City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: August 25, 2016

AGENDA DATE: September 1, 2016

PROJECT ADDRESS: 3407 Sea Ledge Lane (MST2016-00080/CDP2016-00003)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4550
Beatriz Gularte, Senior Planner
Jessica W. Grant, Project Planner

I. PROJECT DESCRIPTION

The project consists of the permitting of five (5) as-built King Palm trees on a 1.05-acre bluff top parcel. No additional development of the existing single-family residence is proposed. The project addresses violations identified in enforcement case ENF2015-00998.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2016-00003) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.060).

APPLICATION DEEMED COMPLETE: August 1, 2016
DATE ACTION REQUIRED: September 30, 2016

III. RECOMMENDATION

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

Figure 1: Vicinity Map of 3407 Sea Ledge Lane (See Exhibit B-C for Applicant Letter and Photo Exhibit)

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Eva Turenchalk, AICP, Turenchalk Planning Services, Inc.		
Property Owner:	Krach-Bastian Family Trust		
Site Information			
Parcel Number:	047-082-010	**Lot Area**:	1.05 ac
General Plan:	Residential (1 du/ac)	**Zoning**:	A-1 (One-Family Residential)
Local Coastal Plan: Residential (1 du/ac)			
Existing Use:	Residential (1 du/ac)	**Topography**:	42% est. avg. slope
Adjacent Land Uses			
North - Residential	**East** - Residential		
South - Pacific Ocean	**West** - Residential		

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

The subject property is developed with a single family residence and is located at the end of Sea Ledge Lane. Sea Ledge Lane is a private road that is gate accessed serving nine single family residences including 3407 Sea Ledge Lane. The property is located on a bluff face with the top of bluff being located closest to Cliff Drive.

The Coastal Act, Public Resources Code Section 30610(a), states that when there is an existing single-family residential building, landscaping on that lot shall be considered a part of that structure. The Coastal Act and our Zoning Ordinance require that any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas require a Coastal Development Permit. Because this is a coastal bluff property, the as-built installation of the King Palms requires a Coastal Development Permit.

While the King Palm trees were installed without benefit of a Coastal Development Permit, single family residential properties in general are allowed per the Zoning Ordinance to landscape their properties. The as-built King Palms would be consistent with the Zoning Ordinance.

B. LOCAL COASTAL PLAN CONSISTENCY

The current General Plan Land Use Designation and Local Coastal Plan Land Use Designation is Residential (1 du /acre). The site is located in the Campanil neighborhood that is bordered on the north by Arroyo Burro Creek; on the south by the Pacific Ocean; on the east by the City limits line; and on the west by Hope Ranch. This neighborhood is characterized as large parcels which are either vacant or contain single-family dwellings.

In order to approve the CDP, the King Palms must be found consistent with both the City's Local Coastal Plan and the California Coastal Act. The project is located in Component One of the City's Local Coastal Plan (LCP), which stretches from the city's westerly boundary, adjacent to Hope Ranch, east to Arroyo Burro Creek, and extending inland 1,000 yards. The major coastal issues in this area that are applicable to projects in Component One include hazards of seacliff retreat, drainage, maintaining and providing public access both vertically and laterally along the bluffs, maintenance of existing public views of the coast and open space, protection of archaeological resources and neighborhood compatibility.

1. Hazards and Seacliff Retreat

   The Local Coastal Plan strives to eliminate or reduce the hazards created by bluff loading and drainage related issues, which contribute to bluff erosion and undercutting of the slope. According to the Geologic Opinion Letter by geologist, Steven Kolthoff of SK Geological, Inc., the King Palms may improve stability of the (bluff) slope and should not be removed (Exhibit D). Mr. Kolthoff recommends that the trees should be watered with drip system at a rate that is confined to the Rhizosphere (root) system and that is not detrimental to slope stability. If any of the palm trees die, the trees should be removed up to the root blub and the remaining Rhizosphere system be left alone. Mr. Kolthoff provides additional recommendations for what to do with the depression left after the tree removal. The as-built King Palms comply with Kolthoff's recommendations with respect to irrigation. The irrigation is designed to release a very small amount of water at a time, and as a result there is no overflow when the trees are watered. A small pool is created at the root ball and fairly quickly absorbed by each tree. The as-built King Palms can be found consistent with the policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

   Staff does not recommend that new palm trees be allowed to replace any that dies, since new landscaping that is more drought tolerant is preferable.

