



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

December 14, 2006

CALL TO ORDER:

Chair John Jostes called the meeting to order at 1:02 P.M.

ROLL CALL:

Present:

Chair John Jostes

Vice-Chair Charmaine Jacobs (arrived at 1:05 P.M./left at 1:59 P.M.)

Commissioners Stella Larson (arrived at 1:05 P.M.), Bill Mahan, George C. Myers, Addison S. Thompson and Harwood A. White, Jr. (arrived at 1:03 P.M.)

Absent:

None

STAFF PRESENT:

Jan Hubbell, Senior Planner

JoAnne LaConte, Assistant Planner

Chelsey Swanson, Assistant Planner

N. Scott Vincent, Assistant City Attorney (arrived at 1:21 P.M.)

Kathleen Goo, Acting Planning Commission Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

No requests.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

The Veronica Meadows project was approved at City Council on December 12, 2006. Approval of the Tentative Subdivision Map should follow on Council's Consent Calendar if it is consistent with what was approved. The application will then be submitted to the Local Agency Formation Commission and the Coastal Commission for their components of the decision.

- C. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:03 P.M. and, with no one wishing to speak, the public hearing was closed at 1:04 P.M.

II. NEW ITEMS:

ACTUAL TIME: 1:04 P.M.

A. APPLICATION OF DIANE NORMAN, 612 ALSTON ROAD, APN 015-171-014, A-2 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE (MST2005-00184)

The project involves the subdivision of a 88,205 square foot parcel (net) into two parcels totaling 46,695 net square feet (Parcel A) and 42,597 net square feet (Parcel B) in the A-2 Zone. An existing single-family residence would remain on proposed Parcel A and no new development is currently proposed for Parcel B. A modification would be required for Parcel B to have less than the required 100 feet of frontage on a public street. The proposed project was previously reviewed by the Planning Commission on October 5, 2006, and was continued indefinitely. This proposal is similar to the previous proposal, with minor changes to parcel sizes.

The discretionary applications required for this project are:

1. A Modification to allow less than the required street frontage for a newly created lot in the A-2 Zone (SBMC §28.15.080 and §28.92.110.A); and
2. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC §27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (minor land divisions).

Case Planner: Chelsey Swanson, Assistant Planner

Email: cswanson@SantaBarbaraCA.gov

Chelsey Swanson, Assistant Planner, gave the staff presentation, and commented she received one petition letter in opposition to the project due mainly to the requested modification.

Commissioners' comments and questions:

1. Asked about detention basin and why that particular location was chosen and queried how that detention basin might also serve Parcel A.
2. Asked about Item A.5 in the Conditions of Approval, which designates that "the owner" shall be responsible for maintenance of the drainage system, and requested that it be specified whether it is owner of Parcel A or Parcel B or "each owner" in the Conditions of Approval in case the lots should change ownership.

Ms. Swanson stated that the location of the detention basin was chosen as the most reasonably feasible location due to the way the parcel drains.

Ms. Hubbell verified that, since there will be a drainage system for both Parcel A and Parcel B, both parcels will state that “each owner” is responsible for maintenance of their drainage system in the Conditions of Approval in case the lots should change ownership.

Chair Jostes opened the public hearing at 1:13 P.M and, with no one wishing to speak, the public hearing was closed at 1:14 P.M.

Commissioners’ comments and questions:

1. Asked how detention basin would function.
2. Confirmed that the east-west lot configuration and Parcel A would meet size requirements.
3. Clarified that the design details of the detention basin will return for review before the Architectural Board of Review (ABR) when a building is proposed on the proposed lot, and that what is presented today is only a conceptual design and not approval of a specific design.
4. Reviewing the report and options, the drainage seems to be improved and the earthquake vulnerability appears to remain unchanged by any of the options. One Commissioner found staff’s recommendation for Option 1 is supportable, since the driveway and easement issues seem to be the larger deciding factors.
5. At least one Commissioner felt that including in the driveway to reduce the average slope is not really meeting the spirit of slope density. Since the Zoning Ordinance allows for a modification to the Slope Density requirement, there seems to be an option to meet the Slope Density requirement. Commented the flag lot configuration is not as good as the option shown where Parcel B would be 50,000 sq. ft. and have no street frontage. Another version of an east-west lot line configuration could be done with the lot area modification and might be acceptable as long as there are restrictions on use in the borderline area. These options would push the development into the middle of the site and keep it low for mutual benefit or minimal impact on the northerly house. Both Option 1 and Option 2 push the development eastward and upward, and neighbors to the east will be more adversely affected.
6. Concurs that there is a feasible option utilizing the east-west lot line, where Parcel B would have no street frontage and would be 50,000 square feet, and did not see the logic of newly proposed options. Commented that the revised project does not address the underlying issues that the Commission wanted the project to evaluate.
7. Commented it is difficult to make findings for flag-lots and determining whether they have the appropriate level of development. As a single-family residence, the proposed project has the appropriate level of development and easements would be appropriate to protect the trees along eastern property line.
8. Commented that Parcel B will be a flag lot whether an easement is created or not; it will be used the same.
9. Commented that prefers Option 1 with some adjustment to the parcel lines to widen the building envelope for Parcel B, where a house could be built further from the easterly property line.
10. Commented that either the flag lot or non-flag lot configuration options are consistent with the neighborhood, and would like to see a conforming option to comply with slope density. Oak trees should be protected and should have a good

