

CALIFORNIA COASTAL COMMISSION

RECORD PACKET COPY

OUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



Th 10a
Filed: 4/11/97
49th Day: 5/33/97
180th Day: 10/3/97
Opened & Continued: 5/13/97
Staff: MHC
Staff Report: 9/16/97
Hearing Date: 10/7-10/97
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Santa Barbara

DECISION: Approve with Conditions

APPEAL NO.: A-4-SBC-97-079

APPLICANT: David and Connie Schott

PROJECT LOCATION: 3200 Cliff Drive, City of Santa Barbara

PROJECT DESCRIPTION: Subdivision of a 4.8 acre parcel into two parcels of 1.8 and 3.0 acres, and replacement and installation of utilities for water, sewer, and drainage control.

APPELLANT: James E. Blake

SUBSTANTIVE FILE DOCUMENTS: CDP96-0052H; City of Santa Barbara Local Coastal Program; Appeal A-4-SBC-97-079

STAFF NOTE: This item was opened and continued at the Commission meeting of May 13m 1997 pending the receipt of the administrative record, and clarification of the final parcel map for the project.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons: (1) placement of utility lines is consistent with the City's development standards; (2) utility lines are consistent with the character of the surrounding area and with with existing views to, from and along the ocean; (3) parcel sizes are consistent with the minimum lot size requirements of the residential zone district.

The Commission received a Notice of Final Action from the City of Santa Barbara on March 28, 1997, and an appeal of the County's action on April 11, 1997; the appeal was therefore filed within 10 working days of receipt of the Notice of Final Action by the County as provided by the Commission's Administrative Regulations.

I. Appellants Contentions

The appellant alleges the following basic inconsistencies with the City of Santa Barbara's Local Coastal Program: (1) unpermitted placement of utility lines on a bluff face to serve existing and future residential development; (2) incompatibility of utility lines with existing views to, from and along the ocean and scenic coastal areas; and (3) inconsistency with slope/density requirements for minimum parcel sizes. (See Exhibit 5.)

II. Project Location and Description

The following provides a description of the entire project approved by the City; however, only a small portion of the project, as noted below falls within the Commission's original appeals jurisdiction, and is therefore subject to the Commission review as part of the appeal.

The project is located on the landward side of Cliff Drive within the City of Santa Barbara. The site contains varied topography, from steep slopes with 40% to 60% gradients, to inland mesa areas with slopes of 10%. Currently the property is developed with a single family residence on one of the mesa areas; a second single family residential area is proposed for the other mesa area.

The project consists of the subdivision of a 4.8 acre parcel into two parcels of 1.8 and 3.0 acres, with the designation of two "building envelopes" on the two mesa areas with slopes under 10% for residential development. As noted above, one of these "building envelopes" is currently developed with a single family residence. The other "building envelope" consist of a 0.7 acre site with slopes under 10%, and is currently undeveloped. Access to both of the "development envelopes is from a cul-de-sac at the end of Sea Cliff Drive, and will not require the development of additional access roads. (See Exhibits 1 through 3.)

The project also involves the replacement and installation of new utility lines within the existing utility corridor which runs up the eastern slope of the property from Cliff Drive to Sea Cliff Drive. The existing 1 1/2 inch water pipe that currently runs up the slope to the existing residence would be replaced with a 6 inch line to a new fire hydrant installed at the terminus of Sea Cliff Drive. The existing gas line runs up the bluff will also be replaced with a new 2 inch gas line. A new 6 inch drainage pipe will be installed in the existing utility corridor to handle storm water from the existing and the new single family residential site; this line will feed into an existing collection system in Cliff Drive. A new 2 inch sewer pipe will also be installed. All utility lines (both new and those replaced) will be located within an existing utility corridor and will not require additional disturbance of the slope.

Only approximately 30 feet of these utilities lines (all of which are within the existing road right-of-way of Cliff Drive) are within the Commission's appeals jurisdiction and subject of the Commission review. No portion of the utility lines, or the two "building envelope" are within the Commission's appeals jurisdiction. Finally, only that portion of the new lot line creating the two parcels which is in the existing right-of-way of Cliff Drive is within the Commission's appeals jurisdiction. (See Exhibit 4.)

III. Local Government Action

The City approved a Coastal Development Permit (CDP96-0052) for the project after denying a local appeal of the project on March 21, 1997. The project was approved with a number of special conditions, including drainage controls, specifying the color of the utility lines, limiting the development area to two sites with slopes under 10%, prohibiting the use of the remainder of the two parcels and retaining them in a natural condition, limiting access to the site to the existing access off of Sea Cliff Drive. (See Exhibit 6.)

The Commission received a Notice of Final Action from the County of Santa Barbara on June 9, 1997, and an appeal of the County's action on March 13, 1997.