2. Views

   Currently the King Palms are less than five feet in height. A King Palm's full mature height is approximately 50 feet with a palm canopy ranging from 10 to 15 feet. The King Palms would not impact any public views to the ocean from Cliff Drive and would be consistent with the policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

   The King Palms, however, may impact the private view of the single family residence located directly north of the property at 3425 Sea Ledge Lane, as the King Palms mature. SBMC Section 22.76 outlines the City's View Dispute Resolution Process, which is a voluntary tool available to neighbors to help resolve private view issues related to trees and vegetation. It is a private process that is designed to help foster better communication between neighbors. The City is not involved in mediating disputes, advising neighbors on private views or vegetation issues, or enforcing agreements reached between neighbors. The intent of the process is to give property owners a communication framework to help restore private views and to encourage the proper maintenance of trees and vegetation. It is hoped that, when necessary, difficult disputes between neighbors will benefit from a third party (mediator or arbitrator) to bring both parties to an agreement.

VII. ENVIRONMENTAL REVIEW

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15304 (Minor Alterations to Land), which allows for landscaping on private property.

VIII. FINDINGS

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act as described in Section VI of the Staff Report because the King Palm trees will not create a significant impact the bluff face's stability or the trees will not impact public views from Cliff Drive.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code as described in Section VI of the Staff Report because the King Palm trees will not create a significant impact the bluff face's stability or will not impact public views from Cliff Drive.

Exhibits:

A. Conditions of Approval
B. Applicant's letter, dated February 22, 2016
C. Applicant Photo Exhibit
D. Geological Opinion Letter, dated November 29, 2015
E. Applicable Local Coastal Plan Policies

PLANNING COMMISSION CONDITIONS OF APPROVAL

3407 SEA LEDGE LANE
COASTAL DEVELOPMENT PERMIT
SEPTEMBER 1, 2016

I. **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 and the Community Development Director, recorded in the Office of the County Recorder, and shall include the following:

A. **Approved Development**. The development of the Real Property approved by the Planning Commission on September 1, 2016 is limited to only the King Palms as shown on the site plan signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

B. **Tree Conditions**. The property shall comply with the following conditions in the Geologic Option Letter dated December 9, 2015 and prepared by geologist, Steven Kolthoff of SK Geological, Inc.:

1. The palm trees planted on the slope of concern may improve the stability of the slope and should not be removed.

2. If a palm tree dies, the tree should be removed up to the root bulb and the remaining Rhizosphere (root) system be left along. The depression left after the tree removal should be backfilled with a soil with a clay matrix so surface runoff does not infiltrate into the slope along the root system at unwanted rates that could saturate the slope soils at depth.

3. The palm trees planted on the slope should be watered with a drip system at a rate that is confined to the Rhizosphere system and that is not detrimental to slope stability.

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.

EXHIBIT A

Turenchalk Planning Services

TO: City Planning Staff

FROM: Eva Turenchalk, AICP

DATE: February 22, 2016

SUBJECT: CDP for 3407 Sea Ledge Lane

RECEIVED
FEB 29 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

Enclosed please find our application for a CDP at 3407 Sea Ledge to formalize the five palm trees along the driveway that were planted by Ms. Bastian's late husband approximately 7 years ago that are the subject of a complaint. As you can see from the attached geological memo, the trees pose no danger to the nearby bluff, and in fact may even serve to stabilize the slope. The memo goes on to state that the trees should be watered by drip irrigation within the area of the root ball (which is what has been happening since installation). Additionally, since it has been approximately 7 years since the trees were planted, we have a real-life understanding of the fact that neither the trees nor their irrigation have undermined the slope.

The trees were a present to Ms. Bastian from her late husband and she would very much like to keep them. Given the above findings that the trees pose no issues to the nearby slope, we respectfully ask that the CDP be approved to allow the trees to remain.

Enclosed please find:

