

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Th21b

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ADDENDUM

DATE: February 9, 2015
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th21b, Application No. A-4-SBC-14-0070 (Rudd), Thursday, February 12, 2015

The purpose of this addendum is to respond to and attach correspondence from the public. On February 9, 2015, Commission Staff received a letter from Patricia Foley in support of the filed appeal (No. A-4-SBC-14-0070) to the City of Santa Barbara's issuance of a permit for the proposed development at 3435 Marina Drive, within the City of Santa Barbara. Ms. Foley is not an appellant in the subject appeal. Ms. Foley's letter asserts that the proposed development violates the visual resource protection policies of the City of Santa Barbara's certified Local Coastal Program because it would not be compatible with the character of the neighborhood, due to its sizing and scale and would impact public views from Cliff Drive and Marina Drive. In response, staff notes that Ms. Foley raises the same issues that have already been raised by the appellant and, thus, all issues identified in Ms. Foley's letter have already been fully addressed at length in the Staff Report.

To: California Coastal Commission
South Central District Office
FAX #: 805 641 1732

From: P. Foley

Re: Appeal Number: A-4-SBC-14-0070
Address: 3435 Marina Dr., Santa Barbara, CA

RECEIVED

FEB 09 2015

COASTAL COMMISSION

California Coastal Commission,

South Central Dist. Office

February 8, 2015

Appeal Number: A-4-SBC-14-0070

Address: 3435 Marina Dr., Santa Barbara, CA

Dear Members of the Coastal Commission,

This coastal area is in the Component 1 of the Coastal Zone Sub-areas as described on page 7 of the Coastal Plan: "Cliff Drive separates a series of new homes on one acre sites, overlooking the surf, from older, ranch-style houses on larger, often multi-acre, parcels." The City has allowed two new homes that are the largest in this area and out of character with the rest of the neighborhood. This proposed home is on the last open lot between the sea and the neighborhood.

The house lies between Cliff Drive and Marina Drive. This area of Cliff Drive borders on a popular designated view area with parking spaces and views of the ocean to the South and of the Campanil Hillside to the North. Marina Drive is itself a designated scenic view corridor with views of the ocean to the South. For five years we have fought to maintain views of the ocean from Marina and succeeded in imposing 30' view corridors on this home and on its Westerly neighbor.

Views in this area should be protected and this large TWO STORY 5210 sq. ft. plus 1220 sq. ft. basement home is not compatible with the neighborhood and blocks scenic views from Cliff drive of the hillside and from the neighborhood to the ocean.

The Santa Barbara Coastal Plan Policy 8.3 states, "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." This home does not adhere to this policy.

The Santa Barbara Coastal Plan Visual Quality statement further emphasizes neighborhood compatibility and goes on to state "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." This home does not adhere to this policy.

There will be a home on this site, but it should be the right one for the neighborhood.

Sincerely yours,

Patricia Foley
Patricia Foley

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th21b

Appeal Filed: 12/09/14
49th Day: Waived
Staff: M. Hudson
Staff Report: 01/29/15
Hearing Date: 02/12/15



STAFF REPORT: APPEAL **SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Santa Barbara

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-SBC-14-0070

APPLICANT: Charles Rudd

APPELLANTS: Kitch Wilson, Ron Green, Michael Moore, Don Santee and Hilary Santee

PROJECT LOCATION: 3435 Marina Drive, City of Santa Barbara, Santa Barbara County (APN: 047-022-005)

PROJECT DESCRIPTION: Construction of a 5,930 sq. ft., two-story, 24'2" high, single family residence with a 440 sq. ft. attached garage, perimeter/privacy walls and gates, a new septic system, removal of the existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated equipment, an outside fireplace, patios, decks, landscaping and 2,150 cu. yds. (1,081 cu. yds. cut, 1,069 cu. yds. fill) of grading.

Important Hearing Procedure Note:

This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE EXISTS

Staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for a "no substantial issue" finding are found on **page 5**. The Appellants contend that the approved project is not consistent with the policies and provisions of the certified Local Coastal Program (LCP) with regard to neighborhood compatibility and public views. The standard of review at this stage of an appeal requires the Commission to determine whether the appeal of this project, as approved, raises a substantial issue with respect to its conformity to the standards set forth in the certified LCP or the public access policies of the Coastal Act that the Appellants raise in their appeal (see page 8 for criteria).

The proposed project does not raise a substantial issue regarding the project's conformance with the relevant LCP policies. The Appellants assert that the proposed development is inconsistent with Policy 5.3 of the City's certified LCP because it is one of the largest homes in the area. The

proposed residence is larger than 17 of the 20 closest homes; thus although the structure will be relatively large for this area, there are other homes in the immediate vicinity which are larger. The LCP requires new development to be consistent with the community character of surrounding development. The subject neighborhood contains residences of various styles, sizes and materials. The proposed residence, while large, is consistent with the size and design of the surrounding residences. Therefore, the proposed development will be visually compatible with the character of the surrounding area.

The Appellants also assert that the proposed development, to be located on the seaward side of Marina Drive and immediately landward of Cliff Drive, is inconsistent with the visual resource protection policies of the City's certified LCP because it would impact views of the hillside from Cliff Drive, views of the ocean from Cliff Drive, views of the ocean from their neighborhood and views from the residential neighborhood north of Marina Drive. Although the project site is vacant, the surrounding slope areas north of and above Cliff Drive are already developed with existing residential development within a built-out residential neighborhood. Views of the ocean from Cliff Drive would be unaffected by the development as the development is landward of Cliff Drive. Thus, no significant public views from Cliff Drive would be impacted by the approved development. In addition, the project would not result in any new significant adverse impacts to public views of the ocean from Marina Drive, a local neighborhood street. The Appellants also asserts that the views from their neighborhood of the ocean would be impacted; however, impacts to private views from neighboring residential properties are not protected under the City's LCP, and thus not do not establish grounds for appeal.

Moreover, based upon a review of the project and the City's action, the public views are protected for the following reasons: (1) the project is designed with a 30-foot wide view corridor along the western portion of the property to protect views of the ocean from Marina Drive to the extent feasible; (2) the City's conditions of approval require structures and landscaping of low stature within the view corridor; and (3) public views from Cliff Drive will be preserved through the development of a public pedestrian walkway along the southern end of the property.

Additionally, the development is relatively minor in scope, does not have a significant adverse effect on significant coastal resources, has little precedential value and does not raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue as to the City's application of the cited policies of the LCP.

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EXHIBITS

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| Exhibit 1. | Vicinity Map |
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| Exhibit 9. | Appeal |

I. APPEAL PROCEDURES

A. APPEAL JURISDICTION

Under Section 30603 of the Coastal Act, a certified local government's approval of a coastal development permit (CDP) may be appealed to the Commission if the development authorized by the CDP would be located within the 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 tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a coastal county that is not designated as the principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, any local government action on a proposal for development that constitutes major public works or major energy facilities may also be appealed to the Commission.

The City of Santa Barbara's final local action in this case is appealable to the Commission pursuant to Section 30603(a)(2) because a portion of the approved development is located within 300 feet of the top of the seaward face of a coastal bluff (Exhibit 3).

B. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), a local government's actions on CDP applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Grounds for Appeal

The grounds for appeal of a local government approval of development shall be limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in Division 20 of the Public Resources Code (Coastal Act Section 30603(b)(1)).

2. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the members of the Commission is required to determine that the Commission will not hear an appeal. If the Commission determines that no substantial issue exists, then the local government's CDP action will be considered final.

3. De Novo Permit Hearing

Should the Commission determine that a substantial issue does exist, the Commission will consider the CDP application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the entire proposed development is in conformity with the certified LCP. If a de novo hearing is held, testimony may be taken from all interested persons.

C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On November 18, 2014, the City Council for the City of Santa Barbara approved Coastal Development Permit No. CDP2014-00002 (Resolution 024-14). The Notice of Final Action for the project was received by Commission staff on November 24, 2014 (Exhibit 7). Notice was provided of the ten working day appeal period, which began November 24, 2014 and ended on December 10, 2014.

The subject appeal was filed during the appeal period, on December 9, 2014 (Exhibit 9). Commission staff notified the City, the applicant and all interested parties that were listed on the appeal and requested that the City provide its administrative record for the permit. The administrative record was received on December 15, 2014.

II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-SBC-14-0070 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-SBC-14-0070 raises **No Substantial Issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The City approved construction of a 5,930 square foot, 24'2" high, two-story, single-family residence with a 440 square foot attached garage on a vacant lot. The project includes perimeter/privacy walls and gates, a new septic system, removal of the existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated equipment, an outside fireplace, patios, decks, landscaping and 2,150 cubic yards (1,081 cubic yards cut; 1,069 cubic yards fill) of grading onsite (Exhibits 4, 5 and 6).

The project site is located at 3435 Marina Drive (APN: 047-022-005) within an existing residentially developed neighborhood in the City of Santa Barbara (Exhibits 1, 2 and 4). The lot has street frontage on Marina Drive to the north and Cliff Drive to the south, with access to the house from Marina Drive. The existing public parking on Cliff Drive along the subject parcel will remain unchanged. Additionally, a public pedestrian path would be developed along Cliff Drive on the subject parcel as part of this project adjacent to the public parking within an existing 5-foot easement. The project site is zoned "One Family Residential, A-1" (minimum 1-acre lot size). The southern portion of the development is located within the Appealable Jurisdiction of the Coastal Zone due to its location within 300 feet of a coastal bluff (Exhibit 3).