IV. Appeal Procedures

The Coastal Act provides for appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater, on state tide-lands, or along or within 100 feet of natural water courses.

For development approved by the local government and subject to appeal to the Commission, the grounds for appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code.

A small portion of the project is within the Coastal Commission's appeals area and is therefore subject to appeal to the Commission. (See Exhibit 4.)

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal.

If the Staff recommends "substantial issue" and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program, and the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If a de novo hearing is held, testimony may be taken from all interested persons.

Coastal Act Section 30621 requires that a public hearing on appeals shall be set no later than 49 days after the date on which the appeal is filed with the Commission.

V. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

Motion

I move that the Commission determine that Appeal NO. A-4-STB-97-130 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

VI. Findings and Declarations

A. Project Description

The project consists of the subdivision of a 4.8 acre parcel into two parcels of 1.8 and 3.0 acres, with the designation of two "building envelopes" on the two mesa areas, with slopes under 10% for residential development. As noted above, one of these "building envelopes" is currently developed with a single family residence. The other "building envelope" consist of 0.7 acre site with slopes under 10% and is currently undeveloped. Access to both of the "development envelopes is from a cul-de-sac at the end of Sea Cliff Drive, and will not require the development of additional access roads. (See Exhibits 1 through 3.)

The project also involves the replacement and installation of new utility lines within the existing utility corridor which runs up the eastern slope of the property from Cliff Drive to Sea Cliff Drive. The existing 1 1/2 inch water pipe that currently runs up the slope to the existing residence would be replaced with a 6 inch line to a new fire hydrant installed at the terminus of Sea Cliff Drive. The existing gas line runs up the bluff will also be replaced with a new 2 inch gas line. A new 6 inch drainage pipe will be installed in the existing utility corridor to handle storm water from the existing and the new single family residential site; this line will feed into an existing collection system in Cliff drive. A new 2 inch sewer pipe we also be installed. All utility lines (both new and those replaced) will be located within an existing utility corridor and will not require additional disturbance of the slope.

B. Issues Raised by the Appellant

The appellant alleges the following basic inconsistencies with the City of Santa Barbara's Local Coastal Program: (1) unpermitted placement of utility lines on a bluff face to serve existing and future residential development; (2) incompatibility of utility lines with existing views to, from and along the ocean and scenic coastal areas; and (3) inconsistency with slope/density requirements for minimum parcel sizes. (See Exhibit 5.)

1. Unpermitted Development of Bluff

The appellant contends that the City has approved development on a bluff which is inconsistent with the City Local Coastal Program Land Use Plan. Specifically the appellant alleges that the City has approved development of utility lines on a coastal bluff on the property. These utilities include: the replacement of a 1 1/2 inch waterline with a 6 inch water main, replacement of an existing gas line with a 2 inch line, placement of a new 6 inches drainage pipe, and placement of a new 2 inch sewer pipe.

The Santa Barbara City LCP Land Use Plan Policy 8.2 provides, that:

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

The subject property is located inland of Cliff Drive, and has varied topography, including a steep unvegetated cliff on the western end, and more gently sloped topography toward the east end. The existing utility corridor with a water, gas, and sewer line is situated toward the middle of the property with slopes of approximately 70%, and is covered with coastal scrub vegetation. The portion of the utility corridor which is actually within the Commission appeals area is within the north half of the right-of-way of Cliff Drive and is essentially flat.

The purpose of the City's Policy 8.2 is to minimize risks to life and property through geologic, flood and other coastal hazards, associated with coastal bluffs. The subject parcel does not front the ocean and is not subject to coastal processes such as wave run-up, or tidal action. The geomorphology of the site was most prominently affected by pre-historic slope development processes (e.g., slumping rain-wash, etc.) and erosional forces associated with the nearby Arroyo Burro Creek; these have substantially reduced or eliminated by the relocation of the creek to the east and the construction of Cliff Drive.

The Commission's delineation of the appeals area and the language of the City's Policy 8.2 policy both testify to the fact that the geomorphic features of the site have not been considered a coastal bluff for the purpose of Policy 8.2. The Commission's appeal's area is limited to the area seaward of Cliff Drive, and have excluded all of the subject parcel except the 30 feet wide area which is overlain by the right-of-way for Cliff Drive. The City's policy

8.2 contains exemptions for engineered staircases or accessways to provide public beach access reflecting the common practices of accessing the beach via a coastal bluff. The slope which is part of the geomorphic features of the subject parcel is located inland of Cliff Drive and affords no opportunity to access the nearby Arroyo Burro beach.

Finally, it should be noted that the only portion of the utility lines which fall within the area of the Commission's appeals jurisdiction would be buried within the right-of-way of Cliff Drive.