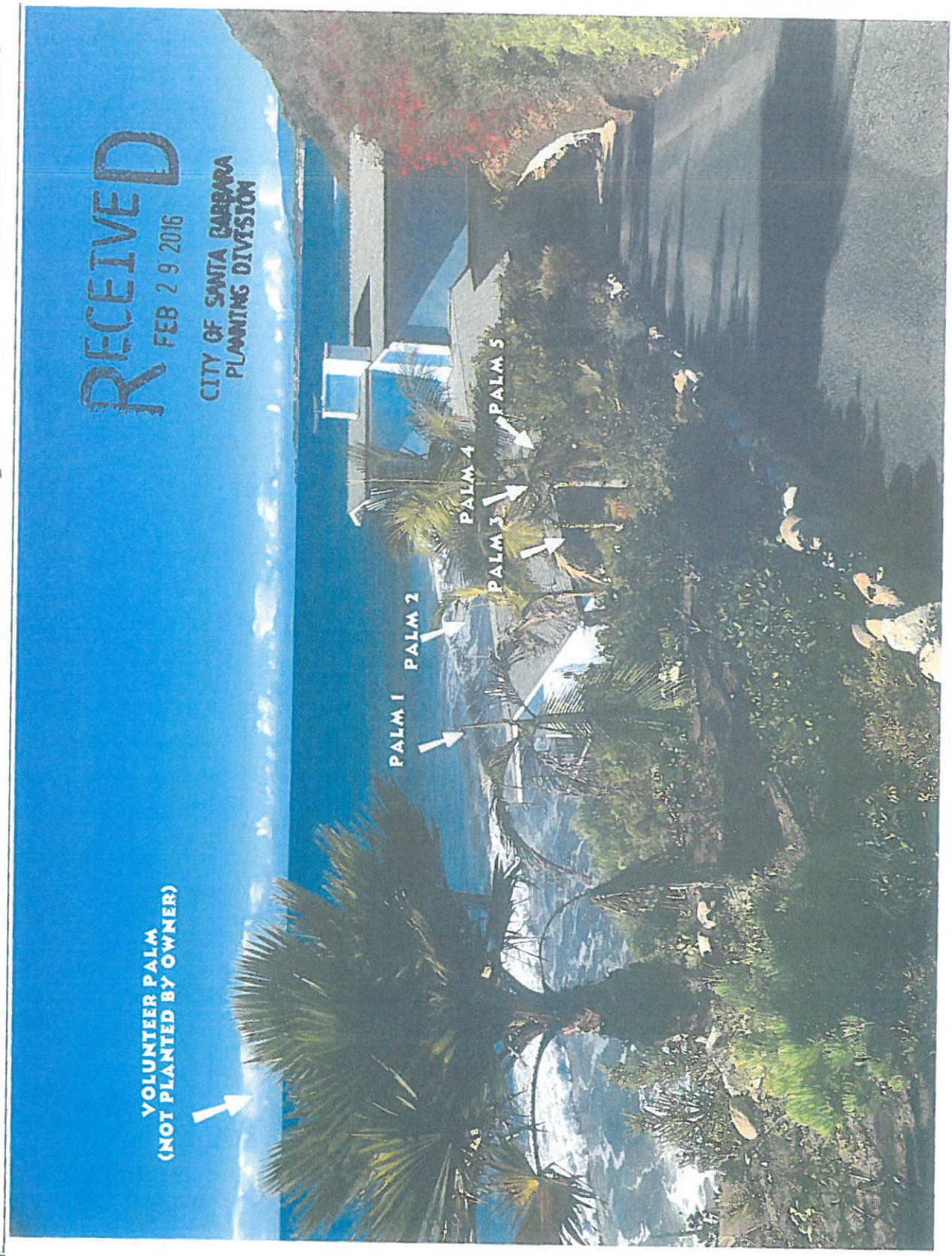
One	(1)	Submittal check
One	(1)	Master Application
One	(1)	CDP Application
Three	(3)	Copies of Site Plan showing tree location
One	(1)	Memo from SK Geological, Inc
One	(1)	Set of Photos of the palm trees
One	(1)	Agent Authorization Form
Two	(2)	Sets of tenant noticing labels (100' from property)
One	(1)	Signed Tenant Notification Affidavit

I am also happy to provide digital versions of any of the above items. If you have any questions or require additional information, please don't hesitate to ask.

Thank you!

EXHIBIT B

3407 Sea Ledge Lane – Exhibit of Palms planted between 2008-2010



RECEIVED
FEB 29 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT C

3407 Sea Ledge Lane – Exhibit of Palms planted between 2008-2010

Rear View

Geological, Inc.
onsulting
ologists

..ember 9, 2015

SK-111A

Chris Krach-Bastian
3407 Sea Ledge Lane
Santa Barbara, CA 93109

RECEIVED
FEB 29 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

Attention: Ms. Chris Krach-Bastian

Subject: **GEOLOGIC OPINION LETTER**
PALM TREES PLANTED ON SEAWARD SLOPE
3407 SEA LEDGE LANE
CITY OF SANTA BARBARA
SANTA BARBARA COUNTY, CALIFORNIA

Ms. Krach-Bastian:

Upon request by Ms. Eva Turenchalk, your agent, **SK Geological, Inc. (SKG)** is pleased to submit to you this opinion letter to evaluate the existing palm trees at 3407 Sea Ledge Lane and their impact on the downslope and seaward slope to the beach from the driveway and their role in regard to this slope. It was discovered that the slope of concern is on a mapped geologic hazard/landslide as discussed during the study performed on your property by SKG in 2013. The following letter contains our opinion of the palm trees and their impact on the slope on the seaward side of the driveway, 3407 Sea Ledge Lane, Santa Barbara, California.