Local Government Action and Filing of Appeal

Between August and December of 2013, the Single Family Design Board (SFDB) reviewed the project and expressed concerns with the overall design of the residence, the placement of the residence and the size of the proposed development. Specifically, the SFDB had concerns with the floor-to-lot area ratio (FAR) which was 106% of the maximum Floor to Lot Area Ratio (FAR) pursuant to the City's Single Family Design Guidelines and revised Neighborhood Preservation Ordinance. However, it must be noted that the certified LCP does not include any FAR provisions for the subject site and that neither the City's Single Family Design Guidelines nor the revised Neighborhood Preservation Ordinance have been submitted, reviewed, or certified as part of the City's LCP. Thus, neither the Single Family Design Guidelines or Neighborhood Preservation Ordinance constitute the standard of review for the review of a coastal development permit application.

On January 30, 2014, the applicant submitted the project to the Planning Commission for a Coastal Development Permit, and on July 10, 2014, the Planning Commission reviewed the development proposal and sent the project back to the SFDB to revise the design to afford additional protection of public views. The Planning Commission suggested that the protection of public views could be better accomplished through the addition of a view corridor, a reduction in total square footage of the development, and re-siting the house farther from Cliff Drive which the Planning Commission noted as having priority for the protection of scenic views over Marina Drive. On September 18, 2014, the Planning Commission again reviewed the project design and approved the Coastal Development Permit with conditions.

On September 29, 2014, the Planning Commission's approval was appealed to the City Council by Kitch Wilson, Ron Green, Michael Moore, Don Santee and Hilary Santee. The City Council denied the appeals and upheld the Planning Commission's approval on November 19, 2014. The City's Notice of Final Action for the project was received by Commission Staff on November 24, 2014 (Exhibit 7). A ten working day appeal period was set, and notice was provided regarding that appeal period, which began November 24, 2014, and ended on December 10, 2014.

On December 9, 2014 (and within the appeal period), appeals of the City's action to the Coastal Commission were filed by Kitch Wilson, Ron Green, Michael Moore, Don Santee and Hilary Santee. Commission Staff notified the City of Santa Barbara, the applicant and all interested parties that were listed on the appeals on December 10, 2014.

B. APPELLANTS' CONTENTIONS

The City's action was appealed by Kitch Wilson, Ron Green, Michael Moore, Don Santee and Hilary Santee, and the appeal is attached as Exhibit 9. The grounds for appeal of the project by the Appellants focus on two issues, namely neighborhood compatibility and public views. These two main contentions are summarized below.

1. *Neighborhood Compatibility.* The project is inconsistent with Policy 5.3 of the City's certified LCP because (1) it is one of the largest homes in the area, and (2) the design of the proposed development is inconsistent with the styles of the existing, developed neighborhood.

2. *Public Views.* Although the Appellants did not cite specific policies of the certified LCP, the Appellants contend that the project is inconsistent with the City's certified LCP because public views are not sufficiently protected. Specifically, the Appellants assert that the development significantly impacts (1) views of the ocean from Cliff Drive, (2) views of the hillside to the north from Cliff Drive, (3) views of the ocean from Marina Drive which they argue is a designated scenic view corridor, and (4) views of the ocean from the neighborhood.

C. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the Appellants relative to the locally-approved project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the Appellants only cited policy 5.3 of the certified LCP and did not raise any issues with the public access policies of the Coastal Act as grounds for appeal. Thus, the only legitimate grounds for this appeal are allegations that the "appealable development" is not consistent with the standards in the certified LCP.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., Title 14, Section

13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
- The extent and scope of the development as approved or denied by the local government;
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision for future interpretations of its LCP; and
- Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission determines that the appeal raises no substantial issue with regard to the grounds on which the appeal has been filed.

1. Factual and Legal Support for Finding LCP Consistency

The first factor in evaluating the issue of whether the appeal raises a substantial issue is the degree of factual and legal support for the City's decision that the development is consistent with the City of Santa Barbara's certified LCP. The issues of neighborhood compatibility and public views were addressed both at the Planning Commission approval stage and during the City Council's review of the Planning Commission's action. As discussed in more detail below, the City's record indicates that there is adequate factual evidence and legal support for the City's analysis and decision, specifically with regard to the issues raised by the Appellants in their local and Commission appeals.

The Appellants assert that the project, as approved by the City, raises issues with respect to its consistency with the following policy and provision of the City of Santa Barbara's certified LCP:

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.

Action

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

The Appellants' concerns with regard to visual resources can be characterized as follows:

Neighborhood Compatibility. The project is inconsistent with Policy 5.3 of the City's certified LCP because (1) it is one of the largest homes in the area, and (2) the design of the proposed development is inconsistent with the styles of the existing, developed neighborhood.

Public Views. Although the Appellants did not cite specific policies of the certified LCP, the Appellants contend that the project is inconsistent with the City's certified LCP because public views are not sufficiently protected. Specifically, the Appellants assert that the development significantly impacts (1) views of the ocean from Cliff Drive, (2) views of the hillside to the north from Cliff Drive, (3) views of the ocean from Marina Drive which they argue is a designated scenic view corridor, and (4) private views of the ocean from the neighborhood.

Neighborhood Compatibility

The Appellants assert that the proposed development is inconsistent with Policy 5.3 of the City's certified LCP because it is one of the largest homes in the area and inconsistent with the scale, size and design of the surrounding homes.

LCP Policy 5.3 states that new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood.

The proposed residence is larger than 17 of the 20 closest homes (fourth largest in total floor area) and would be one of three two-story homes within the neighborhood. Though it is on the larger end of the size spectrum, and as proposed will be one of few two-story houses in the neighborhood, the City found that after careful design and comprehensive review, the size of the proposed residence would be within the existing range of neighborhood residences and reasonable for the size of the lot (which is also larger than many of the surrounding residential lots). The proposed building height for the development would be 24 feet, 2 inches above finished grade, which is within the 30 foot height restriction listed in the certified LCP. In addition, an appeal was raised for the single family residence on the immediately adjacent lot to the west in 2008 for the construction of a 5,390 square foot house, and the Commission found (Appeal No. A-4-SBC-08-063) that the appeal raised no substantial issue regarding the Appellants' concerns for neighborhood compatibility and public views.

The Appellants assert that the design style of the proposed development would be inconsistent with the design styles of existing residential development within the neighborhood. However, the neighborhood is characterized by one and two-story houses with a variety of Ranch and Spanish architectural styles. Therefore, the City reasonably concluded that the proposed Mediterranean style architecture was substantially similar in design and style with the surrounding residences and would be compatible with the established neighborhood.

The City analyzed the proposed development's floor to lot area ratio (FAR) and noted that the project would be 103%, or approximately 178 square feet, over the maximum FAR guideline. However, importantly, analysis of the FAR measurement does not constitute a standard of review or requirement pursuant to the certified LCP. Rather, the use of FAR or FAR maximums are one tool to aid decision-makers regarding size compatibility and are not requirements of the certified LCP. The City's analysis stemmed from the recently adopted Single Family Design Guidelines and the revised Neighborhood Preservation Ordinance, however, neither of these has

been submitted, reviewed, or certified as part of the City's LCP. Thus, neither the Single Family Design Guidelines nor Neighborhood Preservation Ordinance constitutes the standard of review for the review of a coastal development permit application.

Moreover, even if these documents were part of the certified LCP, the maximum FAR standards only apply to one-story houses over 17 feet in height on lots of 15,000 square feet or less. For larger size lots over 15,000 square feet, such as the subject vacant lot, FARs are implemented as guidelines for decision makers rather than as Ordinance limits.

Based upon a review of the project and the City's action, the Commission finds that the proposed project is consistent with LCP Policy 5.3 and that the project is compatible with the surrounding neighborhood for the following reasons: (1) the size of the proposed development is within range of existing nearby development and within sizing guidelines established by the certified LCP and (2) the proposed architectural style of the development is consistent with the existing, developed homes of the neighborhood.

Public Views

The Appellants assert that the proposed project is inconsistent with the City's certified LCP because the vacant parcel is within a scenic area and public views are not sufficiently protected, however, the Appellants do not cite specific policies of the certified LCP. Instead, the Appellants contend that the development significantly impacts (1) views of the ocean from Cliff Drive, (2) views of the hillside to the north from Cliff Drive, (3) views of the ocean from Marina Drive which they argue is a designated scenic view corridor, and (4) private views of the ocean from the neighborhood.

Although the Appellants do not cite specific policies of the City's certified LCP, the LCP contains visual resource policies to address the preservation of ocean and scenic coastal views. Namely, Policy 9.1 requires that "the existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced" by "requiring view easements or corridors in new developments", "specific development restrictions such as additional height limits, building orientation, and setback requirements for new development" and "developing a system to evaluate view impairment of new development in the review process."

Additionally, the LCP contains Policy 1.1 which adopts the policies of the Coastal Act as guiding policies for the land use plan. As such, Article 6, Section 30251 regarding scenic and visual qualities contains the following applicable guiding policy:

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 the surrounding areas...New development in highly scenic areas...shall be subordinate to the character of its setting.

LCP Policy 9.1 requires the protection of ocean and scenic views and suggests the use of planning review, view corridors and development restrictions on the size and placement of new

development to accomplish such protection. Section 30251 of the Coastal Act similarly requires protection of ocean and scenic views through siting and design.

The Appellants contend that views of the ocean from Cliff Drive will be impacted by the proposed development. Scenic public views of the ocean are available from Cliff Drive located to the south of the project site. However, the proposed development would be located on the landward side of Cliff Drive and thus would have no impact to public views of the ocean. Additionally, the Applicant has proposed the creation of a public pedestrian walkway on the southern edge of the subject parcel along Cliff Drive within an existing five foot easement to preserve a full ocean view from Cliff Drive. As such, the proposed development is consistent with LCP Policy 9.1 and Section 30251 of the Coastal Act and will have no significant impact to public views of the ocean from Cliff Drive.