The Commission therefore finds that the proposed project, as conditionally approved by the City, is in conformance with the City's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

2. Incompatible Visual Impacts

The appellant contends that the City has approved development on a bluff which is inconsistent with the City Local Coastal Program Land Use Plan. Specifically the appellant alleges that the City has approved development of utility lines on a coastal bluff which will cause a significant visual impact.

Local Coastal Plan Land Use Policy 9.1 provides, in part, that:

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

. . . (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; . . .

The subject property is located inland of Cliff Drive, and has varied topography, including a steep unvegetated cliff on the western end and a more gently sloping topography toward the east end. The existing utility corridor, with a water, gas, and sewer line, is situated toward the middle of the property, and is covered with coastal scrub vegetation. None of the existing utilities are visible on the property because of the existing vegetative cover. As noted above the replacement and new utilities will be placed within an existing utility corridor, and routed under the existing vegetation. Because of the location of the proposed replacement and new utility lines these facilities will not be visible and therefore will not adversely impact views to, from and along the coast. As a precaution against any visual impacts, the project has been conditioned to require that the utility lines be painted a color which blends in with the surrounding topography.

Finally, it should be noted that the only portion of the utility lines which fall within the area of the Commission's appeals jurisdiction would be buried within the right-of-way of Cliff Drive which is essentially flat in this location.

The proposed subdivision would create a vacant lot for future development of one single family residence. The approved "development envelope" would restrict any future development to an area with a slope of under 10%. Development of the newly created parcel would not obstruct public views from Arroyo Burro County Beach because the development envelope is sited on top of the mesa portion of the subject parcel, and the development is limited to a single story residence. Further, the remaining portion of the subject parcel would be preserved in a natural condition, with no development, other than the existing and proposed replacement and new utilities, allowed.

The Commission therefore finds that the proposed project, as conditionally approved by the City, is in conformance with the City's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

3. Inconsistency with slope/density requirements

The appellant contends that the City has approved development which is inconsistent with the City slope density ordinance which requires that the minimum lot areas be increased when the average slope of the proposed parcel exceeds a certain percentage. Specifically the appellant alleges that the City has approved the creation of a parcel which should have a minimum size of 3 acres. The A-1 zoning in the Local Coastal Program Implementation Ordinance for the subject parcel requires only 1 acre per residential unit.

Section 28.15.080 of the City Zoning Ordinance (Lot Area and Frontage Requirements) provides, in part, that:

[T]he minimum lot area and densities specified in this section shall be increased by the following factors where the average slope of the parcels falls within the percent of average slope ranges given:

| <u>Factor</u> | <u>Percent Average Slope</u> |
|---------------------------|------------------------------|
| 3.0 time minimum lot area | over 30% |

However, this provision of the City's zoning ordinance was not submitted as part of the City Local Coastal Program Implementation Ordinance, and was not reviewed or certified by the Commission as part of the City's Local Coastal Program. As a consequence this is not an applicable standard by which appeals of locally issued Coastal Development Permits are evaluated for consistency with the applicable policies of the City's certified Local Coastal Program.

Nevertheless, the City evaluated the proposed subdivision for consistency with the slope/density provisions and found that the proposed subdivision could be found consistent. A brief summary of the City analysis is provided for information purposes only, but is not intended to be interpreted as findings necessary for the evaluation of the appeal:

The subject site is located in an A-1 zone which requires one acre for newly created lots. The slope density requires that the minimum lot area newly created lots with average slopes in excess of 30%. Both of the proposed lots have average slopes in excess of 30%. The proposed subdivision would create from a 4.8 parcel two lots of 3.0 and 1.84 acres. The second lot would not

meet the slope density requirements for lots with average slopes of 30% or greater. However, the inland portion of the subject parcel has two building sites (one currently occupied with a single family residence, and one vacant) which have slopes of less than 10%.

By restricting development to the "building envelope" to these two areas, the purpose of the slope/density ordinance, to limit development of steep slopes, would be effectively achieved. Further, the to-be-created parcels of 1.84 and 3.0 acres would be compatible and consistent with the existing parcels in the surrounding area, which average approximately 1.5 acres. Under the provisions of the general zoning ordinance the City therefore granted a lot area modification, finding that the proposed subdivision was consistent the aims and purposes of the slope/density requirements of the City's general zoning ordinance.

Finally, it should be noted, as with the existing, replacement, and new utilities, the only portion of the newly created lot line which falls within the area of the Commission's appeals jurisdiction is within the right-of-way of Cliff Drive which is essentially flat in this location. Further, the to-be-created lots meet the minimum lot size standards (1.0 acre minimum) of the City's certified Local Coastal Program.

