PLANNING COMMISSION
STAFF REPORT

REPORT DATE: November 30, 2017
AGENDA DATE: December 7, 2017
PROJECT ADDRESS: 1837 ½ El Camino de la Luz (MST2002-00214)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4560
Beatriz Gularte, Senior Planner
Kathleen Kennedy, Associate Planner

I. PROJECT DESCRIPTION

The proposed project consists of a 1,505 square foot, two-story single family residence with an attached 429 square foot garage, for a total of 1,934 square feet (net), on a 23,885 square foot vacant bluff-top lot. Grading quantities total approximately 288 cubic yards of cut and 21 cubic yards of fill. Access to the site would be provided by private easements extending south from the terminus of El Camino de la Luz.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2002-00008) to allow the proposed development in the Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060).

A Final Environmental Impact Report (EIR) has been prepared. The Planning Commission must certify the EIR and make findings pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091 prior to taking an action to approve the project.

III. RECOMMENDATION

A. Certify the Final EIR, making the findings outlined in Section IX of this report.

B. Staff finds that the project as proposed would conform to the City’s Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. 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 IX of this report, and subject to the conditions of approval in Exhibit A.
IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>RRM Design Group</th>
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<tbody>
<tr>
<td>Property Owner</td>
<td>Herbert E. Barthels</td>
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<table>
<thead>
<tr>
<th>Site Information</th>
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<tbody>
<tr>
<td>Parcel Number</td>
</tr>
<tr>
<td>Lot Area</td>
</tr>
<tr>
<td>Zoning</td>
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<td></td>
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<td></td>
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<tr>
<td>General Plan</td>
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<tr>
<td>Local Coastal Plan</td>
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<tr>
<td>Existing Use</td>
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<tr>
<td>Topography</td>
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<table>
<thead>
<tr>
<th>Adjacent Land Uses</th>
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</thead>
<tbody>
<tr>
<td>North - Residential</td>
</tr>
<tr>
<td>South – Pacific Ocean</td>
</tr>
<tr>
<td>East – Lighthouse Creek</td>
</tr>
<tr>
<td>West - Residential</td>
</tr>
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B. PROJECT STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>Proposed</th>
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<tbody>
<tr>
<td>-Main Floor</td>
<td>787 sq. ft. (net);</td>
</tr>
<tr>
<td></td>
<td>837 sq. ft. (gross)</td>
</tr>
<tr>
<td>-Lower Floor</td>
<td>718 sq. ft. (net);</td>
</tr>
<tr>
<td></td>
<td>777 sq. ft. (gross)</td>
</tr>
<tr>
<td>Total Living Area</td>
<td>1,505 sq. ft. (net);</td>
</tr>
<tr>
<td></td>
<td>1,614 sq. ft. (gross)</td>
</tr>
<tr>
<td>-Garage</td>
<td>429 sq. ft. (net);</td>
</tr>
<tr>
<td></td>
<td>475 sq. ft. (gross)</td>
</tr>
<tr>
<td>Total Development</td>
<td>1,934 sq. ft. (net);</td>
</tr>
<tr>
<td></td>
<td>2,089 sq. ft. (gross)</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>41% of Maximum Guideline FAR</td>
</tr>
</tbody>
</table>

V. PROJECT STATUS AND CHANGES MADE TO THE EIR

The Second Revised Draft EIR (October 2016) was circulated for public review and on November 17, 2016, a public hearing to consider the adequacy of the environmental document was conducted by the Planning Commission. Comments were received from public agencies, community/interest groups, individuals, applicant’s representatives, and the Planning Commission.

A Final EIR (November 2017) has been prepared. Minor clarifications and revisions made to the document are included as strike out/underline text. Based on comments received, additional language has been added to mitigation measures AES-2 (install landscaping that will not exceed the height of the residence) and BIO-4 (limit use of herbicides). Information about views from the beach was added to the Visual Aesthetics section. No changes were made to the Geology section. Additional analysis of the project’s consistency with the California Coastal Act and Local Coastal Plan was added to the Plans and Policies Analysis section.

No changes have been made to the proposed residence other than the removal of the vegetated roof. The drainage pipe that was previously proposed on the bluff face has been relocated inland of the bluff edge. The document has been revised to address these changes.

No changes were made to Appendices A through H. Additional responses to comments were added to Appendix I, which addresses comments made on the First Revised Draft EIR (2012). Appendix J was added to address comments made on the Second Revised Draft EIR (2016). Appendix J includes topical responses that address the main issues raised by the public, comment letters, Planning Commission minutes, and responses to each comment.

The Final EIR concludes that there are no significant, unavoidable impacts, and that all potentially significant impacts would be reduced to less than significant levels with the implementation of identified mitigation measures.

The applicant has submitted a letter addressed to the Planning Commission (see Exhibit B). The purpose of this public hearing is for the Planning Commission to take action on the Final EIR and the Coastal Development Permit application.
VI. ZONING ORDINANCE CONSISTENCY AND POLICY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement/Allowance</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Front</td>
<td>20’</td>
<td>N/A</td>
</tr>
<tr>
<td>-Interior</td>
<td>6’</td>
<td>6’</td>
</tr>
<tr>
<td>Building Height</td>
<td>30’</td>
<td>25’</td>
</tr>
<tr>
<td>Parking</td>
<td>2 spaces</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Open Yard</td>
<td>1,250 SF</td>
<td>&gt;1,250 SF</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td></td>
<td></td>
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<tr>
<td>-Building</td>
<td>N/A</td>
<td>1,409 sq. ft.</td>
</tr>
<tr>
<td>-Paving/Driveway</td>
<td>N/A</td>
<td>793 sq. ft.</td>
</tr>
<tr>
<td>-Open Space</td>
<td>N/A</td>
<td>21,683 sq. ft.</td>
</tr>
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</table>

The proposed project would meet the requirements of the E-3 Zone of Santa Barbara Municipal Code Title 28 related to setbacks, building height, parking and open yard. Because this project is located in the Coastal Zone, the new Zoning Ordinance (Title 30, Inland Zoning Ordinance) does not apply.

B. COASTAL ACT AND LOCAL COASTAL PLAN CONSISTENCY

The proposal for a new single-family residence on the 23,885 square foot lot is consistent with the Local Coastal Plan (LCP) land use designation of Residential (5 dwelling units/acre).

Coastal Development Permit approval requires findings that the project would be consistent with the policies of the California Coastal Act and all applicable policies of the City’s Local Coastal Plan. A comprehensive analysis of project consistency with the Coastal Act and the Local Coastal Plan is included in Section 6 of the Final EIR, whereby the project has been determined to be potentially consistent with all applicable policies. The Planning Commission makes the final consistency determinations. A summary of the applicable policies is provided below.

California Coastal Act

California Coastal Act Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Potentially Consistent. The proposed project would not result in development that would directly affect the marine environment or marine organisms. Potentially significant indirect effects to marine resources could result if the project were to result in substantial discharges of pollutants to the ocean. As described in EIR Section 9.1.5 (Impacts Found Not to be Significant, Water Environment) the project’s potential short- and long-term water quality impacts would be less
than significant with the implementation of mitigation measures W-1 (Drainage and Water Quality) and GEO-1 (Storm Water Pollution Control, Drainage Systems Maintenance and Project Site Landscaping). Therefore, the proposed project could be found consistent with this Coastal Act Section.

**California Coastal Act Section 30231.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Potentially Consistent. The proposed project would implement a variety of design measures that would minimize impacts to coastal waters, and proposed mitigation measures would reduce potential impacts to coastal waters to a less than significant level. Development regulations and proposed mitigation measures GEO-1 (Storm Water Pollution Control, Drainage Systems Maintenance and Project Site Landscaping) and BIO-4 (Erosion Control/Water Quality Plan) require the implementation of short- and long-term erosion control best management practices. Habitat areas impacted by the proposed storm water discharge pipe that would discharge to Lighthouse Creek would be restored consistent with the requirements of proposed mitigation measure BIO-1 (Habitat Restoration). The project would not result in significant impacts to water quality or natural habitat, would maintain the biological productivity and quality of coastal waters, and could be found consistent with this Coastal Act Section.

**California Coastal Act 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.

Potentially Consistent. The proposed residential structure would not affect public views along the ocean (i.e., views to the east and west from locations on the beach), and as described in the “Other Views” subsection of EIR Section 5.1.3, the proposed residence would not adversely affect views available to persons on the beach looking towards the project site.

Extensive analysis of the proposed project’s impacts to existing ocean views from viewpoints located in and near La Mesa Park is provided in Section 5.1.3 of the EIR. To protect the existing views of the ocean from La Mesa Park, proposed mitigation measure AES-2 requires that landscaping trees and shrubs on the project site not attain a height that exceeds the height of the proposed residence.

The proposed residence would be compatible with surrounding development. To minimize the potential for future building color-related conflicts, proposed mitigation measure AES-1 requires that the proposed structure’s exterior colors be neutral or earth-tone, and that any subsequent color changes be approved by the Single Family Design Board.
The amount of proposed grading would not be extensive; would not result in long-term significant changes to existing visual conditions; and would not substantially alter natural landforms.

Therefore, the proposed project could be found consistent with this Coastal Act Section.

**California Coastal Act 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.”

**Potentially Consistent.** This policy is intended to reduce potential geologic hazards of bluff top development resulting from slope instability and the landward erosion of the bluff.

A project-specific evaluation of potential slope stability impacts concluded that the project site coastal bluff would remain stable after the development of the proposed residence, and the slope would remain stable under earthquake conditions (Anikouchine, 2011; EIR Appendix C).

A site-specific evaluation of the rate of bluff retreat at the project site determined that over a 59-year time span from 1953 to 2012 the bluff eroded landward an average of 1.02 inches per year. To address the potential for accelerated rates of bluff retreat that may result from a climate change induced rise in sea level, the historic rate of bluff retreat was increased by 20 percent to approximately 1.22 inches per year. Using an average rate of bluff retreat of 1.22 inches per year, the existing bluff edge at the project site would retreat landward approximately 7.6 feet over a 75-year planning period (Earth Systems Pacific, 2013a; EIR Appendix D).

The proposed residence would be located landward of the 75-year bluff retreat setback with the exception of the southern portion of the residence’s deck, which is cantilevered, and the southern roof eaves. Therefore, the structure would comply with this policy’s requirement that proposed new development provide an appropriate setback to prevent effects to the project from bluff erosion or the acceleration of bluff erosion.