The Appellants further contend that the proposed development will impact views of the hillside to the north from Cliff Drive. Although the project site is vacant, the surrounding slope areas above Cliff Drive are already developed with existing residential development within a built-out residential neighborhood. The proposed development of a new, two-story residence, approximately 24 feet, 2 inches in height (above finished grade) and approximately 90 feet in width would clearly be visible from Cliff Drive; however, the views upward toward the hillside have already been significantly impacted by the development of many homes in the neighborhood and do not constitute a significant scenic visual resource. Also, the proposed second story is better characterized as a small two-story addition over only one portion of the home (Exhibit 5). As such, the City-approved development of the vacant lot is consistent with LCP Policy 9.1 and Section 30251 of the Coastal Act and will have no significant impact to views of the hillside from Cliff Drive.

In regards to the Appellants' contentions concerning impacts to ocean views from Marina Drive, it is important to note that Marina Drive is a residential neighborhood street cul de sac that allows some limited views to the ocean. The proposed development would clearly be visible from Marina Drive, however, the 30-foot view corridor, required by the City and discussed further below, would preserve a significant portion of existing views of the ocean from Marina Drive. Although the proposal is for a two-story structure, the Commission finds that even a one-story structure on this vacant lot would still block views to the ocean from the street level. Thus, a reduction in size or height of the residence would not appreciably change the project's visibility from Marina Drive. In addition, the Appellants also incorrectly argue that the proposed development would impact public views of the ocean because Marina Drive is a designated scenic view corridor. However, Marina Drive is not designated by the certified LCP as a scenic view corridor.

Further, the City conditioned the coastal development permit (see Exhibit 7 for Condition B.1, B.2, B.5 and C.1) on the inclusion of a 30-foot wide view corridor along the western property line, and within this view corridor improvements (i.e. accessory structures and walls) and landscaping would be restricted such that their heights do not block views of the ocean from Marina Drive within the view corridor. Specifically, landscaping within the northern half of the view corridor would be restricted to a maximum height of 3 to 4 feet above finished grade, and landscaping within the southern portion of the view corridor would be restricted to a maximum

height of 5 to 6 feet above finished grade. The provision of a view corridor and the restrictions therein are the same conditions that the City required for residential development on the adjacent parcel to the west (3455 Marina Drive), which was developed in 2009. Between the two properties, the conditioned view corridors would create a minimum 60-foot wide view corridor along Marina Drive in order to maximize public views of the ocean from Marina Drive. Due to the fact that construction of any residence would partially block ocean views from Marina Drive, the Commission finds that use of a view corridor is the most appropriate way to allow for development of the lot while still providing protection of public views.

Additionally, although not officially designated as a view corridor, along the eastern property line, the City has a 20-foot wide utility easement, which precludes placement of structures or significant vegetation. Immediately west of that easement is a drainage swale that occupies approximately an additional 10 feet and which would not contain tall vegetation.

The proposed project has undergone multiple review stages by the City, and pursuant to LCP Policy 9.1 and Coastal Act Section 30251, view corridors and development restrictions were imposed upon the project to protect existing ocean views from Marina Drive to the extent feasible. Thus, as conditioned, the proposed project is consistent with LCP Policy 9.1 and Coastal Action Section 30251 and will not have a significant impact upon visual resources along Marina Drive.

Lastly, the Appellants assert that the views from their neighborhood of the ocean would be impacted; however, impacts to private views from neighboring residential properties are not protected under the City's certified LCP, and, thus not grounds for appeal.

Based upon a review of the project and the City's action, the Commission finds that the proposed project is consistent with visual resource protection policies of the LCP and that views are protected for the following reasons: (1) the project is designed with a 30-foot wide view corridor along the western portion of the property to protect views of the ocean from Marina Drive; (2) the City's conditions of approval require structures and landscaping of low stature within the view corridor; and (3) public views from Cliff Drive will be preserved.

For the reasons discussed above, the project is consistent with the above provisions of the City's LCP relating to neighborhood compatibility and the protection of public views. Additionally, the Commission finds that the City's determination to that effect was sufficiently supported by factual evidence in the record and legal authority.

2. Extent and Scope of the Development

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved by the City.

The subject approval allowed for single-family residential development on a 1.1-acre parcel. The scope of development included construction of the 5,930 sq. ft., two-story, main residence with a 440 sq. ft. attached garage, site walls and gates, a new septic system, removal of the existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated equipment, an outside fireplace, patios, decks, landscaping and 2,150 cu. yds. (1,081 cu. yds. cut,

1,069 cu. yds. fill) of grading. The subject site is located within an existing residential neighborhood and constitutes infill development. In analyzing the factors relevant to the issue of whether this appeal raises a substantial issue, the Commission finds that the extent and scope of the project is relatively minor.

3. Significance of Coastal Resources

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision.

In this case, there would be no significant coastal resources affected by the decision. The project site is a vacant lot on a residential cul-de-sac zoned for residential development. As described in Section C(1) above, no public views, or other coastal resources, would be significantly impacted and the proposed residential development is in character with the rest of the existing, developed residential neighborhood.

4. Precedential Value for Future Interpretation of the LCP

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the City's decision for future interpretation of its LCP.

As described in Section C(1) above, the Commission finds that the project is consistent with the policies of the LCP with respect to the grounds of appeal. Additionally, the only controversial interpretation of the LCP seemed to hinge on methodologies and documents that have not been certified by the Coastal Commission. As discussed above, those uncertified documents are not the applicable standard of review. Due to the fact that the City did not interpret these methodologies and documents to be an applicable standard of review, but rather guidance, there is no basis to assume that the use of these documents as guidance would usurp the authority of the certified policies and provisions of the LCP.

Further, since the Commission concurs with the City's application of its LCP and its determination of consistency with the LCP, the potential for the decision to serve as a precedent for future interpretation of the LCP is not considered detrimental. Therefore, the precedential value of the City's decision in this case is not pertinent to determining whether the project raises a substantial issue with respect to the issues raised by the Appellants.

5. Local, Regional, or Statewide Issues

The final factor in evaluating the issue of whether the appeals raise a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance.

This appeal raises issues only relating to consistency with local visual resources. It does not establish dramatic new interpretations of those policies, and it does not have regional or statewide significance. Therefore, the potential regions of impact of the City's decision in this case are not pertinent to determining whether the project raises a substantial issue with respect to the issues raised by the Appellants.

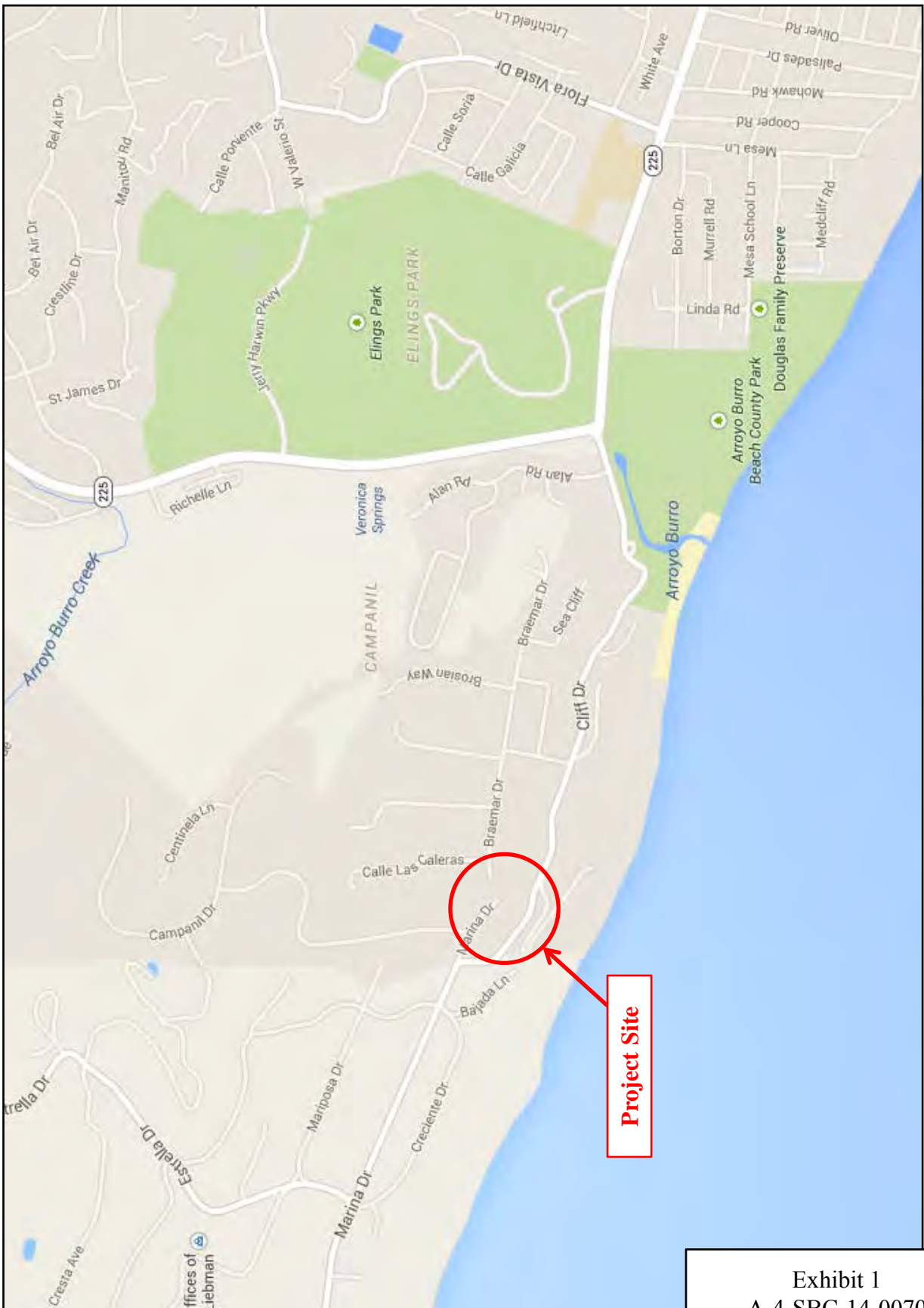
IV. CONCLUSION

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the City's certified LCP regarding neighborhood compatibility and public views. Applying the five factors identified on page 8, the Commission finds that the City's record adequately supports its position that the proposed project will not conflict with LCP policies. In addition, the development is relatively minor in scope, does not have a significant adverse effect on coastal resources, has little precedential value, and does not raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue as to the City's application of the cited policies of the certified LCP.