LIMITED RESEARCH

During our limited research, it was determined that root systems from vegetation have been known to stabilize slopes as compared to no vegetation. In fact, slopes with no vegetation are known to be less stable and more subject to erosion than slopes with vegetation. The studies found in the following references tested the mechanical ability of soils with root systems and concluded that root systems improve soil stability.

Chirico, Giovanni B., et. al., 2013, ***ROLE OF VEGETATION ON SLOPE STABILITY UNDER TRANSIENT UNSATURATED CONDITIONS***, Procedia, Environmental Sciences.
http://ac.els-cdn.com/S1878029613003733/1-s2.0-S1878029613003733-main.pdf?_tid=9683286a-96d0-11e5-a8bd-00000aab0f27&acdnat=1448826012_30587f5495da0eefb20c57c034e430e7

Goldsmith, Wendi, 2006, ***SOIL STRENGTH REINFORCEMENT BY PLANTS***, The Bioengineering Group, Inc. 18 Commercial St. Salem, MA 01970-3917.
http://www.ieca.org/membersonly/cms/content/Proceedings/Object166PDFEnglish.pdf

1826 El Rey Road, San Pedro, California, 90732,

Email: stevenk.skgeo@gmail.com Phone: 310-833-3820 Cell: 310-251-1717

EXHIBIT D

Most of the studies done regarding soil stability and trees were concerned with grasses and trees other than palm trees. However, it was discovered that palm trees are generally deep rooted with a root system that has a main system that is as thick as the largest diameter of the trunk and others that spread out laterally, which, according to the studies in the aforementioned references, under general conditions, is better for slope stability than no vegetation (see Figure 1 below).

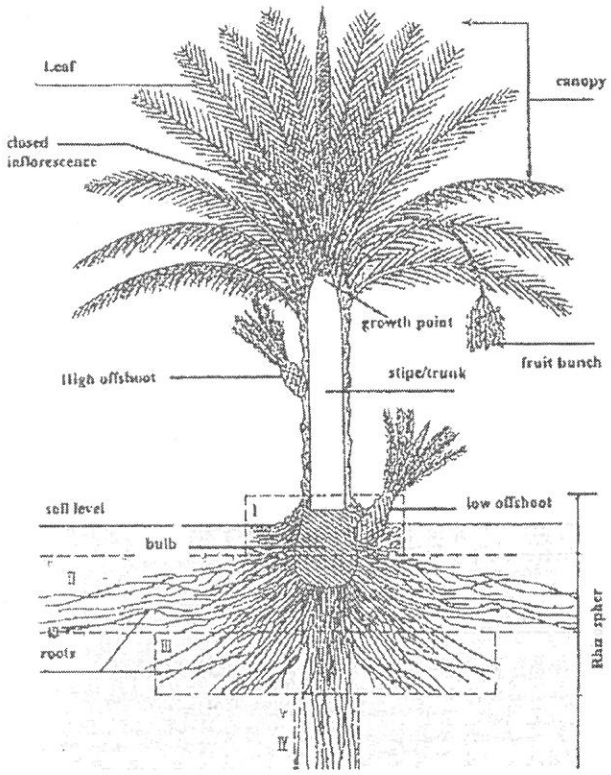


Figure 1:

Palm tree root system diagram. Note the extent of the Rhizosphere (root) system. The tap root, IV, is deep and the lateral root system, II–III, is shallow and wide. This type of root system could increase the stability of a slope.

Note:
Rhizospher in Figure 1 is misspelled and should be Rhizosphere.

http://imgarcade.com/1/palm-tree-roots-underground/

In general, palm trees are tropical and require a moderate to high rate of water consumption to survive. Southern California has a typical Mediterranean climate in which the soils are unsaturated during most, if not all, of the year except under selected riparian and irrigated conditions.