**California Coastal Act Section 30212.** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
Potentially Consistent. The LCP identifies two existing coastal access points located near the project site that provide public beach access: Mesa Lane Trail, approximately 3,000 feet west of the project site; and Oliver Road, approximately 1,500 feet west of the project site. There is no evidence of a public beach access easement on the project site.

There is currently a steep and narrow dirt path has been worn onto the project site bluff face. Wooden stairs near the southwestern corner of the proposed residence development site lead to the path, which switches back across the south exposure of the bluff face and terminates at the beach below the adjacent property west of the project site. Due to its informal construction characteristics, it does not provide engineered drainage or safety (i.e., handrails) improvements.

Each of the five properties that use the project site access driveway has a recorded beach access easement over the project site. Based on the potential safety and environmental impacts that could result from the use of the existing path by the public, the inability to require the formation of a private association to maintain the path and accept liability, and the availability of other public access points within one-half mile of the project site, the project would not be required to provide a public access to the beach in accordance with the provisions of Coastal Act Section 30212, and the project could be found consistent with this policy.

**California Coastal Act Section 30250.** (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Potentially Consistent. The proposed single-family residence would be located contiguous with an existing residential neighborhood on a parcel that is zoned for residential development. As described in EIR Section 9.2.6 (Impacts Found Not to be Significant: Public Services), adequate fire, police, schools, utilities, water and sewer services are available to serve the proposed project. The proposed project does not include a request for a land division. Therefore, the proposed project could be found consistent with this Coastal Act Section.

**California Coastal Act Section 30252.** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Potentially Consistent. The proposed project would result in the development of one single-family residence. Due to the small size of the project and limited additional population, the
project would not substantially increase demand for transit services or commercial services, and would not adversely affect existing pedestrian or alternative transportation modes in the project area. The project would provide required on-site parking, would not substantially increase the demand for off-site parking, and would not substantially increase the use of recreation facilities in the project area. Therefore, the proposed project could be found consistent with this Coastal Act Section.

Local Coastal Plan Policies

**LCP Policy 2.1.** Public access in the coastal bluff areas of the City shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

**LCP Policy 2.4.** New development projects shall provide vertical access to the shoreline consistent with stipulations set forth in Section 30212 of the Coastal Act.

**Potentially Consistent.** See California Coastal Act Section 30212 above. The proposed project could be found consistent with these policies.

**LCP Policy 2.5.** Vista points shall be provided and maintained in areas where such use by the public has been established.

**Potentially Consistent.** No public vista point is located on the project site. Due to access and parking constraints, it would not be feasible to establish a public vista point on or near the project site.

**LCP Policy 5.3.** 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.

**Potentially Consistent.** As described in EIR Section 5.1.3, the size and appearance of the proposed residence would be compatible with existing development located along El Camino de la Luz and the driveway that extends southward to the project site. Two parking spaces would be provided on the project site consistent with zoning requirements, therefore, the project would not overburden public on-street parking resources. The project would be subject to City design review approval per City design guidelines to assure visual compatibility. Therefore, the proposed project could be found consistent with this LCP policy.

**LCP Policy 6.8.** The riparian resources, biological productivity, and water quality of the City’s coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored.

**Potentially Consistent.** See California Coastal Act Section 30231 above. The implementation of the proposed mitigation measures, as well as adopted City standards and construction site requirements, such as the Building and Safety Division’s Erosion/Sedimentation Control Policy, and other wildlife and water agency regulations and standards, would reduce the potential for project-related impacts to biological resources, and minimize the potential for erosion, sedimentation and other discharges to the creek. Therefore, the proposed project could be found consistent with this LCP policy.
**LCP Policy 6.10.** The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

Potentially Consistent. The eastern portion of the proposed residence would extend approximately 12 to 30 feet beyond (east) of the top of the Lighthouse Creek canyon slope as determined using the Mission Creek ordinance provision. However, the residence would be located approximately 70-80 feet west of the Lighthouse Creek channel itself. The vegetation on the Lighthouse Creek canyon slope that would be directly impacted (i.e., removed) by the project consists of non-native species that provide little biological value. Native vegetation on the mid- and lower-portions of the Lighthouse Creek canyon slope and in the creek channel provides "moderately high" quality habitat for amphibians, reptiles, birds and small mammals. Wildlife expected to use on-site native habitat, however, would generally be species tolerant of nearby urban uses. The proposed residence would be located 20 to 30 feet, from the middle portions of the Lighthouse Creek canyon slope where native vegetation is located. This setback from the existing native vegetation would be adequate given that the predominate use of the area is by wildlife that is tolerant of urban uses, and due to the low-intensity characteristics of the proposed single-family residence. Therefore, the proposed project could be found consistent with this LCP policy.

**LCP 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 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, and; 3) the drainage system is designed to be minimally visible on the bluff face.

Potentially Consistent. Project site runoff, as well as water that flows onto the project site from the adjacent driveway, would be collected by a series of on-site vegetated swales, catch basins, and by a small (17 square foot) vegetated bioretention pond. Collected water would be conveyed by an underground pipe to Lighthouse Creek where it would be discharged in a non-erosive manner and flow a short distance to the creek’s terminus and to the ocean. Due to the topography of the project site and the adjacent properties to the north, landward drainage of project site runoff would not be feasible. The proposed drainage swales, the bioretention pond, and the underground pipe that would discharge to Lighthouse Creek would be located on the canyon slope. Therefore, the proposed project could be found consistent with this LCP policy.

**LCP 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...

Potentially Consistent. As discussed above, there is an existing path on the bluff face that provides access to the beach below and appears to have been in existence prior to the adoption of the City Local Coastal Plan. However, there is no evidence of a public beach access easement on the project site. No changes to the existing path are proposed.
The project does not include new development on the bluff face. As discussed in Section 5.2 of the EIR and as shown on the project plans, the proposed residence would be located 7.6 feet inland of the top of bluff. The top of bluff was determined by Earth Systems Pacific (2013, EIR Appendix D) to generally follow the location of the existing concrete curb. Therefore, since the proposed residence would be located inland of the top of bluff and not on the bluff face, the proposed project could be found consistent with this LCP policy.

**LCP Policy 9.1.** The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced.

Potentially Consistent. See California Coastal Act Section 30251 above. The proposed project could be found consistent with this LCP policy.

**VII. ENVIRONMENTAL REVIEW**

**A. Environmental Impact Report**

An Environmental Impact Report (EIR) is an informational document that is considered in conjunction with other planning documents and project analysis as part of the overall permitting process. The environmental review process under California Environmental Quality Act (CEQA) provisions has two overall purposes: first, to disclose potential environmental impacts so that the public and decision-makers consider the environmental consequences of a project before it is approved, and second, to identify and apply measures to avoid or reduce potentially significant environmental effects to the extent feasible. Feasibility is defined in CEQA and the State CEQA Guidelines as meaning capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Mitigation measures applied to a project to reduce environmental impacts must also meet the constitutional tests of nexus and reasonable proportionality to project impacts.

An EIR analysis is not required to be exhaustive, and is based on reasonably available information. Conclusions about the significance of environmental impacts utilize City guidelines and practices and need to be based on substantial evidence within the entire record. Substantial evidence is defined in CEQA and the CEQA Guidelines to mean enough relevant information and reasonable inferences from this information to support a conclusion, even though other conclusions might also be reached. *Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts* (CEQA Guideline Section 15064(f)(5)). Because the analysis involves predicting future effects, an EIR necessarily only provides a best estimate of future environmental impacts based on assumptions. Where there are disagreements among experts over the significance of impacts, it is not required that an EIR resolve these differences but only summarize them. As noted in the CEQA Guidelines Section 15151, *...the courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

An Environmental Impact Report (EIR) has been prepared to evaluate environmental effects resulting from the proposed project.
B. Background

The project application was deemed complete in 2004. A Draft Mitigated Negative Declaration (MND) was prepared, and following two environmental hearings at the Planning Commission in 2005, it was determined that an Environmental Impact Report (EIR) to further evaluate project impacts on public views of the ocean from La Mesa Park and surrounding areas was required. An updated Biological Assessment Report and Draft EIR was circulated for public review in 2006-7.

The proposed Final EIR (May 2007) and responses to comments were reviewed by the Planning Commission on May 22, 2008. The Planning Commission requested that additional geological investigations be conducted consistent with the requirements of mitigation measure (GEO-3a). No action was taken on the Final EIR or Coastal Development Permit application.

The required geological investigation was completed (Anikouchine, 2009) and an additional slope stability analysis was completed (Anikouchine, 2011). The 2009 investigation determined that the bedding plane fracture suspected in prior reports did not exist on the project site. The 2011 slope stability analysis report concluded that the proposed project as designed would not result in a significant slope stability impact. Having been satisfied, proposed mitigation measure GEO-3a was removed from the revised document.

The First Revised Draft EIR (March 2012) was circulated for public review in March 2012, and a public hearing to consider the adequacy of the EIR was conducted by the Planning Commission on April 5, 2012. Further analysis was then conducted on issues raised in public comment, including the location of the top of the ocean bluff on the project site, the location of the top of the canyon slope for Lighthouse Creek on the project site, and the stability of the Lighthouse Creek channel slope located on the eastern portion of the project site. In response, two additional geologic evaluations of the project site and the proposed project were conducted in 2013.

The Second Revised Draft EIR (October 2016) was circulated for public review and a public hearing to consider the adequacy of the EIR was conducted by the Planning Commission on November 17, 2016. The Second Revised Draft EIR provided the following new or revised information:

2013 Geologic Evaluation:

- A revised “top of bluff” location further landward that generally follows the existing curb and is consistent with the top of bluff location identified by public comments and supported by City and Coastal Commission staff.
- Updated information regarding the rate of bluff retreat using an updated, more accurate methodology resulting in 1.02 inches per year rather than the estimated four inches per year discussed in the 2012 EIR. A 20 percent increase in retreat rate was added to account for potential acceleration due to sea level rise or other uncertainties, resulting in a total retreat rate of 1.22 inches per year.
- A “top of canyon slope” that is located east of and adjacent to the existing curb rather than the top of bank of Lighthouse Creek location previously identified approximately 50 feet east of the proposed building site.
A slope stability analysis for the western slope of Lighthouse Creek that concludes that the bedrock and soil comprising the slope are stable under both static and earthquake conditions.

**Revised Project Description:**

The project description was revised to reflect changes made to the design of the proposed residence. The current proposed building heights are six to ten feet lower than the maximum heights of the previously proposed residence design. The western elevation of the currently proposed residence would have a maximum height of 15 feet above grade and the eastern elevation would have a maximum height of 25 feet above grade.