APPENDIX 1

Substantive File Documents

Staff Reports for City of Santa Barbara Coastal Development Permit No. CDP2014-00002;
Planning Commission Resolution No. 024-14; Appeal No. A-4-SBC-14-0070 from Coastal
Permit Decision of Local Government



Project Site

Exhibit 1
A-4-SBC-14-0070
Vicinity Map

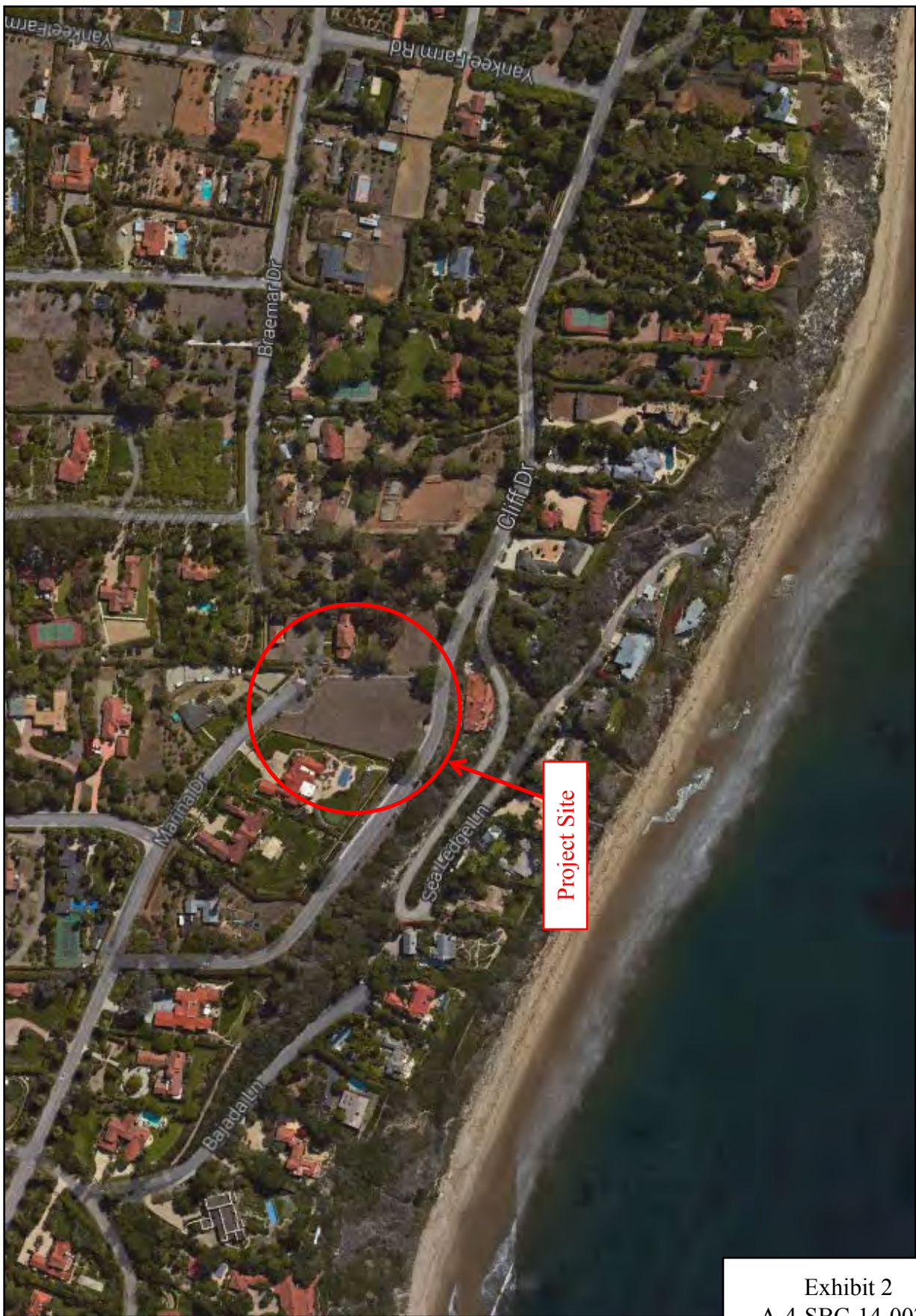


Exhibit 2
A-4-SBC-14-0070
Aerial Photograph

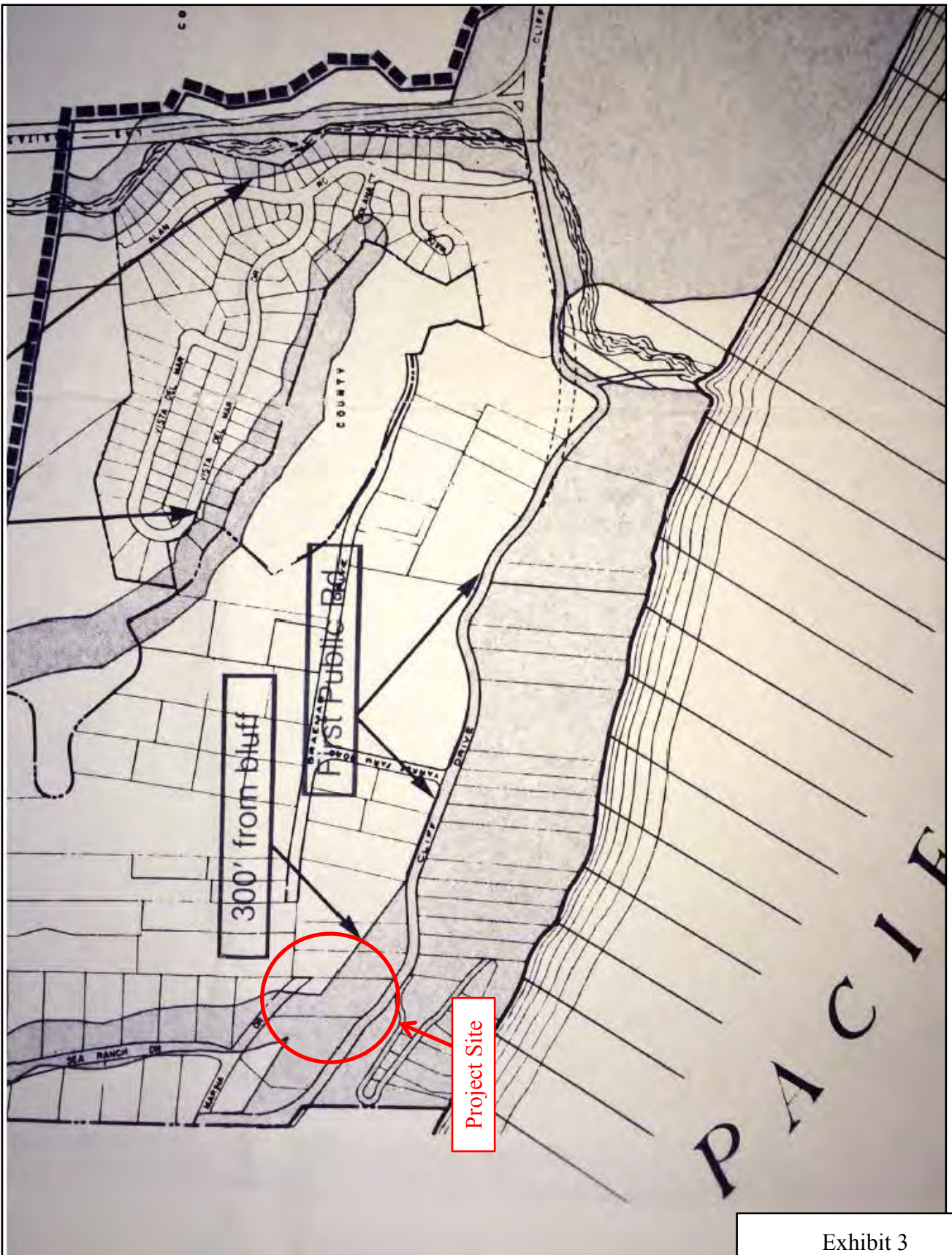


Exhibit 3
A-4-SBC-14-0070
Post Certification Map

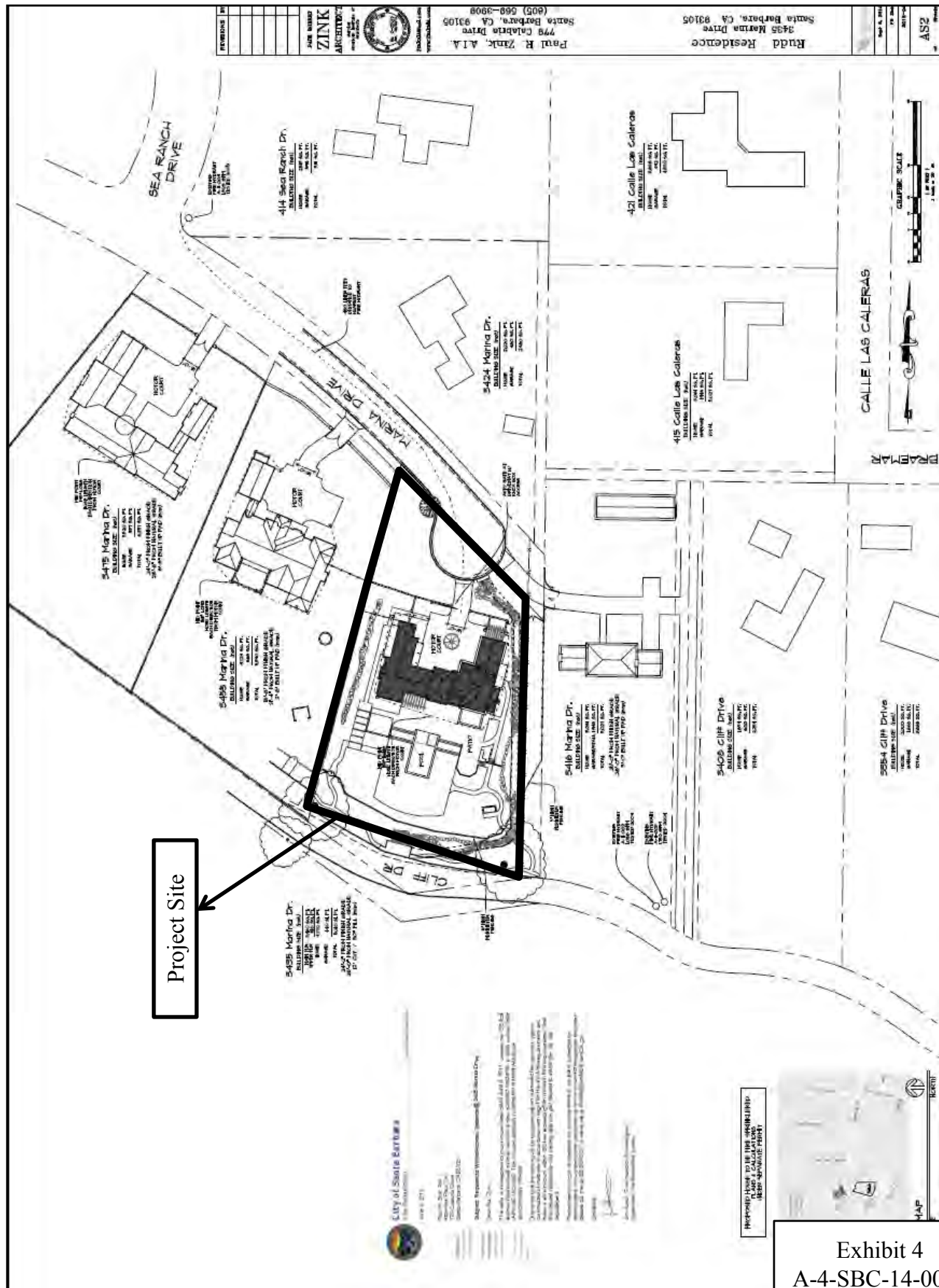


Exhibit 4
A-4-SBC-14-0070