The Commission therefore finds that the proposed project, as conditionally approved by the City, is in conformance with the City's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial

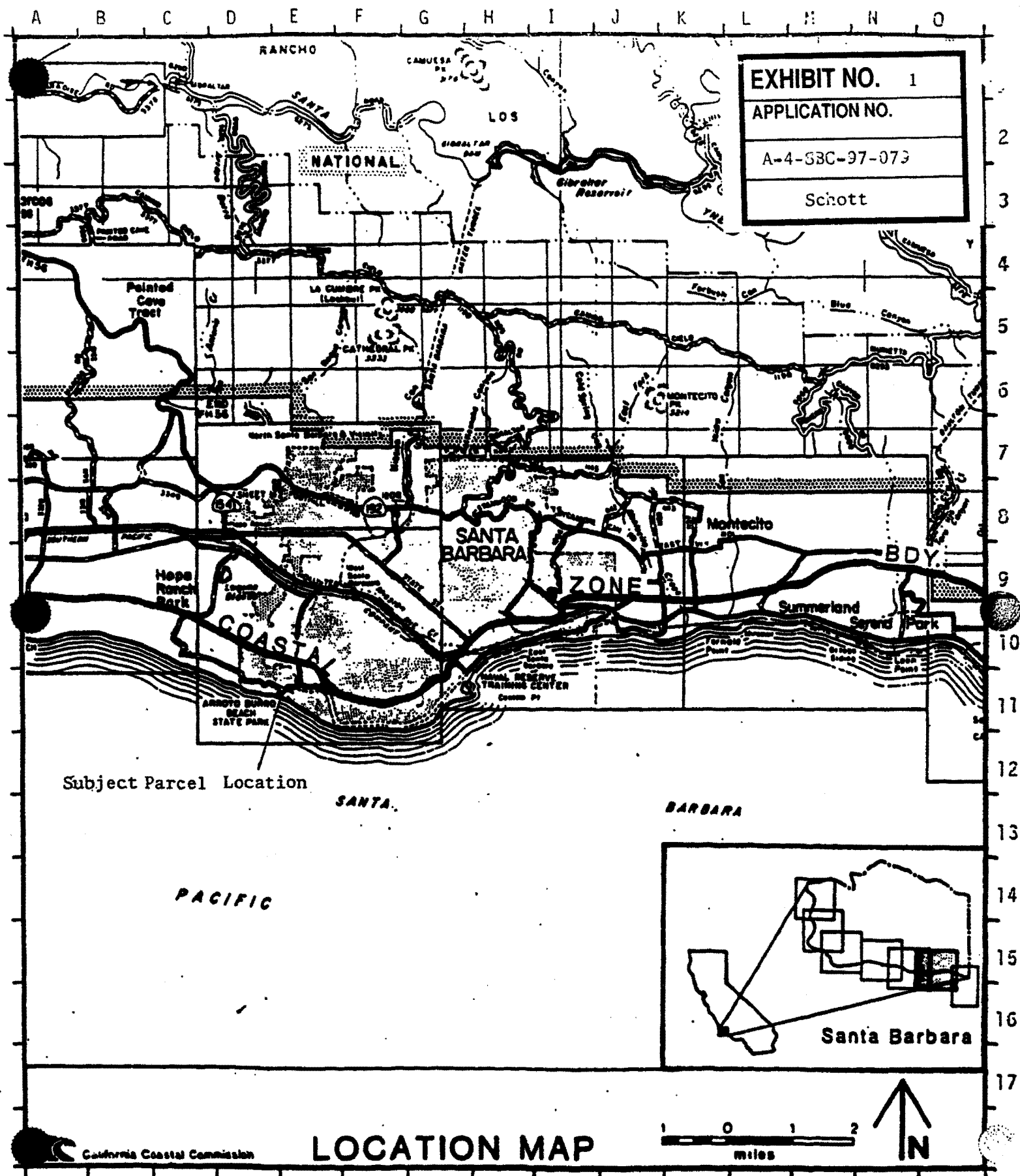
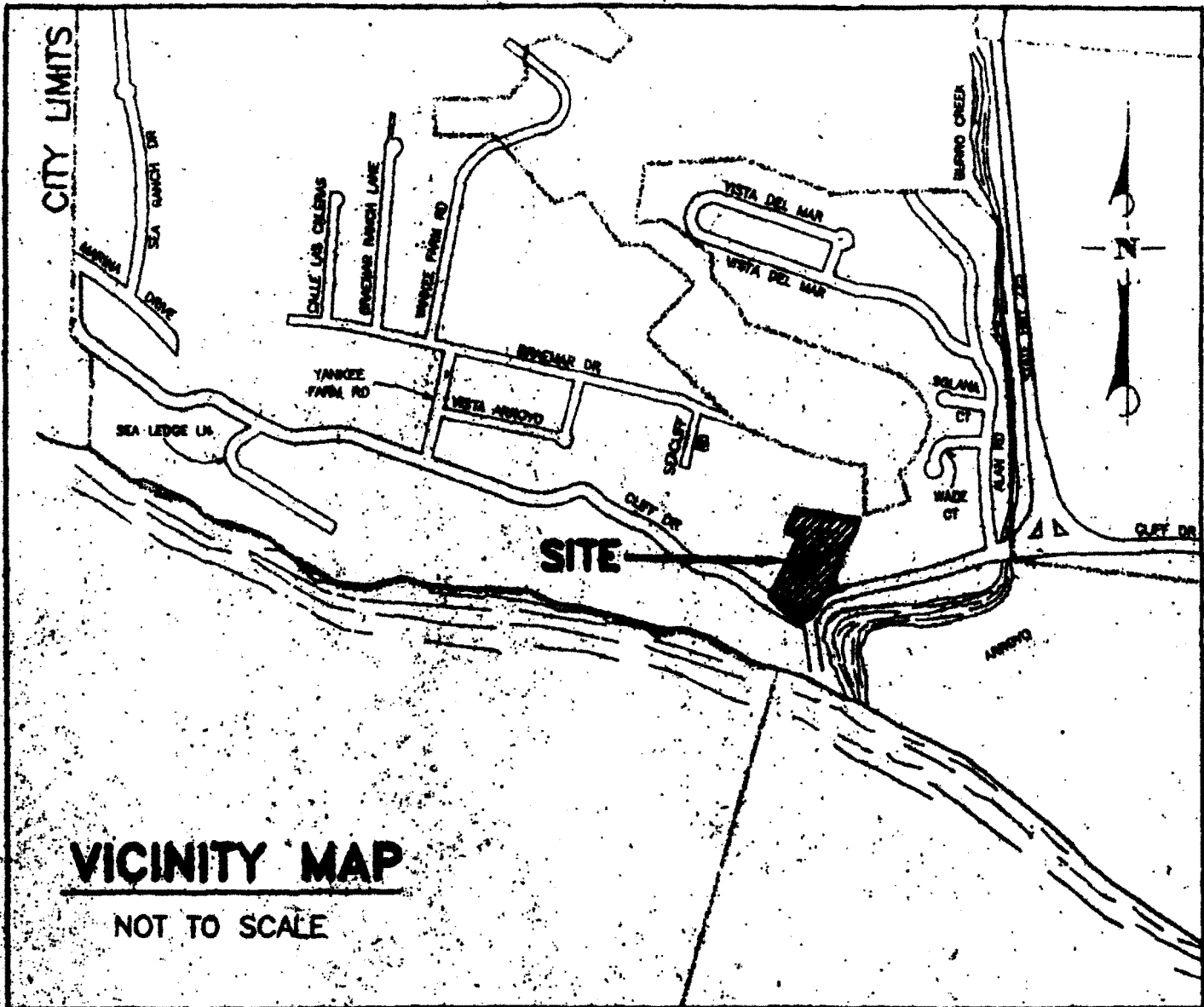