**Environmental Impact Analysis:**

- Updated aesthetics analysis of the project based on the changes to the design of the residence.
- Updated analysis of the project’s consistency with applicable plans and policies.
- Updated analysis of alternatives to the proposed project to reflect new information regarding the revised project design and new information regarding the geologic conditions of the project site.
- Updated biological resources analysis and mitigations.
- A new section that describes the environmental impacts of the proposed project determined to be less than significant. The Impacts Found Not to be Significant section summarizes analysis provided by the Revised Initial Study prepared for the project, and where necessary, updates that information to reflect changes made to the design of the project and changes to environmental conditions at the project site.

A Final EIR (November 2017) has been prepared. The Final EIR concludes that there are no significant, unavoidable impacts, and that all potentially significant impacts would be reduced to less than significant levels with the implementation of identified mitigation measures.

**C. Summary of Impacts**

1. **Significant, Unavoidable Impacts** (*Class I impacts are unavoidable significant effects for which no feasible mitigation is identified*)

   The Final EIR does not identify any significant, unavoidable impacts.

2. **Significant, But Mitigable Impacts** (*Class II impacts are potentially significant impacts that can be avoided or reduced to less than significant levels with identified mitigation measures*)

   Significant, but mitigable impacts are identified in the Final EIR in the areas of Visual Aesthetics and Geologic Hazards. Additional impacts identified as significant, but mitigable in the Initial Study are Biological Resources, Hazards (fire), Transportation (access), and Water Resources (drainage, water quality). The identified mitigation measures, except Transportation (access), have been added to the conditions of approval. The issues are summarized below.
Visual Aesthetics: The 2007 and 2012 Draft EIRs identified that the project's original design would result in potentially significant impacts to important public scenic ocean views from areas in and around La Mesa Park, but could be reduced to a less than significant level with identified changes to the design of the project. Design changes similar to those recommended by the previous Draft EIRs have been incorporated into the design of the currently proposed project. The design of the proposed residence has been revised so that it has a maximum height of 25 feet above existing grade, which is approximately ten feet lower than the maximum height of the previously proposed residence design.

The EIR provides an extensive analysis of the proposed project's potential impacts to visual resources. That analysis concludes that views of the proposed residence would not dominate or appear to prominently extend into the view corridor that extends across the entire Lighthouse Creek canyon, and the proposed residence would appear to be a southward extension of existing houses that are located adjacent to the top of the western slope of the Lighthouse Creek canyon.

The EIR concludes that the current project's potentially significant impacts to important public scenic ocean views from areas in and around La Mesa Park would be reduced to a less than significant level with the implementation of additional identified mitigation measures AES-1 (require neutral colors) and AES-2 (install landscaping that will not exceed the height of the residence). The EIR also concludes that the project would not result in significant visual impacts related to project-related grading or vegetation removal.

Geologic Hazards: The Final EIR concludes that potentially significant geologic impacts (slope stability, subsidence, and expansive soils) would be reduced to a less than significant level with the implementation of proposed mitigation measures GEO-1 (project to implement a storm water drainage system that will not result in a significant slope stability impact) and GEO-2 (foundation system shall be approved by a licensed Engineering Geologist or Geotechnical Engineer). Below is a summary of the main geologic issues associated with the proposed project.

Top of Bluff. The location of the ocean bluff top was re-evaluated by Earth Systems Pacific (2013, EIR Appendix D) and determined to be located south of and adjacent to the proposed building pad, generally following the location of an existing concrete curb. The revised top of bluff location, and its location in relation to the proposed residence, is depicted on EIR Figures 3.3-1 (Site Plan) and 5.2-1 (Revised Top of Bluff Location). Both City of Santa Barbara staff and California Coastal Commission geologist Mark Johnsson (2013) concur with the revised top of bluff location based on the review of the Earth Systems Pacific report, the topography of the site, and site visits (see Exhibit C-Johnsson Email, 2013).

Top of Canyon Slope. The top of the western bank of Lighthouse Creek on the eastern portion of the project site was identified by Tierney (2002) as part of the evaluation of the project site's biological resources and impacts to those resources that could result from the implementation of the proposed project. Tierney identified the top of bank as “...the point that the gentle and then moderately-steep slope intersects with the sheer bank leading down to the creek bed.”

The location of the top of the Lighthouse Creek canyon slope on the project site was re-evaluated by Earth Systems Pacific (2013, EIR Appendix E) and it was determined that the
top of the canyon that contains Lighthouse Creek on the project site is located east of and adjacent to the existing asphalt pad. The identified top of slope extends roughly north to south across the central portion of the proposed building area. Both City of Santa Barbara staff and California Coastal Commission geologist Mark Johnson (2013) concur with the revised top of the canyon slope location identified by Earth Systems Pacific based on the review of the Earth Systems Pacific report, the topography of the site, and site visits.

Slope Stability. A 2011 slope stability analysis by Dr. Anikouchine evaluated several potential slope failure mechanisms that could have the potential to affect the project site. The 2011 investigation concluded that based on geologic conditions, a wedge-type slope failure would be the slope movement mechanism most likely to affect the project site. Subsequent analysis of this type of slope failure mechanism determined that the slope is considered to be geologically stable and that the slope would remain stable after the development of a new residence within the proposed building envelope. Mitigation measures identified by the EIR to further reduce the potential for slope stability and erosion-related impacts, including measures: GEO-1 (Storm Water Pollution Control, Drainage Systems Maintenance and Project Site Landscaping); BIO-2 (Appropriate Plants/Hardscape on Bluff); BIO-3 (Irrigation System); and W-1 (Drainage and Water Quality). These measures ensure that storm water at the project site would be properly managed, and that landscaping and irrigation do not accelerate the potential for bluff erosion. The slope stability investigation provided additional analysis to evaluate potential effects to the proposed residence in the unlikely event that a slope failure did occur at the project site. This additional evaluation considered the effects of the largest possible landslide that could be reasonably expected to affect the project site (i.e., movement along the lowest bedding plane that intersects a fracture in the bluff west of the project parcel). That slope movement evaluation determined if such a failure were to occur, the lower portion of the property and the adjoining property to the west could be affected, but not the proposed development area. California Coastal Commission geologist Mark Johnson (2013) has reviewed the 2011 slope stability analysis prepared by Dr. Anikouchine and stated that he concurs with the analysis and conclusions of the report.

Seacliff Retreat. The most recent evaluation of bluff retreat rates at the project site was conducted by Earth Systems Pacific (2013). The Earth Systems Pacific evaluation was based on a comparison of the conditions shown on a 1953 aerial photograph and a current topographic map, with stereographic interpretation of the 1953 photograph performed using manual and digital/computer stereo-scope techniques. The results were then geo-registered and plotted onto a 2010 digital Las Mesa ortho photograph using the computer program Global Mapper. This methodology resulted in a digitally-aided plot that is more accurate than previous bluff retreat analyses based on manual methods. The new analysis determined that the maximum bluff erosion retreat over the 59-year period between 1953 and 2012 was five feet, or an average rate of 1.02 inches of retreat per year. A 20 percent increase in retreat rate was added to account for potential acceleration due to sea level rise or other uncertainties, resulting in a total retreat rate of 1.22 inches per year and a 75-year setback of 7.6 feet from the top of bluff. The Earth Systems Pacific report is provided in EIR Appendix D.

Biological Resources: The evaluation of project-related impacts to biological resources was based on the biological assessment report (2006) and the potential for the proposed project to adversely affect native plant habitat and wildlife species located on the lower portion of
the Lighthouse Creek canyon slope. The Revised Initial Study concludes that potentially significant adverse impacts to biological resources (habitat, water quality) would be reduced to less than significant levels with the implementation of proposed mitigation measure BIO-1 (require habitat restoration plan); BIO-2 (install appropriate landscaping plants); BIO-3 (use appropriate irrigation system); BIO-4.1 through 4.8 (implement appropriate water quality protection measures during construction); and BIO-5 (require Streambed Alteration Agreement).

An updated evaluation of existing biological conditions and potential project-related impacts to biological resources was prepared by Hunt (2013). The report identifies three additional measures, BIO-4.9, 4.10 and 4.11 (BMPs to prevent soil erosion; grading during dry season and hydromulch disturbed soils; and biologist monitoring of these measures during construction) that would further reduce the potential for project-related water quality impacts to Lighthouse Creek habitat and species. The report also indicates that project-related construction activity would have the potential to result in a significant impact if construction were to occur near an occupied nest. This potentially significant impact would be reduced to a less than significant level by a mitigation measure BIO-6 (protect nesting birds). In addition, the report identifies additional measures to further minimize impacts to native habitat and impacts to wildlife species with mitigation measure BIO-7 (protect wildlife through salvage or relocation) and BIO-8 (protect sensitive habitat with construction fencing).

Hazards (fire): A potential impact pertaining to fire hazard was identified due to the project location adjacent to native vegetation in Lighthouse Creek and the narrow width of the access driveway. This potential impact would be reduced to a less than significant level with the implementation of proposed mitigation measure H-1 (provide automatic fire sprinklers); H-2 (provide monitored fire alarm system); H-3 (comply with high fire hazard area construction requirements); and H-4 (maintain sprinkler and alarm systems). The Fire Department has confirmed that with these measures there would not be a significant fire hazard impact.

Transportation (access): The Initial Study (EIR Appendix A) identified the project as having the potential to result in a vehicle access-related impact because the legal adequacy of the driveway providing access to the project site has been disputed. This impact would be reduced to a less than significant level with the implementation of proposed mitigation measure T-1 (Evidence of Adequate Access).

Proposed mitigation measure T-1 requires that the project comply with the condition included in the Conditional Certificate of Compliance (CCC) issued by the City in 1999. The condition in the CCC reads as follows: “Provide evidence, satisfactory to the City Engineer that the owner of the parcel described herein substantially possesses the required amount of legal access that formed the basis of the originally approved lot split.” The CCC allows for the property to be legally sold, leased or financed; however, the condition of the CCC must be met prior to the issuance of any building permits on the property. Because the access to the subject parcel was not definitely established from a legal standpoint, the Initial Study concluded that the proposed use of the existing driveway easements has the potential to result in a significant access-related impact. The Initial Study also concluded that, with compliance with mitigation measure T-1 (Evidence of Adequate Access), the project’s long-term access-
related impact, and short-term construction equipment access impacts, would be less than significant.