Site Plan

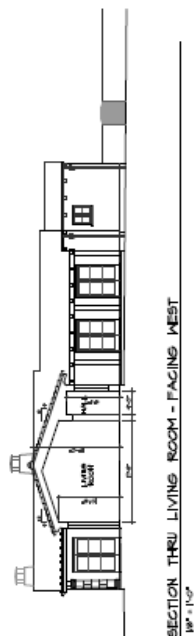
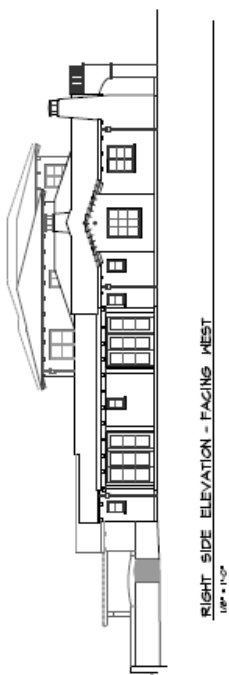
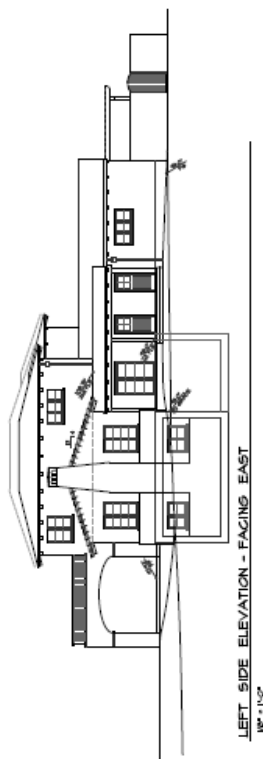
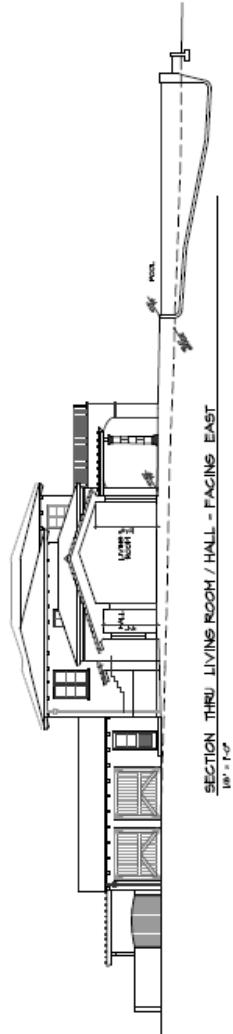
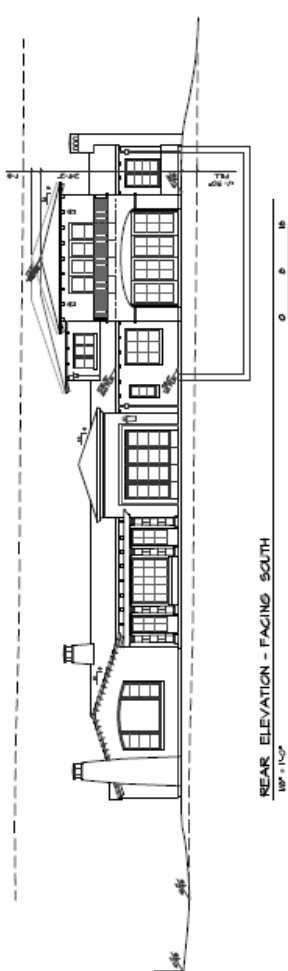
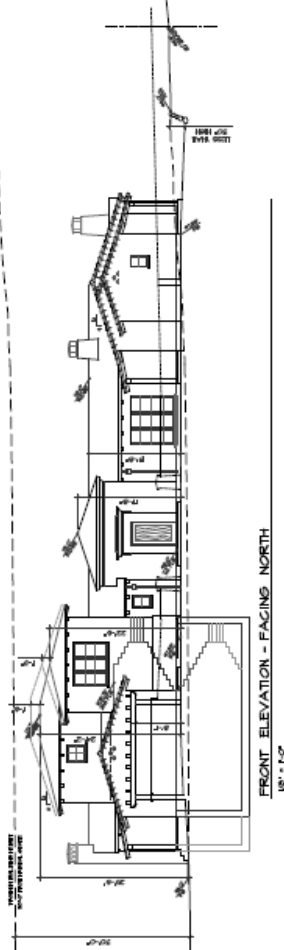
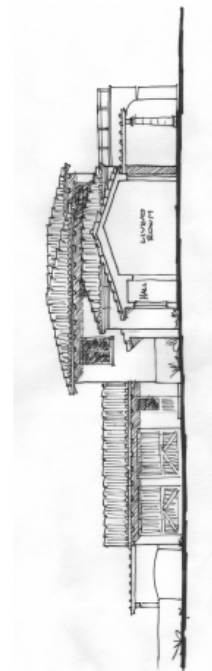
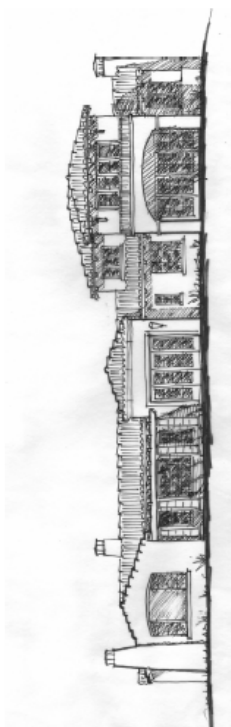
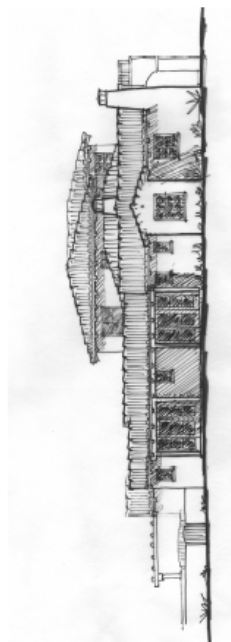
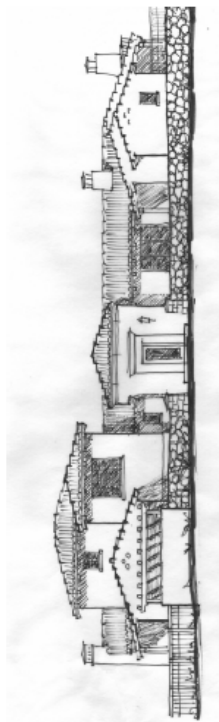
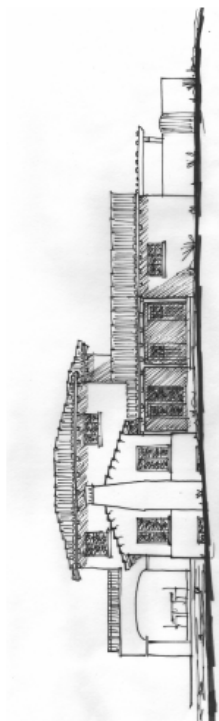
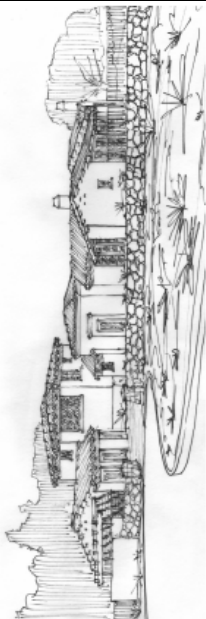
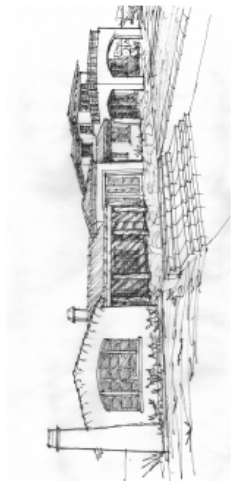