EXHIBIT NO. 2

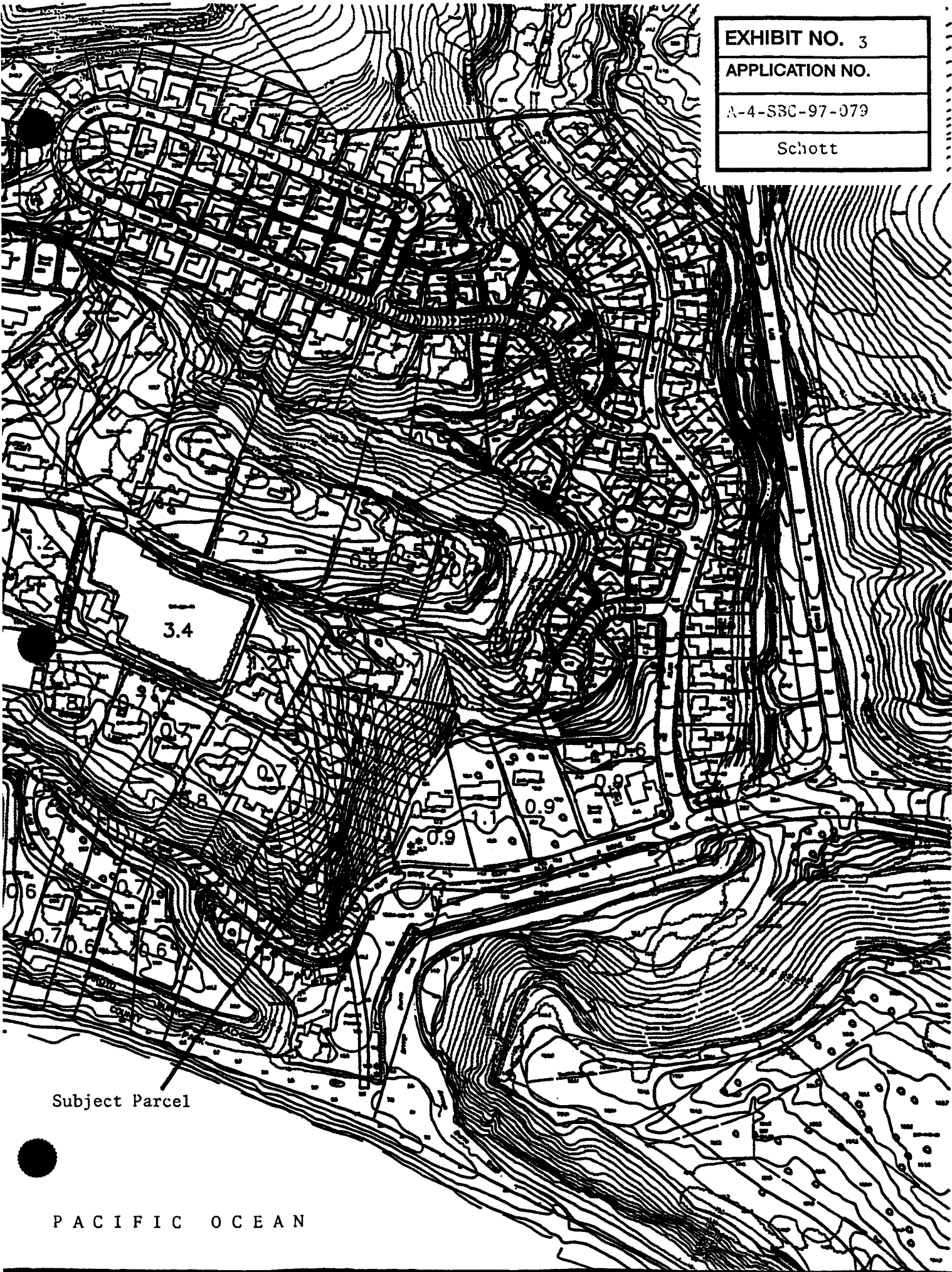
APPLICATION NO.

A-4-SBC-97-079

Schott



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| EXHIBIT NO. 3 |
| APPLICATION NO. |
| A-4-S3C-97-079 |
| Schott |



Subject Parcel

PACIFIC OCEAN

RECEIVED

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

APR 11 1997

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Kathleen M. Weinheimer, Esq.

1020 Calle Malaqa

Santa Barbara, CA 93109

(805) 965-2777

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: City of Santa Barbara

2. Brief description of development being
appealed: Coastal Development Permit, Modification of Lot Size,
and Tentative Subdivision Map. Applicant: Mark Lloyd
(Benfield & Smith); owners: David & Constance Schott

3. Development's location (street address, assessor's parcel
no., cross street, etc.): 3002 Sea Cliff, Santa Barbara, CA
APN 47-091-26

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: X
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT NO. 5

APPLICATION NO.

A-4-SbC-97-079

Schott

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached Letter

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Kathleen M. Weinheimer
Signature of Appellant(s) or
Authorized Agent

Date 4/10/97

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Kathleen M. Weinheimer to act as my/our representative and to bind me/us in all matters concerning this appeal.

James E. Blake
Signature of Appellant(s)

Date 4/10/97

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

1020 CALLE MALAGA

SANTA BARBARA, CALIFORNIA 93109

TELEPHONE (805) 965-2777

FAX (805) 965-6388

April 10, 1997

California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, California 93001

Re: Appeal of Application of Mark Lloyd, Agent for David and
Constance Schott, 3002 Sea Cliff, Santa Barbara,
California

Section IV: Reasons Supporting This Appeal

This appeal is filed to challenge the Santa Barbara City Council's March 25, 1997 approval of a tentative subdivision map, coastal development permit, and lot area modification for the property located at 3002 Sea Cliff, Santa Barbara, California. The proposed project is located on a bluff facing Arroyo Burro Beach (and related estuary) and the Douglas Family Preserve, within the appealable jurisdiction of the Coastal Commission pursuant to Public Resources Code Sections 30603(a)(1) and (2).

The project includes creation of two new single family lots, one of 3.0 acres in size, and one of 1.84 acres in size. Average slope of the smaller lot is 55%. The larger lot is currently developed with a single family residence; plans for development of the smaller lot are not part of this project, although approval of utility service to the site up the side of the bluff has been approved in connection with this application. Minimum lot size for parcels in excess of 30% slope in this area is 3 acres.

The reasons supporting this appeal include the following:

1. Inconsistency with Local Coastal Plan Policy 8.2.

This policy states in part that:

"With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research..."