In September of 2009, the Superior Court of the State of California determined that the subject parcel has legal access easements that vary in width from 7.5 feet to 15 feet (see sheet A.5 of the project plans) (see Exhibit D - Stipulated Judgment).

The existing access easements that would be used to provide access to the proposed residence were evaluated by the Fire Department and it was determined that potential fire hazard impacts would be reduced to a less than significant level with the implementation of proposed mitigation measure H-1 (provide automatic fire sprinklers); H-2 (provide monitored fire alarm system); H-3 (comply with high fire hazard area construction requirements); and H-4 (maintain sprinkler and alarm systems).

Transportation planning staff analyzed the width of the driveway available to access the subject property and stated that the 7.5 foot wide access section, which spans a length of 7.14 feet, would provide less driveway access width than the City’s practice of 10 feet. However, a majority of passenger vehicles could access the site. The owners would need to be aware that some larger passenger vehicles, construction trucks, recreational vehicles, campers, etc. require a greater width, and, without permission from adjacent owners, could not access the site. For reference purposes, the City’s Parking Design Standards define a standard design vehicle width as 5 foot 10 inches wide. For comparison purposes, a wide passenger vehicle such as a 2010 H1 Hummer (though no longer in production) is 7 feet 1 inch wide.

Short-term construction vehicle access to the project site would be facilitated by using equipment appropriately sized to travel within the 7.5-foot driveway easement that provides access to the project site. The concrete would be pumped in from the street; therefore, large ready-mix trucks would not need to access the project to site.

Based on the decision of the Superior Court described above, and the analysis of City Planning and Public Works staff and the City Attorney’s office, the City Engineer has determined that the property possesses the required amount of legal access that formed the basis of the originally approved lot split, and that there is adequate access to serve the proposed project at the project site. Therefore, since the compliance with mitigation measure T-1 (Evidence of Adequate Access) has been satisfied, it is no longer included as a condition of approval.

Water Resources (drainage, water quality): The proposed construction activities would have the potential to result in short-term water quality impacts to Lighthouse Creek during project construction. This potential impact would be reduced to a less than significant level with the implementation of proposed mitigation measure W-1 (City approval of proposed grading, drainage, storm water and project development plans).

3. **Less Than Significant Impacts (Class III impacts are impacts that are not substantial or significant)**

Less than significant impacts were identified in the following areas: aesthetics (lighting), air quality, cultural resources, noise, population and housing, public services, recreation, greenhouse gas emissions, and agriculture and forestry resources. These issue areas are evaluated in the Revised Initial Study and the following Recommended Measures have been
identified to further reduce less than significant impacts. All recommended measures have been added to the conditions of approval.

**Air Quality** (construction): AQ-1 through AQ-5 (standard dust control measures shall be required) and AQ-6 (monitoring reports shall be submitted to City).

**Cultural Resources**: CR-1 (standard unanticipated discovery measures shall be implemented if previously undetected cultural resources are uncovered during the construction).

**Noise (construction)**: N-1 (neighborhood notification), N-2 (limit construction hours), and N-3 (sound control on equipment).

**Public Services (recycling)**: PS-1 (construction waste shall be recycled).

**Transportation (construction traffic, parking)**: T-2 (haul routes for construction traffic shall be approved by City, truck trips to be during non-peak hours), T-3 (construction parking and storage shall be approved by City).

**Water Resources (drainage)**: W-2 (maintenance of storm water drainage system) (same as mitigation measure GEO-1).

D. **Alternatives Analysis**

The Final EIR includes an analysis of alternatives to the proposed project and focuses on alternatives capable of eliminating or reducing significant adverse environmental effects of the project while feasibly attaining most of the objectives of the project. The alternatives to the proposed project evaluated in the EIR include:

**No Project Alternative.** This alternative assumes that the project site would remain in its present condition and the proposed residence would not be developed.

**Smaller Project Alternative.** This alternative evaluates the impacts of developing a residence on the project site that has 484 fewer square feet of total floor area than the proposed project. The location of the smaller residence on the project would be similar to the location of the proposed residence. Depending on the final design of this alternative, the structure height could be similar to that of the proposed project or portions of the structure could be taller or shorter. This alternative would result in a slight increase in on-site earthwork for site preparation due to deeper excavation (15 feet rather than 8 feet).

The Final EIR concludes that the Smaller Project Alternative would result in a slight reduction in aesthetic impacts (impacts to ocean views) compared to the project, which itself was assessed as having less than significant impacts. This alternative would therefore be considered the environmentally superior alternative, however, the reduction in aesthetic impacts provided by the alternative would be minor, and is not required to reduce any aesthetic impacts of the proposed project to a less than significant level.

VIII. **DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review on four occasions (6/03/02; 6/17/02; 11/24/03; 5/21/07) and by the Single Family Design Board (SFDB) on one occasion (5/07/12) (see Exhibit E - ABR and SFDB Minutes). On May 7, 2012, the SFDB had overall positive comments stating that the project's general design style, and quality of architecture,
IX. FINDINGS

The Planning Commission finds the following:

A. FINDINGS FOR CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (PER PUBLIC RESOURCES CODE (PRC) SECTION 21082.1 AND CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 15090).

The Planning Commission certifies the Final Environmental Impact Report for 1837 ½ El Camino de la Luz, finding that:

1. The Final Environmental Impact Report for 1837 ½ El Camino de la Luz was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the proposed Final Environmental Impact Report, along with public comment and responses to comments.

2. The proposed Final Environmental Impact Report for 1837 ½ El Camino De La Luz has been completed in compliance with the California Environmental Quality Act and Guidelines, reflects the City of Santa Barbara Planning Commission’s independent judgment and analysis, and constitutes adequate environmental analysis and documentation for 1837 ½ El Camino de la Luz.

3. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.

B. FINDINGS FOR REDUCTION OF POTENTIALLY SIGNIFICANT AND AVOIDABLE (CLASS II) IMPACTS (PER PRC SECTION 21081 AND CCR SECTION 15091)

The Planning Commission finds that changes and/or alterations have been required in, or incorporated into, the proposed project that would avoid or reduce potentially significant impacts to adverse, but less than significant levels (Class II impacts), as identified in the Final EIR.

1. Visual Aesthetics Class II Impacts

   Long-Term Visual Impacts. With implementation of identified mitigation measures AES-1 (require neutral colors) and AES-2 (install landscaping that will not exceed the height of the residence), applied as conditions of approval, potentially significant long-term view impacts of the project would be reduced to less than significant levels.

2. Geologic Hazards Class II Impacts

   Long-term Geologic Hazard Impacts. With implementation of identified mitigation measures GEO-1 (implement a storm water drainage system that will not result in a
significant slope stability impact) and GEO-2 (foundation system approved by a licensed Engineering Geologist or Geotechnical Engineer), applied as conditions of approval, potentially significant long-term geologic hazard impacts of the project would be reduced to less than significant levels.

3. **Biological Resources Class II Impacts**

*Long-term and Temporary Construction-Related Biological Impacts.* With implementation of identified mitigation measures BIO-1 (require habitat restoration plan); BIO-2 (install appropriate landscaping plants); BIO-3 (use appropriate irrigation system); BIO-4.1 through 4.12 (implement appropriate water quality protection measures during construction); and BIO-5 (require Streambed Alteration Agreement), BIO-6 (protect nesting birds), BIO-7 (protect wildlife through salvage or relocation) and BIO-8 (protect sensitive habitat with construction fencing), applied as conditions of approval, potentially significant long-term and construction-related biological resource impacts of the project would be reduced to less than significant levels.

4. **Hazards Class II Impacts**

*Long-term Hazard Impacts.* With implementation of identified mitigation measures H-1 (automatic fire sprinklers); H-2 (monitored fire alarm system); H-3 (high fire hazard area construction requirements); and H-4 (agreement for continual maintenance of the fire sprinkler and fire alarm systems), applied as conditions of approval, potentially significant long-term fire hazard impacts of the project would be reduced to less than significant levels.

5. **Water Resources Class II Impacts**

*Short-term and Long-term Water Resources Impacts.* With implementation of identified mitigation measure W-1 (City approval of project plans for grading, drainage, stormwater facilities and project development), potentially significant short-term and long-term drainage and water quality impacts of the project would be reduced to less than significant levels.

C. **COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act, as described in Section VI.B of the Staff Report and in the Final EIR.

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 as described in Section VI.B of the Staff Report and in the Final EIR.

**NOTE:** The Final EIR (delivered separately to the Planning Commission) is available at the Planning Division office at 630 Garden Street, at the Main City Library, and online at [www.SantaBarbaraCA.gov/eir](http://www.SantaBarbaraCA.gov/eir).
Exhibits:

A. Conditions of Approval
B. Applicant's letter, dated 11/22/17
C. Johnsson Email, 2013
D. Stipulated Judgment, 2009
E. ABR and SFDB Minutes
PLANNING COMMISSION CONDITIONS OF APPROVAL

1837 ½ El Camino de la Luz
COASTAL DEVELOPMENT PERMIT
DECEMBER 7, 2017

Mitigation Measure Numbers are shown in parentheses at the end of the applicable Conditions (e.g., BIO-1)

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. Pay Department of Fish and Wildlife fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
4. Submit an application for and obtain a Building Permit (BLD) to demolish any improvements and/or perform rough grading. Comply with condition E “Construction Implementation Requirements.”
5. Record any required documents (see Recorded Conditions Agreement section).
6. Permits.
   a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
   b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said 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 December 7, 2017 is limited to one single-family residence and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

EXHIBIT A
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. Proposed landscaping trees and shrubs shall consist of drought-tolerant species that when mature will not attain a height that exceeds the height of the proposed residence roof line. The project site property owner shall be responsible for maintaining landscaping in compliance with this requirement over the life of the project. (AES-2)

5. **Fire Protection System Maintenance.** The property owner shall enter into a written agreement, binding on the owner and all successors, that requires continual maintenance of the automatic fire sprinkler system and monitoring of the fire alarm system. (H-4)

6. **Storm Water Pollution Control, Drainage Systems Maintenance and Project Site Landscaping.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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.

All project site landscaping shall be designed to use native species that do not require irrigation except for their propagation. Limited areas of non-native plants may be used if long-term irrigation is not required. (GEO-1)

7. **Future Threats to Development.** By acceptance of this permit, the Owner agrees, on behalf of him/herself and all successors and assigns, that the Owner shall remove the development authorized by this permit, including the (residence, garage, foundations) if any government agency has ordered that the structure(s) is not to be occupied in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any
other coastal hazards in the future. In the event that portions of the development fall to the beach before they are removed, the Owner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a Coastal Development Permit.