It is our opinion that,

1. The palm trees planted on the slope of concern may improve the stability of the slope and should not be removed.

2. If a palm tree dies, the tree should be removed up to the root bulb (see Figure 1) and the remaining Rhizosphere system be left alone. The depression left after the tree removal should be backfilled with a soil with a clay matrix so surface runoff does not infiltrate into the slope along the root system at unwanted rates that could saturate the slope soils at depth.

3. New palm trees can be replaced per city permission and regulations but not in the same location of the removed tree depression.

4. The palm trees planted on the slope should be watered with a drip system at a rate that is confined to the Rhizosphere system and that is not detrimental to slope stability.

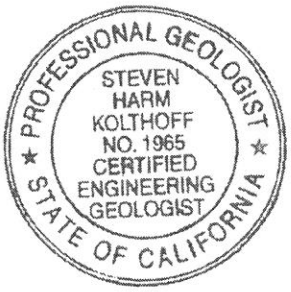
LIMITATIONS

This report does not cover global slope stability, other geologic or landscape watering issues but only the possible benefit of having vegetation with favorable Rhizosphere systems such as palm trees and the necessity of watering such vegetation so a slope stability problem is not created. Any other issues that concern slope stability or geology, in general, are not covered by this opinion letter.

Concluding Remarks

If you have any questions concerning this letter, please give me a call at 310-251-1717.

Very truly yours,



Steven H. Kolthoff, CEG-1965, exp. 8/31/2017

Distribution: (1) PDF via e-mail

Reference:

SK Geological, Inc., 2013, ***GEOLOGICAL OPINION REPORT, SEA BLUFF STUDY, 3407 SEA LEDGE LANE, CITY OF SANTA BARBARA, SANTA BARBARA COUNTY, CALIFORNIA.***

GENERAL POLICY EVALUATION

The Coastal Act policy pertaining to minimizing risks to life and property from geologic, flood, and fire hazards is also the Goal of the Seismic Safety/Safety and Conservation Elements to the General Plan. The policy statements and recommendations contained within these Elements adequately fulfill the intent of the Coastal Act in this regard.

In relation to the second Coastal Act Hazards policy regarding the protection of the seacliffs and structures placed on them, the Seismic Safety/Safety Element also addresses this concern. However, the Element does not contain enough detail in its policies and recommendations to adequately fulfill the intent of this particular aspect of the Coastal Act. Additional policies pertaining to seacliff protection are provided in this report so that the intent of the Coastal Act is fulfilled (see the "Water and Marine Resources" section of this chapter).

The following matrix summarizes the adequacy of local conformity to the Coastal Act:

Hazards	Exist. Cond.	Local Policy	Local Land Use	Local Zoning
1. New development shall minimize risks in geologic, flood, and fore hazard areas.	_	O	_	_
2. Assure stability and not require alteration of bluffs.	_	O	_	_

LCP POLICIES

Policy 8.1

All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are:

(1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;

(2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property;

(3) the drainage system is designed to be minimally visible on the bluff face.

Policy 8.2

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

Action

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

GENERAL POLICY EVALUATION

In recent years the existing City review bodies and implementing ordinances have achieved a degree of visual quality for most development in the City. However, in the coastal zone, large vacant parcels in Components 2, 4, and 5 which are undeveloped or inappropriately developed warrant additional considerations.

Visual Resources	Existing Conditions	Local Policy	Local Land Use	Local Zoning
Protect Coastal scenic and visual qualities	_	_	_	•

In addition, both Mission and Sycamore Creeks are visually as well as environmentally degraded and present controls have been ineffectual in improving their condition. In general, the existing regulations designed to insure the protection of visual and scenic resources appear adequate to meet the intent of the Coastal Act. However, more specific policies and actions need to be developed to carry out the actions already recommended in the General Plan and address the following two issues:

(1) Protection and enhancement of public views where they now exist within the coastal zone.

(2) Enhancement of the visual quality of the Waterfront Area.

LCP POLICIES

Policy 9.1

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

(1) Acquisition of land for parks and open space;

(2) Requiring view easements or corridors in new developments;

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

(4) Developing a system to evaluate view impairment of new development in the review process.

Actions

- Explore Federal, State, and local funding sources for park and open space acquisition.
- Delineate view corridor locations on new construction/ development plans by additional building limits, building orientation, and setback requirements.
- Establish standards of acceptable view protection to be utilized by developers, City staff, and discretionary bodies to ascertain a project's height, setback, and clustering of buildings.

Policy 9.2

A special design district in the waterfront area, excluding the area mentioned in Policy 9.4, shall have area-wide architecture design standards developed by the Architectural Board of Review for their use in their design review of new development.