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Because of the terrain of the site, virtually all utility service to this project would be through above ground pipes in a 15 foot wide utility corridor that runs up the bluff slope from Cliff Drive. According to the City's staff report, the applicant will replace the existing 1 1/2 inch galvanized pipe that currently runs up the slope with a 6 inch steel water main from Cliff Drive. A new surface natural gas line will be installed, as will a new 6 inch pipe to handle drainage and stormwater runoff. A septic tank will be utilized for solid waste and a 4 inch lateral for liquid disposal will be installed on the slope connecting the project to the sewer line in Cliff Drive.

The City's staff report concludes that, because the applicant is proposing to "feed the new utility lines down the slope from the top under existing vegetation" that no major disturbance or visual scarring of the hillside will occur. No mention is made of the continuing visual impact of four large pipes extending 120 feet up a slope, visible from Cliff Drive, the Douglas Family Preserve and Arroyo Burro Beach, nor of the prohibition against such bluff development contained in Policy 8.2. Further, the City's staff report fails to address the continuing threat to public safety should one or more of these pipes fail, causing at best water, and possibly raw sewage to cascade down a 120 foot slope to Cliff Drive and the properties below.

The City has a long history of opposing bluff construction (witness their continued resistance to private beach stairs.) It is completely inconsistent to deny a stairway, (which by its very nature must traverse the bluff,) but to approve a utility installation on a prominent bluff face done solely for the sake of convenience and cost reduction.

Both Public Resources Code Section 30251 and the City's own General Plan policies (Policies 2.0 and 3.0 of the Visual Resources Section of the Open Space Element) are also inconsistent with this approval. The Public Resources Code requires proposed development to be visually compatible with the character of the surrounding area, while the General Plan prohibits hillside development which significantly modifies the natural topography or vegetation and prevents development which obstructs scenic views including those of the lower city viewed from the shoreline. With a public beach park and famous nature preserve area directly across from this bluff, it is difficult to imagine how a 15 foot wide utility corridor extending 120 feet up the bluff face is anything but incompatible with these policies. Even in this year of abundant early rain and resulting seasonal vegetation, a 15 foot wide utility corridor with pipes of the size indicated will be clearly, and intrusively, visible to the thousands who use these adjacent coastal resources.

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Page three

2. Inconsistency with Local Coastal Policy 9.1.

This policy states in part that:

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

...(3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;..."

One of the policies applicable to this site is the City's slope density ordinance, which requires that the minimum lot area established by the zoning designation be increased when the average slope of the proposed parcel exceeds a certain percentage. The slope density provisions were adopted specifically to prevent the creation of relatively small new lots on steep slopes. There is no justification for ignoring these provisions in this instance to permit the creation of an undersized lot with a 55% slope. Both the modification of the lot size requirements and the provision of above ground utilities up the face of the bluff are contrary to the General Plan policies contained in the Major Hillside section which state that controls should be adopted to protect the natural characteristics of steep hillsides. Further, the approval is in conflict with Public Resources Code Section 30250, as discussed in the City's LCP Land Use Element, in that new development cannot be approved in an area without adequate public services or when it will have an adverse effect on coastal resources. Clearly this standard cannot be met when the proposed utility installation is so visually intrusive and contrary to accepted practice. A bluff facing installation such as this will undoubtedly have an adverse visual effect on coastal resources in violation of this section.

We believe this project represents a significant deviation from the standards adopted to protect our coastal resources and that a hearing on these issues is appropriate. We ask for your positive consideration of our appeal request. Thank you very much.

Sincerely,


Kathleen M. Weinheimer

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|-----------------|
| EXHIBIT NO. 5 |
| APPLICATION NO. |
| A-4-SBC-97-079 |
| Schott |

Attachment 1

CONDITIONS OF APPROVAL

1 of 5

3002 Sea Cliff Drive

Amended March 25, 1997

A. The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner with the Parcel Map on an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney, Community Development Director, and City Engineer:

1. Owner shall provide for the uninterrupted flow of water through the Real Property including, swales, natural water courses, conduits and any access road, as appropriate. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof.
2. Owner shall assign to the City of Santa Barbara the exclusive right to extract water from under the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney.
3. The development of the Real Property approved by the Planning Commission on February 13, 1997 is limited to two (2) lots and the improvements shown on the Tentative Subdivision Map signed by the Planning Commission on said date February 13, 1997 and on file at the City of Santa Barbara. Both the existing and proposed structures shall be limited to one story.
4. Exterior lighting, where provided, shall be of low intensity in order to promote safety, but shall not impose on adjacent properties and uses. No floodlights shall be allowed. Lighting shall be directed toward the ground.
5. Any future residential development or associated grading for proposed Lot 1 and Lot 2 shall be subject to approval by the Architectural Board of Review (ABR).

The new and replaced utility lines on the bluff shall be painted a color to blend into the hillside. The color is to be reviewed by the ABR.