8. **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.

9. **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.

10. **Color Approval.** Colors to be used on the exterior of the proposed residence shall be approved by the Single Family Design Board. Exterior colors shall be neutral or earth-tone tones. Subsequent color changes to the residence shall also be approved by the Single Family Design Board. (AES-1)

11. **Mitigation Monitoring and Reporting Requirement.** The Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Environmental Impact Report for the project.

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 land use conditions have been satisfied.

1. **Color Approval.** Colors to be used on the exterior of the proposed residence shall be approved by the Single Family Design Board. Exterior colors shall be neutral or earth-tone tones. Subsequent color changes to the residence shall also be approved by the Single Family Design Board. (AES-1)
2. **Habitat Restoration.** Areas between the proposed building site and Lighthouse creek disturbed by project grading and construction of the drainage system shall be replanted with native plants appropriate to coastal riparian and upland areas. Iceplant, oleander, yucca, castor bean, English ivy, German ivy, and other invasive, non-native species shall be removed from this area using hand and chemical methods. Vegetation removal shall be by hand and dragged upslope to the building pad. All vegetation removal and initial site grading shall be under the supervision of a qualified habitat restoration biologist. Removed material shall be disposed of in a manner that will not result in further spread of these species. Native material used for replanting may include: encelia, California blackberry, California sage, California fuchsia, saltbush, coast goldenbush, elderberry, and lemonadeberry. Plans shall include the use of erosion control blankets and seeding of bare slopes to prevent short-term erosion. The replanting plan shall be developed by a qualified botanist or landscape architect and shall include provisions for installation and maintenance until plantings are established. This plan shall be provided to the Community Development Department Staff, Creeks Division, and the Single Family Design Board for review and approval prior to issuance of building permits. The plan shall be implemented prior to issuance of the Certificate of Occupancy and plantings maintained for the life of the project. (BIO-1)

3. **Appropriate Plants/Hardscape on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material, and to the sloped areas.

   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. Plant material to be removed shall be replaced with native, drought tolerant, low water using vegetation that requires only a temporary irrigation system to establish the plantings. Replacement vegetation shall be consistent with the recommendations of the biologist’s reports, dated January-February 2006 and August 23, 2013. The landscape plan shall be provided to the Community Development Department Staff, Creeks Division, and the Single Family Design Board for review and approval prior to issuance of building permits. The plan shall be implemented prior to issuance of the Certificate of Occupancy and plantings maintained for the life of the project. (BIO-2)

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 / the Lighthouse Creek canyon slope shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge / canyon slope shall be removed after one full season of plant growth. (BIO-3)

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 will prepare said agreement for the Owner’s signature.

b. **Utility Service Plan.** The Owner shall submit building plans for construction of utility services to the subject property via the public utility easement. As determined by the Public Works Department, the improvements shall include new underground utilities (sewer, water, gas, electrical, telephone, and cable service) to the property and restoration of the public right-of-way per City Standards. The building plans shall be prepared by a registered civil engineer and reviewed by the City Engineer.

c. **Approved Utility Service Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved utility service plans, a Public Works permit shall be issued concurrently with a Building permit.

d. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions for the construction of improvements (including any required appurtenances) within their rights of way (easement).

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. **Foundation Design Approval.** The location and design of the proposed structure foundation, which implements a caisson supported foundation system, shall be approved by a licensed Engineering Geologist or Geotechnical Engineer. (GEO-2)

c. **Contract with Qualified Biologist.** Submit a signed contract with a qualified biologist to carry out and monitor mitigation measures (BIO-1,4,7&8) through Certificate of Occupancy.

d. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations. 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 quality pollutants, or groundwater pollutants would result from the project. (W-1)

c. **Creek Restoration Maintenance and Monitoring Program (CMMP).** A Creek Restoration Maintenance and Monitoring Program is required to be submitted and approved by Planning Division and Creeks Division staff. The CMMP should outline the monitoring and maintenance frequency, the success criteria and monitoring methods, the maintenance methods, the reporting methods and frequency, and the CMMP should identify the responsible parties. The CCMP should include the following details: Success criteria (percent cover, plant counts, etc.). No herbicides shall be used unless hand removal proves ineffective and verified by the biologist/restoration specialist. Any herbicide use shall be approved by the Restoration Specialist prior to application and shall not be conducted within a minimum 72 hours of a predicted rain event. The site should be maintained and monitored by both a landscape maintenance contractor and a Restoration Specialist. The landscape contractor should have experience in maintaining native plants. The following monitoring and maintenance frequencies are recommended: After construction is completed and prior to building occupancy, the restoration area should be inspected by the contractor, Restoration Specialist and a staff member from the Creeks Division. Site inspections weekly for the first year by the maintenance contractor and monthly by the Restoration Specialist. Inspections for Years 2 and 3 shall be every month for the maintenance contractor and quarterly for the Restoration Specialist. Inspections for Years 4 and 5 shall be monthly for the maintenance contractor and bi-annually for the Restoration Specialist. The CMMP should include requirements for annual monitoring reports. Indicate how percent cover for the native and non-native plants will be monitored. The report should identify if the restoration is meeting the success criteria. Also, the number of plants that have been replaced during the monitoring period should be included. The CMMP should include photo monitoring of the site (at established photo points). Photos should be included in the annual report. The plan should include the maintenance and inspection schedule for the landscaper and restoration specialist as well as the inspection schedule for Creeks Division staff.

d. **Streambed Alteration Agreement.** The applicant shall obtain a Streambed Alteration Agreement from the Department of Fish and Wildlife, prior to submittal of a building permit, for grading and installation of drainage devices within the banks of Lighthouse Creek. (BIO-5)

e. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City’s Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the
Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:

(1) The frequency and/or schedule of the monitoring of the mitigation measures.

(2) A method for monitoring the mitigation measures.

(3) A list of reporting procedures, including the responsible party, and frequency.

(4) A list of other monitors to be hired, if applicable, and their qualifications.

(5) Submittal of weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.

(6) Submittal of a Final Mitigation Monitoring Report.

(7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

h. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

i. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.1 “Neighborhood Notification Prior to Construction” below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

j. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.2 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.

k. **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.
1. **Mitigation Monitoring and Reporting Requirement.** The Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Environmental Impact Report for the project.

m. **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 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:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor</td>
<td>Date</td>
</tr>
<tr>
<td>Architect</td>
<td>Date</td>
</tr>
<tr>
<td>Engineer</td>
<td>Date</td>
</tr>
</tbody>
</table>

3. **Fire Department.**

a. **Automatic Fire Sprinklers.** New structures shall be equipped with an automatic fire sprinkler system in accordance with NFPA 13D. The automatic fire sprinkler system shall be submitted to the City Fire Department for review and approval under separate permit. (H-1)

b. **Monitored Fire Alarm System.** A monitored fire alarm system shall be designed and installed throughout the new structure as approved by the Fire Department. The fire alarm system shall be submitted under separate permit. (H-2)

c. **Compliance with High Fire Construction Requirements.** The new residence shall be built in accordance with the City’s High Fire Construction requirements. (H-3)

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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project
Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1)

2. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, (Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.

3. **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) and Project Environmental Coordinator’s (PEC’s) name, contractor(s) and PEC’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.

4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:

- New Year’s Day
- Martin Luther King, Jr. Day
- Presidents’ Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Following Thanksgiving Day
- Christmas Day

January 1st*
3rd Monday in January
3rd Monday in February
Last Monday in May
July 4th*
1st Monday in September
4th Thursday in November
Friday following Thanksgiving Day
December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night.
Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)

6. **Construction Storage/Staging.** Construction vehicle/equipment/materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

7. **Construction Parking.** Construction Parking. Construction parking and vehicle/equipment/materials storage shall be provided as follows:
   a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
   b. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited. (T-3)

8. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (T-2)

9. **Construction Materials Recycling.** Construction-related solid waste shall be minimized through source reduction, re-use and recycling. Collection bins for these materials shall be provided on the site. (PS-1)

10. **Erosion Control/Water Quality Plan.** An Erosion Control/Water Quality Plan shall be developed for construction activities to maintain all sediment on-site and out of the drainage system. The plan shall include Best Management Practices approved by the City, and shall include, at a minimum, the following:
   a. Minimize the area of bare soil exposed at one time (phased grading).
   b. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
   c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
d. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

e. During construction of the homes, the contractor and/or property owner shall protect the storm drain inlets from sediment-laden runoff.

f. Erosion control materials (i.e. sandbags, strawbales, and silt fencing) shall be used to trap and filter sediment before entering the storm drain.

g. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.

h. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.

i. Implement applicable BMPs to prevent, control, and contain soil erosion, as detailed in SWPPP to be developed for the project.

j. Time grading and soil disturbance to occur during the dry season (May-Nov) and hydromulch all disturbed soils at onset of rainy season.

k. A qualified biologist shall periodically check maintenance of erosion control measures and hydromulch during construction and suggest remedies where necessary.

l. The use of herbicides for the removal of non-native plants in the proposed habitat restoration area shall be minimized to the extent practical. If herbicides must be used to ensure the removal of non-native plants, herbicide use shall be limited to the application of Glyphosate Aquamaster.TM Herbicide use on the project site shall occur only in the proposed habitat restoration area. (BIO-4)

11. Construction Dust Control - Watering. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption. (AQ-1)

12. Soil Movement. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. (AQ-2)

13. Construction Dust Control – Gravel Pads. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads. (AQ-3)
14. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. (AQ-4)

15. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

a. The engine size of construction equipment shall be the minimum practical size.

b. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

c. Construction equipment shall be maintained in tune per the manufacturer specifications.

d. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

e. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.

f. Diesel powered equipment shall be replaced by electric equipment whenever feasible.

g. Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.

h. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

i. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District.

j. All portable diesel-powered construction equipment shall be registered with the state’s portable equipment registration program OR shall obtain an APCD permit.

k. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant
emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

1. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible. (AQ-5)

16. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports to the Community Development Department, Planning Division, during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance. (AQ-6)

17. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s). (BIO-6)

18. **Wildlife Protection.** A qualified biologist shall be present at the onset of initial site grading to salvage and relocate any animals displaced by grading and vegetation grubbing. (BIO-7)

19. **Sensitive Habitat Protection.** A qualified biologist shall supervise installation of orange construction fence and silt fence around the surveyed construction disturbance limits prior to initial site grading and vegetation removal. This fencing shall be maintained for the duration of construction. (BIO-8)

20. **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. (CR-1)

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.