Exhibit 6
A-4-SBC-14-0070
Elevations

Exhibit 6
A-4-SBC-14-0070
Elevations





APPEAL PERIOD 11/29/14
4-SBC-14-033

City of Santa Barbara California

NOV 24 2014

NOTICE OF FINAL ACTION CITY OF SANTA BARBARA COASTAL DEVELOPMENT PERMIT

Date: November 19, 2014 **Application Number:** MST2013-00281
Name of Applicant: Paul Zink, AIA **Coastal Number:** CDP2014-00002
Name of Owner: Charles Rudd
Project Address: 3435 Marina Drive
Project Location: Marina Drive/Cliff Drive in the City of Santa Barbara, County of Santa Barbara
APN Number: 047-022-005

Project Description: The project consists of the construction of a new two-story single family residence, with basement, totaling approximately 5,990 net square feet, and a 440 net square-foot attached garage on a vacant 48,787 net square-foot lot. The proposed residence consists of a 1,220 square-foot basement, a 3,960 square-foot main floor and an 810 square-foot upper floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside fireplace, patios and decks, and landscaping. A 30-foot wide view corridor is proposed along the western property line.

This is to inform you that on November 18, 2014, the City Council of the City of Santa Barbara approved, on appeal, an application for a Coastal Development Permit for the project listed above. The project is located in the Appealable jurisdiction of the City's Coastal Zone.

The decision is based on the following findings and conditions:

See attached Resolution No. 024-014 which includes findings and conditions as approved by the City Council.

The Coastal Development Permit is subject to the following conditions:

See attached Resolution No. 024-14 which includes findings and conditions as approved by the City Council.

A Coastal Development Permit expires two years from the date of issuance, unless otherwise explicitly modified by conditions of approval.

If you, as an aggrieved party or applicant, disagree with the decision of the City Council regarding the outcome of this application, you may appeal the decision to the California Coastal Commission. An appeal may be filed with the Coastal Commission by (1) an aggrieved party, (2) the applicant, or (3) two members of the Coastal Commission. Such appeals must be filed in the office of the Coastal Commission not later than 5:00 PM of the tenth working day following receipt of sufficient notice of the final local governmental action. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the City to be considered an aggrieved party.

If you have any questions or comments regarding this matter, contact Allison De Busk, Project Planner at (805) 564-5470, extension 4552.

Attachments:

1. Resolution No. 024-14
2. Reduced site plan
3. Vicinity Map
4. Council Agenda Report dated November 18, 2014

Exhibit 7
A-4-SBC-14-0070
Final Local Action Notice



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 024-14

3435 MARINA DRIVE

COASTAL DEVELOPMENT PERMIT

SEPTEMBER 18, 2014

AS AMENDED BY THE CITY COUNCIL ON NOVEMBER 18, 2014

APPLICATION OF PAUL ZINK, ARCHITECT FOR CHARLES RUDD, 3435 MARINA DRIVE, APN 047-022-005, A-1/SD-3 (ONE FAMILY RESIDENCE AND COASTAL OVERLAY) ZONES, GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE; (MST2013-00281)

The project consists of the construction of a new two-story single family residence totaling approximately 5,990 square feet, plus a 440 square foot attached garage, on a vacant 48,787 net square foot lot. The residence consists of a 1,220 square foot basement, a 3,960 square foot first floor and an 810 square foot second floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside barbeque, patios and decks, and landscaping. The project would include approximately 1,081 cubic yards (cy) of cut and 1,069 cy of fill/recompaction; it is anticipated that there would be approximately 12 cy of export. The Planning Commission reviewed and continued a prior version of this project on July 10, 2014.

The discretionary application required for this project is a Coastal Development Permit (CDP2014-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, at the hearing of July 10, 2014, no one appeared to speak in favor of the application, and 22 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 3, 2014.
2. Site Plans
3. Correspondence received in opposition to or with concerns of the project
 - a. Jon Kechejian, via email
 - b. Sandy Schoolfield, via email
 - c. Cornelius Passani, via email
 - d. Richard Handler, via email
 - e. Susan Strick, via email
 - f. Marc Whitten, via email

Exhibit 7
A-4-SBC-14-0070
Final Local Action Notice

ATTACHMENT 1

- g. Van Spaulding, via email
- h. Walter Babine, via email
- i. Beth Collins-Burgard, via email
- j. Ann Collins-Burgard, via email
- k. Teri Cooke, Santa Barbara, CA
- l. Joni Milchak, Santa Barbara, CA
- m. Gail & Doug Bowman, Santa Barbara, CA
- n. Cindy Gulbranson, Santa Barbara, Ca

WHEREAS, at the hearing on July 10, 2014, the Planning Commission continued the project indefinitely for additional review by the Single Family Design Board with the Commission's comments.

WHEREAS, at the continued hearing of September 18, 2014, five people appeared to speak in favor of the application, and two people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, September 11, 2014.
- 2. Site Plans
- 3. Correspondence received in support of the project for the hearing of September 18, 2014
 - a. Sandy Schoolfield, via email
 - b. Jon Kechejian, via email
 - c. Marc Whitten, via email
 - d. Susan Strick, via email

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. ENVIRONMENTAL REVIEW

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

- 1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access, as described in Section VII of the Staff Report.
- 2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project will not increase hazards related to seacliff retreat or fire services, will not affect lateral access across the beach, will not significantly impact public views, and is compatible with the neighborhood, as described in Section VII of the Staff Report.

II. Said approval is subject to the following conditions:

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

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Record any required documents (see Recorded Conditions Agreement section).
4. 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 September 18, 2014 is limited to the construction of a new, single family residence totaling approximately 5,990 square feet of building area plus a 440 square foot attached garage and associated improvements including, but not limited to, site walls and gates, a new septic system, a swimming pool with associated pool equipment, outside BBQ area, patios and decks, and landscaping, as shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara. The project includes a 30-foot wide view corridor along the western property line.
2. **View Corridor.** The Owner shall provide and maintain the 30-foot wide view corridor, measured perpendicularly from the western interior lot line, as shown on the approved plans. The landscaping plan for the project shall afford and maintain a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the Single Family Design Board by selecting proper species and maintaining appropriate limits on the height of all approved landscaping. Structures, walls, and plants shall be installed and maintained consistent with the approved landscape plan within the view corridor. Trees are prohibited in the view corridor.
3. **Additional View Protection.** To protect public and oblique views on the Cliff Drive side of the house:
 - a. Owner shall not install any structures or grow any vegetation more than five (5) feet above existing grade (as shown on the site plan) seaward of the patio area.

This area is also shown with a line on the site plan. The only exceptions to this condition will be one (1) single trunk Phoenix Palm and one (1) triple trunk Phoenix Palm to be sited as shown on the site plan.

- b. Owner will plant vegetation to soften and screen the back and the front of the block wall along Cliff Drive.
4. **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.
5. **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).
6. **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.
7. **Cypress Tree Protection.** The two existing Cypress tree(s) shown on the Site Plan shall be preserved, protected, and maintained.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** 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.
9. **Storm Water Improvements.** The property owner waives the right to object to the formation of an assessment district for the maintenance of storm water improvements and agrees to participate in the assessment district upon its formation.
10. **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. If connected to City sewer, a sewer discharge outlet shall be provided for drainage of any

swimming pool(s). In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.

