessibility for persons with disabilities, seniors, and other special needs populations a priority in the construction of all new development for both public and private projects.

Circulation Element (1997, original 1964)

Goal 2 Strive to achieve equality of convenience and choice among all modes of transportation

Emphasize alternative modes in order to provide real options and opportunities for people to choose among different forms of transportation rather than relying exclusively on the automobile.

**Equality of Convenience and Choice
Policies**

- 2.1 Works to achieve equality of convenience and choice among all modes of transportation.
- 2.2 To assure that the community is moving towards the Vision articulated in this Circulation Element, the City shall monitor changes in traffic volumes, travel patterns and mobility choices through a program which:
- establishes a baseline of traffic volumes and travel patterns,
 - establishes performance benchmarks related to the policy statements and implementation strategies within each chapter of the Circulation Element,
 - assesses the impacts of policy implementation and progress against these benchmarks, and
 - includes City response strategies if the outcomes of policy and project specific decisions are not consistent with the Vision articulated within this Circulation Element.
- 2.3 The development and maintenance of mobility and utility systems should include consideration of the impacts and enhancements to Santa Barbara's environmental quality.

Walking

Goal 5 Increase Walking and other Paths of Travel

Develop a comprehensive system of pedestrian routes which are integrated with other modes of transportation and which provide safe and efficient paths of travel.

- 5.1 The City shall create an integrated pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas and places of interest.
- 5.2 The City shall link pedestrian paths with other alternative modes of transportation.
- 5.3 Protect and expand existing paseos and acquire new paseos in the Downtown.
- 5.4 The City shall revise and enhance design guidelines and standards for the City's pedestrian system.
- 5.5 The City shall create and foster a pedestrian friendly environment through physical and cultural improvements and amenities.
- 5.6 The City shall make street crossings easier and more accessible to pedestrians.
- 5.7 The City shall amend the Zoning Ordinance to ensure that land use planning and zoning encourage pedestrian uses.
- 5.8 The City shall encourage community involvement in effectively promoting the benefits of walking and identify opportunities for improving the pedestrian system.

SEISMIC SAFETY/SAFETY ELEMENT (1979)

STATEMENT OF GOALS AND PUBLIC POLICY

Goals

The goals of the Seismic Safety and Safety Element provide a link between the identified problems and issues and the policies and implementation measures which follow. They provide basic guidelines for City decisions related to natural hazards and assets as they affect land use planning and development standards. The following are recommended major goals for adoption:

To protect life, property, and public well-being from seismic and other geologic hazards.

To reduce or avoid adverse economic, social, and environmental impacts caused by geologic conditions.

Policy

The specific policies listed below provide a general direction or more specific steps for achieving the stated goals through implementation and action programs. The following are recommended policy statements:

To maintain, revise (wherever necessary), and enforce existing standards and criteria to reduce or avoid all levels of seismic or other geologic risk.

To evaluate the compatibility of existing zoning as well as future land use allocation with known geologic risk zones, or those which may be identified in the future.

To recognize the need to provide greater safety for important or critical-use structures (such as hospitals, schools, public assembly facilities, dams, and utility corridors) through careful site selection, appropriately comprehensive site investigation, and enforcement of applicable codes and regulations.

To prohibit development of important or critical-use structures in any active or potentially active fault zones, unless no other more suitable site can be located, and the site is shown to be safe for the intended use.

To advocate improved seismic safety programs for schools and promote greater general public awareness of all types of geotechnical hazards.

To improve interjurisdictional cooperation and communication, especially in regard to seismic safety aspects related to dams and reservoirs, state highway and freeway structures, regional fault studies, legislative matters, and disaster response or emergency plans.

To advocate improved earthquake insurance programs.

I. Landslides

The first and most critical step in preventing losses due to slope instability is to locate potential areas of landslide activity. These areas are usually delineated by mapping the presence of old landslides. This is accomplished by conducting detailed geologic mapping, trenching, drilling, and photo interpretation of surface geologic conditions. Old landslides can often be recognized by their lobe-like shapes, hummocky surface, scarps, and characteristic pressure ridges that form where the earth material stops moving.

Once an area is recognized as potentially hazardous landslide area, future development can be designed to take this hazard under careful consideration. Several methods of minimizing landslide risks include:

1. Leaving hazardous areas undeveloped.
2. Removal of unstable slope material.
3. Well engineered grading prior to construction.
4. Provisions for surface and subsurface drainage.
5. Construction of retaining walls or other barriers to buttress old slides.
6. Reduce the driving forces acting on the slope by reducing the slope angle or the weight of objects placed on the slope.
7. Planting drought resistant vegetation with deep, strong root systems.

Once movement of slope material has started, the best way to stop it is to deal with the factor that initiated the slide. This will usually require the removal of water from the unstable layers of the slope by increasing drainage with trenches, drill holes, or other dewatering mechanisms.

Recommendations

1. Any proposed development within areas of active and inactive landslides as shown on the Soil Creep and Expansive Soil Map shall be evaluated by a qualified soils engineer to determine the feasibility of safe development occurring without the risk of renewed movement. The soils report shall include recommendations for slope stability measures to be taken, if needed, for safe development to occur. This report will be subject to the approval of the Building Official.
2. Major grading operations undertaken in areas of active and inactive landslides shall be designed and supervised by a qualified soils engineer.

II. Seacliff Retreat

Hazard Reduction

Four possible methods of attempting to mitigate the hazards associated with seacliff development include:

1. Establish adequate building setbacks for new development from the edge of the cliff.
2. Install systems to collect, control, and dispose of water deposited on the cliff.
3. Eliminate hazardous practices that accelerate the rate and severity of seacliff retreat.
4. Construction of cliff and shoreline protection devised to diminish the impact of ocean waves.

LOCAL COASTAL PLAN POLICIES

Policy 1.1

The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan.

Policy 1.2

Where policies within the land use plan overlap, the policy which is the most protective of resources, i.e. land, water, air, etc., shall take precedence.

Policy 1.3

Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.

HOUSING

Policy 5.3¹

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

Action

- Projects in the coastal zone will be reviewed by the Architectural Board of Review or Historic Landmarks Commission in accordance with the established rules and procedures.

HAZARDS

The Coastal Act contains policy intended to reduce potential risks to new development from hazards present in the coastal zone.

Section 30253. New Development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) 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 conditions along bluffs and cliffs.

The intent of the Coastal Act is to safeguard lives and property when planning for new development in high hazard areas, assure that new development does not significantly contribute to the deterioration of the general area of the proposed development, and prohibit construction of protective devices which would "...substantially alter natural landforms along bluffs and cliffs."

Policy 8.1

All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of

¹ See Clough Memo.

drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are:

- (1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;
- (2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property;
- (3) the drainage system is designed to be minimally visible on the bluff face.

Policy 8.2

With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.

Action

- Amend the Seismic Safety/Safety Element to the City's General Plan to include the above referenced two policies related to hazard reduction of seacliff retreat.

VISUAL QUALITY

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Policy 9.1

The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (1) Acquisition of land for parks and open space;
- (2) Requiring view easements or corridors in new developments;
- (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;
- (4) Developing a system to evaluate view impairment of new development in the review process.

Policy 9.3

All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

Action

- The City will work with the utility companies to hasten the undergrounding of utilities in the coastal zone.