3. New Construction Photographs. Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 1/2 x 11” board and submitted to the Planning Division.


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. **California Department of Fish and Wildlife Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this project shall not be considered final unless the specified California Department of Fish and Wildlife fees are paid and filed within five days of the project approval. The fees required are $3,078.25 for projects with Environmental Impact Reports. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Wildlife. Please note that a filing fee of $50.00 is also required to be submitted with the Fish and Wildlife fee in the form of a separate check payable to the County of Santa Barbara.

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.
II. 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.
November 22, 2017

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

RE: 1837½ El Camino De La Luz (MST2002-00214/CDP2002-0008)
APN 045-100-065

Chair Higgins and Members of the Planning Commission:

On behalf of the property owner, Herb Barthels, and the owner’s co-counsel, Richard Monk and Steven Amerikaner, RRM Design Group would like to request the Planning Commission’s approval for the construction of a new single-family dwelling on the subject property.

The requested discretionary approval is a Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the Coastal Zone. The request also includes the Certification of the Final Environmental Impact Report.

Project Site Location and Conditions

The project site is a 23,885 square foot property located at the most southeasterly parcel of El Camino De La Luz in the West Mesa neighborhood of the City of Santa Barbara on a bluff top above the Pacific Ocean. The property landform consists of a flat area at the northwest quadrant of the property with an ocean bluff of about 90 feet in height to the south. The property slopes to the east with the lighthouse creek corridor below. The property is unimproved for structures. Surrounding land uses include residential lots to the north and west, the Coast Guard property on the opposite side of the creek corridor to the east, and the Pacific Ocean to the south. No rare, threatened, or endangered species are known to inhabit the site.

The property is within the Coastal Zone and is subject to the provisions of the City’s Local Coastal Plan. Zoning of the parcel is E-3/SD-3 (One-Family Residence/Coastal Overlay) and the General Plan/Local Coastal Plan designation is Residential, five units per acre.

The project site has the potential to be fully served by underground utilities for sewer, water, electrical, CATV, telephone, and natural gas located at the terminus of El Camino De La Luz and in the existing road and utility easements to the property.

EXHIBIT B
Project Description

The project involves the construction of a new single-family home on a vacant bluff-top property in the coastal zone. The house will be a split-level, 2-bedroom, 2½-bathroom home with an attached 429 square foot (net) 2-car garage. The main level is 787 square feet (net) and includes a half bath, kitchen and living area, and outdoor deck. The lower level is 718 square feet (net) and includes the two bedrooms, two full bathrooms, laundry, and an outdoor deck. The proposal meets all required zoning setbacks, required on-site parking spaces, minimum open space requirements, and height regulations.

The house design is fundamentally integrated into the ecology and geology of the site. We’ve proposed the use of natural time-honored materials, as well as innovative technology to find the most compatible fit with the site and minimize the impact to the environment and public vistas. The overall height is 15’ maximum on the west side of the house, and 25’ maximum on the east side. The dwelling is 1,505 square feet (net) of habitable space. The building is carefully designed to be well-integrated with the hillside, appearing more as natural rock outcroppings and chaparral rather than a structure. The materials include a combination of stone and natural wood paneling to blend in with the cliffs and rock formations of the existing landscape.

The design incorporates passive solar via the use of a large expanse of south-facing glazing, allowing the winter sun in during cold months, and deep overhangs to block the sun during summer months. Photovoltaic panels integrated into the overhangs provide energy to offset the structure’s draw on the public utility. The project will include limited grading to accommodate the lower level and to minimize the visual concerns from La Mesa Park. Landscape further protects the view from La Mesa Park and provides natural erosion control and privacy. The project conforms with the Neighborhood Preservation Ordinance.

Lastly, all necessary utilities will be run underground to the site within the utility and road easements which exist from the terminus of El Camino De La Luz to the subject property.

Parcel Validity, Access, and Easement History

Extensive discussions have occurred with the City Attorney’s office, the Public Works Department, and Planning Division staff over the past 20 years with respect to the history of the subject parcel and to confirm that appropriate access easements exist on the Site. A Conditional Certificate of Compliance (CCC; Previously Submitted) was recorded on the property December 8, 1999. This CCC allows for the property to be legally sold, leased, or financed pursuant to the State Subdivision Map Act; however, as conditioned, the following needed to be satisfied prior to development:
"Provide evidence, satisfactory to the City Engineer that the owner of the parcel described herein substantially possesses the required amount of legal access that formed the basis of the original lot split."

Evidence that the property owner possesses the required amount of legal access that formed the basis of the original lot split has been previously submitted and accepted as satisfactory by City Planning and Public Works staff and the City Attorney’s Office. These access rights continue to exist and are therefore in substantial conformity with the width of the road access shown on the 1958 Lot Split Map approved by the City Council and the 1958 Record of Survey map filed with the County Recorder.

Based upon the foregoing, it has been conclusively established that the subject Property is a legal parcel, has legal access, and that such access substantially conforms to the access approved on the 1958 Lot Split Map.

Preliminary Title Reports (previously submitted), prepared by Fidelity National Title Company dated February 25, 2002, as well as updates in 2015 and 2017, describe the insurable appurtenant parcels (road and utility access easements) for the benefit of the subject property. Furthermore, five of the neighboring properties along the shared access road now have prescriptive easements over the subject property for access.

**Environmental Setting**

The project site is situated within a residential urban area of the City of Santa Barbara. All necessary public utility services exist to the property or within the public street frontage and utility and road easements. The proposal is a modest dwelling unit on a vacant bluff top property. The property is a previously disturbed parcel that currently consists of an asphalted overlay and berm creating what appears to be open parking and storage area. An access path down slope to the east of the property terminates at the southern portion of the property at the beach with remnants of an older concrete and brick planter, outdoor barbeque and sink area, and what was once a cabana structure from the 1950’s. These disturbed areas have been covered over time with invasive non-native vegetation.

**Flora and Fauna**

A Biological Assessment, including four subsequent reassessments and updates (previously submitted), were performed for the property. The Assessment concluded that the majority of the flora at the project site consists of non-native ornamental species and common garden escapees or remnants from previous use of the parcel. Some native plants were identified on the steep slopes facing the ocean and approaching the creek, however are not in proximity and will not be affected by the proposed home site. The fauna observed or expected to frequent the
property are composed of species which are typically found in urbanized settings. The diversity of amphibians, reptiles, and land mammals known or expected to inhabit the site is low.

Given that the property abuts a creek corridor to the east, the Assessment also studied the creek. The Assessment states that Lighthouse Creek is an unusually short seasonal stream only when there is very heavy rainfall, and the portion adjacent to the property is particularly steep due to a raised culvert upstream and a beach bluff retreat at the ocean. Habitat value of the stream adjacent to the site is limited, and it contains little native vegetation.

The Assessment concluded that no significant biological impacts are expected from the proposed development and, with the inclusion of appropriate erosion control measures during construction, potential short-term impacts from construction activities can be mitigated.

**Geology and Soils**

An updated Ocean Bluff Erosion Retreat Study was prepared by Earth Systems Pacific in March 2013 to determine the current ocean bluff erosion retreat rate and to provide an appropriate building setback. The study was based on maximum bluff erosion retreat over the 59-year time span from 1953 to 2012 and found that the estimated bluff erosion retreat rate was 1.22 inches of bluff retreat per year, which includes the sea level rise factor. Therefore, it is estimated that the bluff would retreat approximately 7.6 feet over a 75-year design life period. In addition, in July 2013, a Canyon Slope Stability Analysis and Erosion Study was performed by Earth Systems Pacific on the canyon slope along the eastern side of the property. This study indicated that there was no evidence of instability of the canyon slope adjacent to the proposed building area, and the slope stability analysis indicated that the canyon slope is stable under static and seismic conditions. In addition, a trenching and excavation study by the EIR geologist Will Anikouchine further confirmed the geologic and soils stability of the property. A total of over 20 geological and borings tests, deep trenching and soil studies have been completed over the years. All are positive confirmations of the site's geologic stability and are on record with the City.

Based on multiple hydrology and storm water control studies prepared by RRM (previously submitted), the project will install a storm drain collection system to capture run-off and concentrate flows to a drain system to the east of the project site and outfall into an appropriate drain dissipater into the creek corridor. This system will mitigate any potential impacts from future construction, eliminate bluff and canyon slope erosion from runoff, and maintain geologic stability.

**Summary**

Throughout the project’s long entitlement history, the design and engineering team has closely reviewed the City’s Local Coastal Plan for guidance and consistency. The project is located
within an urbanized area of the City, surrounding properties are developed, and adequate public services are available to serve the subject parcel. As discussed previously, a sea cliff retreat rate and corresponding structural setback was established for the subject property by a certified engineering geologist, and that setback has been respected by the proposed home. Storm water will outflow into a dissipater near the eastern edge of the property line, thereby directing surface waters away from the bluff top and eliminating any potential bluff or canyon slope erosion as a result of the project. The project conforms to the existing topography and removes predominately non-native vegetation to be replaced with appropriate native vegetation. Lastly, the development of this home at the proposed height and massing will not substantially degrade, block, or impair the public scenic view as experienced from La Mesa Park. For these, and the reasons stated in the EIR, we agree with the EIR’s analysis of the project’s conformance with the Coastal Plan goals and policies.

As indicated by staff at all previous project hearings, this project is fully consistent with surrounding uses, Zoning Ordinance requirements, and General Plan and Local Coastal Plan policies. We believe an objective review of the project design, the visual impact analysis, the third party technical studies, and the Environmental Impact Report warrant the project’s approval by the Commission, and we agree with the mitigation measures in the EIR. Once again, we appreciate the Commission’s time and consideration of the project merits, including the steps the owner and project team have taken to meticulously study and diligently respond to all concerns from neighbors over the past two decades. At this time, we respectfully request that the Planning Commission take action to certify the EIR and approve the requested Coastal Development Permit.

Sincerely,

RRM DESIGN GROUP

Detlev Peikert, AIA, LEED AP BD+C
License #C15008

cc: Mr. Herb Barthels
    Mr. Richard Monk
    Mr. Steve Amerikaner
    Mr. Rick Gorman
Kathleen—

I am fine with the summary of our conversation. I also agree that the questions you propose are appropriate. I'm not sure what "factor of safety lines" you are referring to, but if you mean the location of the 1.5 factor of safety line it is my understanding that these slopes have a factor of safety exceeding 1.5.

Mark

Hi Mark and Melissa,

I am checking to see if you have had a chance to review the email below.