11. **Swimming Pool Discharge.** In the event the pool is completely or partially drained, the owner shall truck out any water discharged from the swimming pool and properly dispose of the water to the sanitary sewer system. No water from the pool shall be discharged into a City storm drain or to the private septic system on the real property, as identified in SBMC Chapter 16.15.
12. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **View Corridor.** Within the 30-foot wide view corridor, the landscaping plan shall be reviewed with the intent of affording and maintaining a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the SFDB by selecting appropriate species and maintaining appropriate limits on the height of all approved landscaping. As a guideline, landscaping with a maximum height of 3-4 feet from finished grade would be acceptable for the north half of the corridor, and landscaping with a maximum height of 5-6 feet from finished grade would be acceptable for the south portion. Structures, walls, and plants shall be installed and maintained consistent with the approved landscape plan within the view corridor. Trees are prohibited in the view corridor.
2. **Additional View Protection.** To protect public and oblique views on the Cliff Drive side of the house:
 - a. Owner shall not install any structures or grow any vegetation more than five (5) feet above existing grade (as shown on the site plan) seaward of the patio area. This area is also shown with a line on the site plan. The only exceptions to this condition will be one (1) single trunk Phoenix Palm and one (1) triple trunk Phoenix Palm to be sited as shown on the site plan.
 - b. Owner will plant vegetation to soften and screen the back and the front of the block wall along Cliff Drive.
3. **Pedestrian Path.** A pedestrian path at least four feet in width shall be provided south of the wall along the property frontage on Cliff Drive. The path shall comply with Chapter 8 of the Pedestrian Master Plan requirements for pathways. The pedestrian path shall align with the approved path along the adjacent property to the west and be constructed of decomposed granite or other similar material subject to approval by the SFDB and Public Works Department. Path construction and materials shall be done in such a way as to protect the existing Cypress trees. Protection of the trees shall take priority over the path in the event of any conflicts. Landscaping south of the path shall be consistent with City regulations for parkway plantings.

4. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved site plan / landscape plan shall be preserved, protected, and maintained, in accordance with the Arborist's Report and/or any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the SFDB.
 - c. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations contained in the arborist's report prepared by Peter Winn of Westree, dated August 19, 2013, and Addendum dated April 15, 2014, shall be implemented.
 5. **Southern Perimeter Landscaping.** The use of native shrubs and plants to soften the appearance of the southern property line wall and blend with the natural setting to the south is encouraged. This landscaping will be highly visible from the Cliff Drive scenic vista immediately to the south, and therefore should be compatible in character with the natural landscape setting existing to the south of Cliff Drive, as determined by SFDB.
 6. **Landscaping Within Water Easement.** Trees shall not be planted within the existing 20-foot wide City utility easement located along the eastern property line. All vegetation/improvements within this easement are subject to review and approval by the City Public Works Department.
 7. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas, and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.
 8. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall painted "Malaga Green," and if feasible, they shall be screened as approved by SFDB.
 9. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.d "Marina Drive Public Improvements" shall be submitted to the Public Works Department for review and approval.
 - b. **Improvements Within Utility Easement.** Trees shall not be planted in any City Utility easement. All vegetation planted within the utility easement is subject to

review and approval by the Public Works Department. An entry gate, with a width of sixteen feet, shall be installed at the northern end of the utility easement for access to utilities.

- c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
- d. **Marina Drive Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on Marina Drive. Plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: driveway apron modified to meet Title 24 requirements with a maximum width of 16 feet, Owner shall crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to City water mains and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City or County storm drain, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction. Any work in the public right-of-way requires a Public Works Permit.
- e. **Encroachment Permits.** Any encroachment or other permits from the City (e.g. Minor Encroachment Permits) or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit drainage calculations or a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects

from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

- c. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the critical root zone of all Cypress trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
- d. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Three-Star level requirement or equivalent.
- e. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the SFDB and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- f. **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:

| | |
|----------------|-------------|
| Property Owner | Date |
| Contractor | Date |
| Contractor | License No. |
| Architect | Date |
| Architect | License No. |
| Engineer | Date |
| Engineer | License No. |

Exhibit 7
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Final Local Action Notice

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

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed six square feet in a single family zone.
2. **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 Transportation Manager with a Public Works permit.
3. **Construction Parking.** 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 Manager.
4. **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. 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.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. 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.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. 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.
 - f. 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 prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - h. 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.
 - i. 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.
 - j. 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.
5. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface

disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
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 ½ x 11" board and submitted to the Planning Division.

G. General Conditions.

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 010-93.
2. **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.
3. **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.
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.

III. 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:

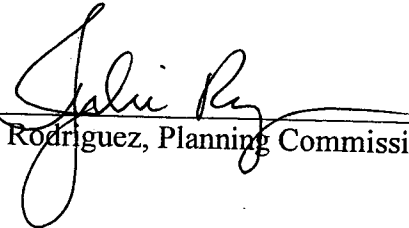
1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal 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.

This motion was passed and adopted on the 18th day of September, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Pujo)

Exhibit 7
A-4-SBC-14-0070
Final Local Action Notice

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary

November 12, 2014
Date



Agenda Item No. 15

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 18, 2014

TO: Mayor and Councilmembers

DEC 15 2014

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Approval Of A Coastal Development Permit For A New Residence At 3435 Marina Drive

RECOMMENDATION:

That Council deny the appeal of Kitch Wilson, Ron Green, Mike Moore, and Don Santee, and uphold the decision and findings of the Planning Commission to approve the application of Mr. Charles Rudd for a Coastal Development Permit for a new single-family residence on a vacant lot.

DISCUSSION:

Project Description

The project consists of the construction of a new two-story single family residence, with basement, totaling approximately 5,990 net square feet, and a 440 net square-foot attached garage on a vacant 48,787 net square-foot lot. The proposed residence consists of a 1,220 square-foot basement, a 3,960 square-foot main floor and an 810 square-foot upper floor. Also proposed are associated improvements including, but not limited to, site walls and gates, a new septic system, removal of an existing concrete drainage ditch and replacement with a natural swale, a swimming pool with associated pool equipment, outside fireplace, patios and decks, and landscaping. A 30-foot wide view corridor is proposed along the western property line.

Background

The project has had many public hearings, with significant public participation and input, as part of the project's review process. The following is a summary of the key milestones in the project's review:

August 12, 2013 – Single Family Design Board (SFDB) reviewed a proposal for a 5,360 square-foot two-story residence. Several neighbors expressed concern with the project, related primarily to neighborhood compatibility, privacy, and loss of public and private views. Some neighbors expressed their general opposition to a two-story residence.

Exhibit 8
A-4-SBC-14-0070
City Council Staff Report

The SFDB had concerns with the overall design of the residence, including the overall size and floor-to-lot area ratio (FAR) of 106% of the maximum FAR (given the lot size, the FAR is a guideline rather than a strict standard).

September 9, 2013 – SFDB reviewed a revised design for a 5,210 square-foot two-story residence. Again, neighbors expressed concern with the project, related primarily to neighborhood compatibility, impacts to public views and building size and height. Although the SFDB appreciated the changes made to the project, they had concerns with the overall size and design of the residence, including the placement of the building and second story mass on the lot.

December 16, 2013 – SFDB reviewed a revised design for a 6,644 square-foot residence. Although this project increased in total square footage, it included a 1,580 square-foot basement, so the FAR and visual mass of the residence were reduced, and the size of the second floor was reduced from 810 square feet to 675 square feet. Several neighbors continued to have concern with the project, primarily related to neighborhood compatibility and public and private view impacts, while several others expressed wholesale opposition to the current design and noted their support for the previous versions. The SFDB concluded that the design was supportable and provided direction for additional revisions related to building height, fenestration, landscaping and fencing.

January 30, 2014 – Applicant submitted the project for a Coastal Development Permit.

July 10, 2014 – Planning Commission reviewed the project based on the December 16, 2013 SFDB design (6,644 square-foot residence), and continued the project back to the SFDB with direction that the design should be more in keeping with the site plan that was reviewed by the SFDB on September 9, 2013 in order to improve public views and the feeling of openness from Cliff Drive. Refer to Attachment 2 – Planning Commission Minutes.

August 11, 2014 – SFDB reviewed a revised version of the project (6,430 square-foot residence) that was very similar to the design reviewed by the SFDB on September 9, 2013. The SFDB had favorable comments about the project's design and FAR, now at 103% of the maximum guideline FAR.

September 18, 2014 – Planning Commission reviewed the project again based on the August 11, 2014 SFDB design (6,430 square-foot residence), and approved the Coastal Development Permit on a 6 to 0 vote, with conditions of approval. Refer to Attachments 4 and 5 – Planning Commission Minutes and Resolution.

September 22, 2014 – SFDB reviewed the project that the Planning Commission approved on September 18, 2014, and granted Project Design Approval.

Appeal Issues

The Planning Commission's approval of the Coastal Development Permit (CDP) was appealed by neighbors of the project site on September 29, 2014. In summary, the appellants claim that the proposed residence is incompatible with the neighborhood. Refer to Attachment 1 – Appellant Letter.

One of the primary coastal issues that the Planning Commission considered in reviewing the CDP for the project was neighborhood compatibility. Specifically, Local Coastal Plan Policy 5.3 states:

“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.”

Prior to the July 10th Planning Commission hearing, story poles were erected to demonstrate the new building footprint and roof height, and a site visit was held to evaluate the proposal. The 20 closest homes analysis, which is required as part of the Single Family Design Board's review of the project, was also provided to the Planning Commission. While this analysis is used as a tool to evaluate the relative size of a proposed residence to those most immediately adjacent, it is not intended to define the extent of the neighborhood for overall compatibility purposes.

Specifically related to neighborhood compatibility, the Planning Commission staff report included the following discussion:

“The proposed house has been designed in a Mediterranean style, which would be compatible architecturally with surrounding development. The 20 closest homes analysis shows that the proposed residence would be the fourth largest home in the area in terms of total square footage... and the third largest in terms of FAR... There are a few two-story residences in the neighborhood. Although the proposed house is larger than most others in the neighborhood, the residence could be considered to be compatible with the neighborhood. The Single Family Design Board (SFDB) reviewed the project and made the finding that the project was compatible with the neighborhood...”