6. Provide a minimum of two guest parking spaces on the new parcel (Lot 1).

Amended Conditions of Approval
3002 Sea Cliff Dr.
March 25,, 1997
Page 2

7. Owner shall not make any use of the area located outside of the development envelope as designated on the Tentative Map in order that those portions of the Real Property remain in their natural ungraded state. These restrictions include, but are not limited to the right to develop the restricted portions with any grading for residential construction, access roads, buildings, or structures. Necessary replacement, repair or upgrading of utilities within the utility corridor shall be permitted. Owner shall continue to be responsible for (i) maintenance of the restricted area and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
- B. The Owner shall submit to the Public Works Department, a Parcel Map prepared by a licensed Land Surveyor or registered Civil Engineer. Prior to the recordation of the Parcel Map, evidence of completion of the following shall be submitted to the Public Works Department:
1. Public Improvements as shown on the building plans for construction of improvements on Cliff Drive. The improvements shall include A.C. berm, and adequate positive drainage. The improvements on the building plans shall be prepared by a registered Civil Engineer and reviewed by the City Engineer.
 2. Executed Agreement for Land Development Improvements and monetary security for construction of public improvements.
- C. The following requirements shall be incorporated into, or submitted with the construction plans for the private improvements associated with the subdivision and submitted to the Division of Building and Safety with applications for building permits. All of these construction requirements must be completed prior to the recordation of the Parcel Map:
1. Repair any damaged public improvements (curbs, gutters, storm drains, etc.) subject to the review and approval of the Public Works Department.
 2. Provide an approved check valve of anti-backflow device placed on the property side of consumer's service as per Chapter 14 of the Municipal Code. This back-flow device shall be screened from public view.
 3. Public improvements as shown on the building plans.
 4. A new fire hydrant in accordance with City standards.

Amended Conditions of Approval
3002 Sea Cliff Dr.
March 25,, 1997
Page 3

- D. Prior to issuance of the Building Permit for any future residential units in the subdivision, the Owner of the Real Property shall complete the following:
1. A drainage and grading plan prepared by a registered Civil Engineer.
 2. A soils report prepared by a licensed soils engineer or equal.
 3. A geology reports prepared by a licensed engineer, geologist or equal.
 4. All applicable recommendations of the soils and geotechnical reports for improving slope stability and drainage control shall be incorporated into the building plans. Any future soils and/or geology reports must address the recommendations and conclusions of all previous reports. The Building and Safety Division will determine which recommendations are appropriate for the subdivision and for future construction of residences.
 5. The following shall apply to ABR:
 - a. Any future residential development or associated grading for proposed Lot 1 and Lot 2 shall be subject to approval by the Architectural Board of Review.
 - b. Exterior lighting, where provided, shall be of low-intensity in order to provide aesthetically pleasing lighting which promotes safety, but does not impose on adjacent properties and uses. All lighting, other than lighting within residential units, shall be energy-efficient lighting of a type other than incandescent, except as determined to be impractical by the Community Development Director.
 - c. ABR must review applicable recommendations of the Soils and Geotechnical Reports.
 6. The future residence shall have driveway access off the existing private road and shall be limited to the development envelope as shown on the Tentative Map.
 7. Two guest parking spaces shall be provided on proposed Lot 1 in addition to the two (2) covered parking spaces required by the zoning ordinance. Size and location to be determined by the Transportation Engineer.
 8. The contractor shall prepare a truck route plan, subject to the review and approval of the Transportation and Parking

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Division Manager. The contractor shall provide personnel, signs, and devices necessary to implement the plan, and shall submit any changes for consideration at least seven (7) days in advance.

- a. Construction prohibited on Saturday, Sunday, Holidays, and between the hours of 7:00 p.m. and 7:00 a.m.
- b. Construction parking provided as follows:
 - (1) 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 Community Development Director.
 - (2) On-site or off-site storage shall be provided for construction materials and equipment subject to the approval of the Community Development Director and the City Engineer.
- c. Permits must be obtained from the Public Works Transportation Division prior to any road or sidewalk closures or parking prohibitions.
- d. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
- e. Trucks transporting fill material to and from the site shall be covered from the point of origin.
- f. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - (1) Seeding with a drought tolerant hydroseed mixture and watering until grass cover is grown;
 - (2) Spreading soil binders;
 - (3) Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to

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maintain the crust and prevent dust pickup by the wind; and

- (4) Other methods approved in advance by the Air Pollution Control District.

- g. All roadways, driveways, sidewalks, etc., should be paved as soon as possible.
9. A fire sprinkler system shall be provided for a future residence on Lot 1 and any additional habitable construction on Lot 2.
10. Submit to Planning Staff a photo survey of the private road demonstrating the existing condition of the road. The owner shall complete any necessary road repairs associated with construction of a new unit on proposed Parcel 1 prior to issuance of occupancy for the new unit.

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