Correction: Notes from Thursday, June 6, 2013.

Thank you,

Kathy

Kathleen Kennedy
Associate Planner
City of Santa Barbara
(805) 564-5470 x 4560
Mark and Melissa,

Thanks to both of you for taking the time to read the reports and talking to us about them last Thursday. We expect that the applicants will request a summary of our conversation, so we prepared the following notes. If you could review them, and make any revisions before we pass them along, we would appreciate it. We also have a couple of follow up questions below.

City Planning staff forwarded the Ocean Bluff Erosion Retreat Study and Canyon Slope Stability and Erosion Study reports (both dated March 21, 2013) prepared by Rick Gorman of Earth Systems Pacific to Coastal Commission staff (Mark Johnsson and Melissa Ahrens) for their review and comments. Here are the notes from our conference call with them on June 11, 2013.

Ocean Bluff Erosion Retreat Study: Mark agrees with the top of bluff location; agrees with the slope stability analysis (by Anikouchine); is okay with bluff retreat rate and is okay with adding 20% to the erosion rate to account for sea level rise. He stated that the report needs to include the seaciff retreat formula required by the City LCP.

The project as proposed has a 7.6 foot setback from the top of bluff. Mark noted that the CCC usually prefers projects have a setback of at least 25 feet from top of ocean bluff to address uncertainties.

Canyon Slope Stability and Erosion Study: Mark had no problems with this report.

Melissa recommends that we request a new biological assessment report that includes a survey of the existing vegetation and riparian habitat along the eastern slope and a recommended development buffer (setback) from the riparian habitat area. This setback may be another constraint on the developable area.

Melissa asked that we provide them with a copy of the chain of title for the property.

Conclusions of the updated biological assessment and City policy will determine whether or not the residence would be allowed to be built on the eastern slope as proposed.

We have some follow up comments/questions for you. We think that the Canyon Slope report needs to be clearer about development/foundation options, i.e., slab on grade vs. caissons. The report should address the proposed design of the residence (which would be built on the slope) since it could be interpreted that the residence would be built on the flat area. Also, for other projects, we have had the factor of safety lines plotted on the site map. Can that be done here? It is not clear from the report where those lines are located.
Thanks again for your time and I look forward to hearing back from you.

Thank you,

Kathy

Kathleen Kennedy
Associate Planner
City of Santa Barbara
(805) 564-5470 x 4560
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
ANACAPA DIVISION

HERBERT E. BARTHELS, Trustee of the Herbert E. Barthels Trust dated December 9, 1985,

Plaintiff,

vs.

RAFAEL FRANCO, as an individual and as trustee of the Franco Revocable Trust No. 1, established June 30, 1999;
LINDA FRANCO, as an individual and as trustee of the Franco Revocable Trust No. 1, established June 30, 1999;
BRUCE PETERSON, an individual and as trustee for the Bruce F. Peterson Revocable Living Trust, U/D/T dated April 21, 2003;
HORACE L. WRIGHT, as an individual and as trustee of the Horace L. & Jerry Lu Living Trust, UTD, February 18, 1999;
JERRY LU WRIGHT, as an individual and as trustee of the Horace L. & Jerry Lu Living Trust, UTD, February 18, 1999;
THOMAS SLOAN, an individual;
TINE F. SLOAN, an individual; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 1268293

[PROPOSED] STIPULATED JUDGMENT

Assigned to the Hon. Thomas P. Anderele

EXHIBIT D
STIPULATED JUDGMENT

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In the above entitled case, Plaintiff is Herbert E. Barthels, Trustee of the Herbert E. Barthels Trust dated December 9, 1985, (hereinafter referred to as "Plaintiff"). Defendants and their respective properties are:

1. Rafael Franco, as an individual and as trustee of the Franco Revocable Trust No. 1, established June 30, 1999; Linda Franco, as an individual and as trustee of the Franco Revocable Trust No. 1, established June 30, 1999, owner of APN 45-100-18 ("the Franco Parcel"), whose legal description is more fully provided in Exhibit "A";

2. Bruce Peterson, an individual and as trustee for the Bruce F. Peterson Revocable Living Trust, U/D/T dated April 21, 2003 owner of APN 45-100-64 ("the Peterson Parcel"), whose legal description is more fully provided in Exhibit "B";

3. Horace L. Wright, as an individual and as trustee of the Horace L. & Jerry Lu Living Trust, UTD, February 18, 1999; Jerry Lu Wright, as an individual and as trustee of the Horace L. & Jerry Lu Living Trust, UTD, February 18, 1999 owner of APN 45-100-17 ("the Wright Parcel"), whose legal description is more fully provided in Exhibit "C";

4. Thomas Sloan, an individual and Tine F. Sloan, an individual, and each of them, owners of APN 45-100-45 ("the Sloan Parcel"), whose legal description is more fully provided in Exhibit "D."

Plaintiff and Defendants have stipulated that judgment be entered granting Plaintiff, the owner of the real property commonly known as APN 45-100-65 and more particularly described in the legal description attached hereto as Exhibit "E" (the "Dominant Tenement") easements and rights of way for road and public utility purposes ("the Easement") to be used in common with others over El Camino de la Luz Street in the City of Santa Barbara, California, and over portions of the Blanco E. Fryer Tract including Defendants’ real properties. The Easement being more particularly described in the legal description attached hereto as Exhibit "F" and in the Exhibit map attached hereto as Exhibit "G". These easements are appurtenant and run with the land. They may not be transferred separately from their respective properties.

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The portion of the road and utility easements that passes over each of these properties is:

(a) No wider than 7.5 feet on the Wright Property, and no wider than 7.5 feet on the Sloan Property, which when these two properties border each other the combined width does not exceed 15 feet, except for the area shown as Camino De Luz on the Record of Survey filed in Book 28, Page 124 of Record of Surveys, where the easement width shall include said Camino De Luz;

(b) No wider than 7.5 feet on the Franco Property, and no wider than 7.5 feet on the Sloan property, which when those two properties border each other the combined width does not exceed 15 feet, except that on the southern 7.14 feet of the Franco Property, the total road width does not exceed 7.5 feet.

(c) No wider than 10 feet on the Peterson Property.

(d) Any other access rights in favor of Barthels over Defendants' parcels are deemed abandoned.

There currently exists in the Easement over Defendants' parcels certain minor encroachments, which are permitted, and may not be further improved or enlarged. These encroachments are: (1) a portion of a wall on the Franco Property; (2) a planter on the Wright Property; and (3) a planter and landscaping on the Sloan Property.

IT IS HEREBY ADJUDGED, ORDERED AND DECREED that judgment be entered granting Plaintiff, Herbert E. Barthels, Trustee of the Herbert E. Barthels Trust dated December 9, 1985, the owner of the property commonly known as APN 45-100-65, easements and rights of way for road and public utility purposes to be used in common with others over El Camino de la Luz Street in the City of Santa Barbara, California, and over portions of the Blanco E. Fryer Tract including Defendants' real properties. The Easement is more particularly described in the legal description attached hereto as Exhibit "F" and in the Exhibit map attached hereto as Exhibit "G". The Easement shall run with the land.

THOMAS P. ANDERLE

The Hon. Thomas P. Anderle
JUDGE OF THE SUPERIOR COURT

Dated: September 4th, 2009

STIPULATED JUDGMENT
Counsel for Plaintiff and cross-defendant, counsel for Defendants and cross-complainants stipulate to the foregoing judgment.

Dated: September 3, 2009

HOLLISTER & BRACE

By Marcus Bird,
Counsel for Plaintiff and Cross-Defendant.

Dated: September 3, 2009

HAWS, RECORD & MAGNUSSON, LLP

David W. Magnusson,
Counsel for Defendants and Cross-Complainants.
CONCEPT REVIEW - CONTINUED ITEM

5. 1837 1/2 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065
Application Number: MST2002-00214
Owner: Herbert Barthels, Trustee
Agent: Brent Daniels
Architect: Detlev Peikert

(Proposal to construct a 2,086 square foot two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District. Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the Certificate of Compliance on record.)

(Second Concept Review)

(COMMENTS ONLY. PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR THE COASTAL DEVELOPMENT PERMIT, NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE FINDINGS.)

(5:12)

Detlev Peikert and Patrick Hausch, Architects, and Brent Daniels, agent, present.

Public comment opened at 5:20 p.m.

Stan Krome, 1843 El Camino De La Luz, was opposed to the project for several reasons enumerated in the submitted package. Mr. Krome was concerned about landslides, legal access to the residence, setback from the bluff, views from Mesa Park, fresh water pond, and historical beach access to the property.

Jerry Lu Wright, 1833 El Camino De La Luz, questioned if a house could be build on this parcel and the access to the residence.

EXHIBIT E
Bruce Peterson, 1837 El Camino De La Luz, was concerned about the documentation of the slope, setbacks from the cliff edge, and cliff erosion.

Public comment closed 5:28 p.m.

A letter was read into the record from Rafael Franco, 12345 Ventura Boulevard, Studio City, noting that he was concerned about the legal access, significant environmental impacts, impact on public views, setbacks, geological substructures, landslides, and pool.

**Staff Comment:** Jaime Limón, Design Review Supervisor, stated that the Environmental Review has to be completed in order to ascertain whether a site is buildable or not. This is done in combination with the Planning Commission when an application requires a Coastal Development permit. Mr. Limón encouraged the Board to conduct a site visit and make comments regarding the constraints of the site, appropriateness of the size of the structure, and the neighborhood compatibility of the proposal. It would be appropriate to ask the applicant to erect story poles to see where the development is going to occur.

**Motion:** Continued two weeks for the applicant to erect story poles and the Board to conduct an organized site visit.

**Action:** Gorrell/Christoff, 7/0/0.
ARCHITECTURAL BOARD OF REVIEW

MINUTES

Monday, June 17, 2002

(Third Concept Review)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR THE COASTAL DEVELOPMENT PERMIT, AND NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE FINDINGS.)

(3:40)

Detlev Peikert and Patrick Hausch, Architects, and Brent Daniels, agent, present.

Public comment opened at 3:42 p.m.

Stan Krome, 1843 El Camino de la Luz, was concerned about the representation of the bluff top on the plans and the setback from the bluff top. He thought that the top of the bluff is closer to the proposed structure than shown on the drawings.

Joanna Morgan, 1843 El Camino de la Luz, was concerned about the legal access to the proposed property, severe landslide area, and creek.

Public comment closed at 3:46 p.m.