Concerns regarding neighborhood compatibility were also raised by the public at the Planning Commission's hearings on the project. Prior to making the findings to approve the project, the Planning Commission specifically considered the concerns of the appellants and the issue of neighborhood compatibility.

Council Agenda Report

Appeal Of Planning Commission Approval Of A Coastal Development Permit For A New Residence At 3435 Marina Drive

November 18, 2014

Page 4

The appellants also refer to a photo from the staff report and state that neighborhood compatibility was based on this small area of the neighborhood. The cited photo was an aerial view of the subject property and immediately adjacent parcels for site orientation purposes, and was not identified or implied to be the "neighborhood" for the subject parcel. As the Council is aware, there is no set definition for the neighborhood and it is up to decision-makers to determine whether a proposed development is compatible with the neighborhood.

CONCLUSION:

The proposed project has undergone a thorough review by the Planning Commission with consideration of the SFDB's recommendations. The appeal issue is whether, per the Local Coastal Plan, the project is compatible with the neighborhood and appropriate for the site in terms of size, bulk, and scale. Staff believes that the Planning Commission fully considered this issue and unanimously concluded that the project is appropriate for the site and compatible with the neighborhood. The Planning Commission's findings to approve the project are provided in Resolution No. 024-14 (Attachment 5).

ATTACHMENT(S):

1. Appellant Letter received September 29, 2014
2. Planning Commission Minutes dated July 10, 2014
3. Planning Commission Staff Report dated September 18, 2014
4. Planning Commission Minutes dated September 18, 2014
5. Planning Commission Resolution No. 024-14

NOTE:The project plans have been separately delivered to the City Council for their review and are available for public review in the City Clerk's Office.

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

| |
|---|
| Exhibit 8 A-4-SBC-14-0070 City Council Staff Report |
|---|

RECEIVED

Appeal Letter

2014 SEP 29 AM 10: 06

Name of Body whose Decision is Appealed: Planning Commission

Date of Body Meeting: 18 September 2014

Description of Decision being Appealed: Approval of single family home at 3455 Marina Drive.

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Grounds for the Appeal

We have gone to all SFRB and two Planning Commission hearings regarding this new home. Actually, the history of this goes back five years when we appealed to the Council regarding the adjacent westerly property at 3455 Marina regarding a view corridor supporting the recognized equestrian path along Marina from Braemar Drive. The Council responded by establishing view corridors through these two properties.

We are returning to appeal to the Council in our continuing effort to maintain the character of this rural neighborhood from the encroaching humongous homes already built along Marina, and this new two-story planned one. The Council is our last resort and we hope to get Council support as we did last time.

Neighborhood compatibility -- This is a rural and close knit neighborhood where trees are willingly trimmed and removed so as not to impact the neighbor behind with relatively small homes staggered to not impede views.

This is not the neighborhood considered by the Planning Commission. Typically the neighborhood photograph (see Figure 1) shown at the Commission meetings is focuses on the homes on the ocean side of Marina, and neighborhood compatibility was based on this subset of the neighborhood -- Overly large homes sprawling across their lots. Within this subset the planned home makes perfect sense -- they are all overly large and sprawling -- but in the larger neighborhood, shown in Figure 2, it does not make sense. The Commission applauded this subset of neighbors and the architect, for coming together in an ideal process to find a home design and so exemplified the perfect neighborhood 'process'. A process performed only among the subset of neighbors and ignoring the vast neighborhood opposing the design.

Quoting from the staff report to the Planning Commission, they oddly conclude "There are a few two-story residences in the neighborhood. Although the proposed house is larger than most others in the neighborhood, the residence could be considered to be compatible with the neighborhood."

It is the FOURTH largest home among the nearest 20 and one of the three with second floor. The others with second floor and politely out of view from the other neighbors while this one squats in front of so many. It is like a spectator opening a large beach umbrella at a baseball game and being surprised that those behind are upset.

We hereby appeal this design as being incompatible in bulk and scale, and incongruent in spirit, with the neighborhood.

Exhibit 8
A-4-SBC-14-0070
City Council Staff Report

Appellants:

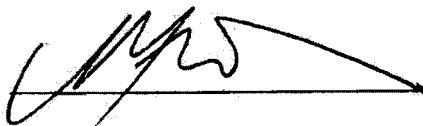
Kitch Wilson
415 Calle Las Caleras
805-448-5091
kitchwilson@gmail.com



Ron Green
3424 Marina Drive
687-7150
sygreens@aol.com



Mike Moore
414 Sea Ranch
569-2140
mfmoores@cox.net



Don Santee
421 Calle Las Caleras
452-8231
dsantee@oceanfutures.org

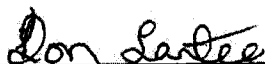


Exhibit 8
A-4-SBC-14-0070
City Council Staff Report

STATE OF CALIFORNIA - THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
88 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1801 FAX (805) 841-1732

DEC 09 2014 BR

California Coastal Commission
South Central Coast District

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: see attachment #1

Mailing Address:

City:

Zip Code:

Phone:

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Santa Barbara

2. Brief description of development being appealed:

new single family residence currently approved for construction

3. Development's location (street address, assessor's parcel no., cross street, etc.):

3435 Marina Drive, Santa Barbara, along Cliff Drive; parcel 047-022-005

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ 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: A-4-SBC-14-0070

DATE FILED: 12/9/14

DISTRICT: So. Central Coast

Exhibit 9
A-4-SBC-14-0070
Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: 18 November 2014

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

not known

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Andy Gottlieb, 501 Calle Las Caleras, Santa Barbara, CA 93109

(2) Patricia Foley, 515 Braemar Ranch Lane, Santa Barbara, CA 93109

(3)

(4)

Exhibit 9
A-4-SBC-14-0070
Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- 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.)
- This 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.

We are appealing that the Coastal Commission reverse the 18 November decision by the Santa Barbara City Council to approve a proposed single family residence at 3435 Marina Drive. We, and a substantial group of supporters, have followed this development through its many Single Family Review Board hearings, two Planning Commission Hearings, and culminating in an appeal to the City Council.

Throughout this one-sided process, where the architect was given unlimited time to present his plan, we were given only two minute periods to object. This is not sufficient time for any proper presentation. It was not until the City Council presentation that we had 30 minutes to make a presentation. The Council members appreciated the presentation and agreed with some points, and then carefully explained they were unable to support the appeal because it had been made too late and the project owner had spent so much time and money to date. Too late? We had expressed the same objections during all the prior meetings, in two-minute segments.

This biased approach to dealing with neighborhood objections made it impossible for the City Council to objectively support its own Coastal Plan (amendment November 2004) and the Council decision is contrary to that document.

Specifically, this area is in the Component 1 of the Coastal Zone Sub-areas as described on page 7 of the Coastal Plan: "Cliff Drive separates a series of new homes on one acre sites, overlooking the surf, from older, ranch- style houses on larger, often multi-acre, parcels." The City has, with determination, added the 'new homes' that are by far the largest in this area and completely out of style with the rest of the neighborhood. This proposed home to which we are objecting is on the last open lot between the sea and the neighborhood.

This home lies between Cliff Drive and Marina Drive. The region of Cliff Drive that it borders is a very popular designated view area with parking spaces and views of the ocean to the South and of the Campanil Hillside to the North. Marina Drive is itself a designated scenic view corridor with views of the ocean to the South. For five years we have fought to maintain views of the ocean from Marina and succeeded in imposing 30' view corridors on this home and on its Westerly neighbor.

Views are essential in the area and this enormous TWO STORY 5210 ft² plus 1220 ft² basement home is completely incompatible with the neighborhood and blocks scenic views from Cliff drive of the hillside and from the neighborhood to the ocean.

The Santa Barbara Coastal Plan Policy 5.3 proclaims "New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design."

Exhibit 9
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Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**SECTION V. Certification**

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

Signature of Appellant(s) or Authorized Agent

Date: see attachment #2

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

Section VI. Agent Authorization

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

Signature of Appellant(s)

Date: _____

Attachment #1 – Appellant Information

Kitch Wilson
415 Calle Las Caleras
Santa Barbara, CA 93109
(805) 448-5091

Ron Green
3424 Marina Drive
Santa Barbara, CA 93109
(805) 687-7150

Mike Moore
415 Sea Ranch
Santa Barbara, CA 93109
(805) 569-2140

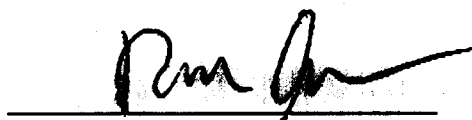
Don Santee
421 Calle Las Caleras
Santa Barbara, CA 93109
(805) 452-8231

Hilary Santee
421 Calle Las Caleras
Santa Barbara, CA 93109
(805) 452-8231

Attachment #2 - Appellant Certification Signatures


Kitch Wilson


12/8/14
date


Ron Green

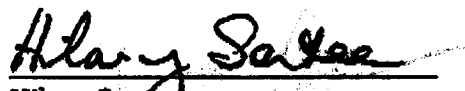
12/8/14
date


Mike Moore

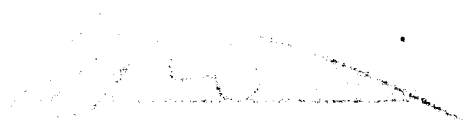
12/8/14
date


Don Santee


12-7-14
date


Hilary Santee

12/7/14
date


Don Santee

12/8/14
date


Hilary Santee

12-7-14
date