Staff Comment: Susan McLaughlin, Planning Technician I, stated that the Planning Commission would review this project. The project is in a conceptual stage in terms of its design. The Environmental Assessment has not taken place yet. The geologic setback and other issues regarding the landslide potential will be analyzed during the Planning Commission review process.

Motion: Continued indefinitely to the Planning Commission with the following comments:
1) The Board is comfortable with the architectural style and design of the house, but not with its massing.
2) The applicant should look into ways to significantly mitigate the impact of the project on public views and in relation to the bluff.
3) Minimize the second story and understory by pushing the mass further to the west and reducing the overall footage.
4) The Board is looking forward to the direction from the Planning Commission on all the environmental issues.

Action: Christoff/Pierron, 5/0/0.
4. 1837 1/2 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065
Application Number: MST2002-00214
Owner: Herbert Barthels, Trustee
Agent: Brent Daniels
Architect: Detlev Peikert

(Proposal to construct a 1,942 square foot two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. Planning Commission approval for a Coastal Development Permit is required. Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the Certificate of Compliance on record.)

(4:19)

Detlev Peikert, Architect; and Brent Daniels, Consultant, present.

Public comment opened at 4:26 p.m.

Stan Krome was concerned about the legality of the access, location of the top of the bluff shown on the site plan, placement of the proposed residence, encroachment into the 75-year geologic setback, erosion of the bluff, drainage into the creek and ocean, and view obstruction from Mesa Park.

Linda Franco was concerned about the impact on ocean view from the park's benches and inconsistency of the residence's placement with the neighborhood standards.

Bruce Peterson agreed with what the previous speaker had said and was concerned about the setback between the residences, erosion of the cliff, and location of the bluff as shown on the site plan.

Public comment closed at 4:34 p.m.
Staff comment: Renee Brooke, Associate Planner, stated that Staff had raised the question concerning the exact location of the top of bluff at the project's last review, which was over a year ago. She received the new submitted plans a few days ago and did not have an opportunity to review them. The correct location for the top of bluff needs to be established before the shown 75-year geologic setback line can be verified. Ms. Brooke stated that Staff has had many discussions with the applicant about the legality of the access and hopes to resolve this issue at some point in front of the Planning Commission or City Council. Staff would like to move this project along despite the pending issues and receive comments from the Board.

Motion: Continued indefinitely to the Planning Commission with the following comments:
1) The main concern of the Board is the impact of the proposed house in relation to public views from the park.
2) Study reducing the detriment to the public views from the park.
3) Study reducing the apparent mass of the second floor.
4) Study lowering the project into the site.
5) Correct the topography as shown on the elevations.
6) There is an opportunity to lower some of the heights at the first floor.
7) It would be an improvement to the site plan if the first floor of the residence could be pushed or a portion of the first floor could be moved towards the west.
8) The Board would like to be notified about the story pole installation.

Action: Gradin/Christoff, 7/0/0.
ARCHITECTURAL BOARD OF REVIEW
MINUTES

Monday, May 21, 2007  David Gebhard Public Meeting Room: 630 Garden Street  3:02 P.M.

BOARD MEMBERS:
MARK WIENKE, Chair, Present
CHRISTOPHER MANSON-HING, Vice-Chair, Present
CLAY AURELL, Present
JIM BLAKELEY, Present
GARY MOSEL, Present
RANDY MUDGE, Present
DAWN SHERRY, Present (arrived at 3:33 p.m.)
P AUL ZINK, Present

CITY COUNCIL LIAISON: GRANT HOUSE, Absent
PLANNING COMMISSION LIAISON: BRUCE BARTLETT, Absent

STAFF:
JAIME LIMÓN, Design Review Supervisor, Present (from 3:00 p.m. to 3:30 p.m. and 6:30 p.m. to 9:31 p.m.)
TONY BOUGHMAN, Planning Technician, Present
GLORIA SHAFER, Commission Secretary, Present

CONCEPT REVIEW - CONTINUED ITEM

6. 1837 1/2 EL CAMINO DE LA LUZ  E-3/SD-3 Zone
   Assessor's Parcel Number: 045-100-065
   Application Number: MST2002-00214
   Owner: Herbert Barthels Trustee
   Agent: Brent Daniels
   Architect: Peikert Group Architects

   (Proposal to construct a 1,942 square foot two-story residence with an attached two-car garage on a
   vacant 23,885 square foot lot located in the Hillside Design District and the Appealable Jurisdiction of
   the Coastal Zone. Planning Commission approval for a Coastal Development Permit is required.
   Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the
   Certificate of Compliance on record.)

   (Fifth Concept Review.)

   (COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT,
   NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND PLANNING
   COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT.)
   (5:57)

Present: Brent Daniels, Agent; Detlev Peikert, Architect; and April Palencia, Designer.

Public comment opened at 6:18 p.m. The following people spoke with concerns about the project:

Jim Brooke: loss of 50 foot setback; house located near creek.
Stan Krome: bluff location.
Joanna Morgan: loss of views, 75 year setback.

Public comment closed at 6:28 p.m.
Motion: Continued indefinitely to the Full Board with the following comments:
1) Overall, the applicant has accomplished the changes requested in the Environmental Impact Report, and returned with a better project including: reduced height, better integrated with the hillside, better materials, green roof, photovoltaic panels, limited grading, minimizing impact to view from the park, and landscaping.
2) The reduced grading is beneficial to the bluff.
3) Limit night glow on the ocean side with glazing, reflectivity, and tinting
4) Study less reflective stone work, and use of vernacular materials that blend into the landscape. One Board member suggested using a darker wood siding in lieu of the light stone.
5) Limit the amount of glazing on the north elevation.
6) Correct the sections. The Board reserves the right to withdraw the stated opinions if the sections indicate adverse findings.
7) There is concern with the amount of grading down the slope.

Action: Zink/Mosel, 7/1/0. Motion carried. (Mudge opposed.)
SINGLE FAMILY DESIGN BOARD
MINUTES

Monday, May 7, 2012  David Gebhard Public Meeting Room: 630 Garden Street  3:00 P.M.

BOARD MEMBERS:  GLEN DEISLER, CHAIR - PRESENT
                  DENISE WOOLERLY, VICE-CHAIR - PRESENT
                  BERNI BERNSTEIN - ABSENT
                  BRIAN MILLER – PRESENT @ 4:15 P.M.)
                  FRED SWEENEY - PRESENT
                  JIM ZIMMERMAN - PRESENT

CITY COUNCIL LIAISON:  DALE FRANCISCO - ABSENT
PLANNING COMMISSION LIAISON:  ADDISON THOMPSON - ABSENT
PLANNING COMMISSION LIAISON (ALTERNATE):  JOHN CAMPANELLA – ABSENT

STAFF:  JAIME LIMÓN, Design Review Supervisor – PRESENT UNTIL 5:12 P.M.
        MICHELLE BEDARD, Planning Technician - PRESENT
        KATHLEEN GOO, Commission Secretary - PRESENT

Website: www.SantaBarbaraCa.gov

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

2.  1837 1/2 EL CAMINO DE LA Luz  E-3/SD-3 Zone
    Assessor’s Parcel Number:  045-100-065
    Application Number:  MST2002-00214
    Owner:  Herbert Barthels, Trustee
    Agent:  Brent Daniels
    Architect:  Peikert Group Architects

(Proposal to construct a new two-story, 1,505 square foot single-family residence with an attached 429 square foot, two-car garage located on a 23,885 square foot vacant bluff-top lot in the appealable jurisdiction of the Coastal Zone and in the Hillside Design District. Grading quantities total approximately 288 cubic yards of cut and 21 cubic yards of fill. The proposed total of 1,934 square feet is 41% of the guideline floor-to-area ratio [FAR]. Project requires Planning Commission review for a Coastal Development Permit.)

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

(5:12)

Present:  Detlev Peikert and Lisa Plowman, Peikert Group Architects; and Kathleen Kennedy, Associate Planner.

Public comment opened at 5:31 p.m.

1.  Tom Sloan (neighbor), opposition; expressed concerns regarding access issues, and grading.
2.  Jim Brooke, (neighbor) opposition; expressed concern regarding access issues and grading.
3.  Joanna Morgan, (neighbor) opposition; expressed concerns regarding access, and public views.
4.  Stan Krome, (neighbor) opposition; expressed concerns regarding the orientation of project site exposing the proposed home and surrounding structures to potential weather damage and debris.
5. Greg Smith, (adjacent neighbor) opposition; expressed concern regarding potential weather damage to proposed home and surrounding trees.
6. Tony Fischer, (attorney for clients Franco, Smith, Peterson, Sloan Morgan, Krome & Brooke), opposition; expressed concerns regarding lack of compatibility with the Single Family Residential Design Guidelines, and unresolved issues of preservation of private views, geology challenges, and access issues. (Staff commented that the geology and access issues will be resolved during review of the Environmental Impact Report (EIR) and is not the purview of the Single Family Design Board).

Letters of concern from Greg Smith, Kristine Cetrulo, Jerry Lu Wright, Joanna Morgan, Stan Krome, Grace Peterson, Louis de Bourbon, Bruce Peterson, JoAnne Thompson, and Paula Westbury were acknowledged.

Public comment closed at 5:50 p.m.

Staff clarified that the project site is not located in the High Fire Risk area; therefore, the Fire Department will allow the green roof. However, due to access constraints, the Fire Department is requiring that the residence be built to high fire standards and include fire sprinklers and an alarm system.

Motion: Continued indefinitely to Planning Commission for return to Full Board with comments:
1) The Board had overall positive comments regarding the project’s general design style, and quality of architecture, materials, and color palette to be appropriate for the neighborhood. The Board acknowledges for the record that the purpose of their review is for the design aesthetics, and defers all other land related and environmental concerns to the Planning Commission.
2) The Board suggests the design incorporate design elements to be consistent with Guideline No. 27, of “Height and Proportions” of the Single Family Residential Design Guidelines.
3) Study the cantilever element for further design refinement; suggestions include exploring the possibility of supporting the proposed cantilever with an element below it such as stone arches or columns so that it doesn’t appear like an obvious cantilever.
4) The Board is supportive of the proposed flat roof, as it provides for minimal obstruction of public views.
5) Provide additional photographs, site sections, and information on the proposed solar photovoltaic array.
6) Provide a site landscape plan and clearly specify all existing trees to remain and proposed to be removed.
7) Provide the Board with a story pole plan for the next review and approval, prior to on-site installation.

Action: Miller/Sweeney, 5/0/0. Motion carried. (Bernstein absent).