- building envelope across the slope to ensure compatible development on the new parcel.
11. Consensus of the Commission to allow for a more centralized building envelope for increased development along the contour lines of the slope.
 12. Requested clarification of building envelope for Parcel A. Would not support modification for slope density for Parcel B.
 13. Asked Mr. Blake to clarify how the driveway area for Parcel B impacts slope density.
 14. Consensus that the Commission is not in favor of Option 1 or Option 2. Commission is looking for building envelope that goes across the contour line, and does not to impact the easterly neighbor, which would require a reconfiguration of the lots. Applicant's options are either a denial from the Commission and then to appeal the denial or a continuance for redesign to reconfigure Parcel B as a grand-flag lot or with an access easement and an east-west dividing lot line and building envelop.
 15. Minimum street frontage for Parcel B should be 50 feet if a flag lot is proposed.
 16. One Commissioner reminded the Commission that it is the applicant's job to design, and the Commission's job to review that design or request redesign with competent professionals and staff ready to assist in incorporating those requests into the final design.
 17. Commented that the property owner could maintain control over future development on Parcel B with the implementation of a view easement.

Ms. Swanson and Ms. Hubbell responded that Preliminary Hydrology report design of the detention basin would result in an actual decrease in runoff from pre-development to post-development conditions, of a 25 year storm event. The basin was designed to decrease the existing 25 year storm event runoff by .12 cubic feet per second, and the hydrology report states that the proposed project would use a three feet deep infiltration pit below the detention facility to treat the storm water runoff (i.e., it catches any increase in runoff over the existing 25 year storm event and allows it to percolate through or self-treat). A final hydrology report is expected and subject to review when the final map is submitted.

In response to feasibility issues of the options, Ms. Hubbell stated the project is dealing with no frontage or partial frontage, and while either option is feasible, there are some considerations to keep in mind: The "flag" area would be used as a driveway whether or not there is an easement and this area would not be useable space for Parcel A either way. Staff prefers some frontage for a newly created parcel rather than no frontage where the owner using the driveway would also have control over that access. Staff supports Option 1 because it provides more frontage than Option 2, and also allows for minimal impacts to oak trees where the driveway would be located.

Ms. Hubbell stated staff believes that meeting slope density is of high importance and that slope density modifications are higher up the hierarchy than street frontage modifications, as far as supportability goes. Neighboring lots either are flag-lots or have no frontage, and staff supports the flag lot configuration, with some street frontage, as well as ownership of the driveway for Parcel B.

Ms. Hubbell stated there is no option to send the project back to Staff Hearing Officer (SHO). If a re-design is requested of the applicant, then staff recommends avoiding the

issue of a slope density modification and a continuance of the proposed project to a later date.

Mr. Jed Blake, Tentative Map Preparer, expressed reasoning behind parcel configurations, including ownership of the driveway area for Parcel B and protecting the owner's views on Parcel A.

Ms. Diane Norman, Owner, stated that she would like to move forward on the project, but observed that they seem to be going back and forth between alterations in plans for both parcels. She stated that, if the future house on Parcel B is lower on the site, as the Commission is requesting, it will be more visible to adjacent houses, and that the house would work better where she is currently proposing it, up higher and tucked into the vegetation.

Mr. Blake replied his intention was to configure the lots per the request of his client and that he didn't consider the lot contours with regard to the building envelopes.

MOTION: White/Mahan

To continue the project to the January 4, 2007 Planning Commission meeting, and to change the lot to a non-flag lot or grand-flag lot with an east-west contour lot line to cross a substantial portion of the lot, a building envelope that follows the contours, the southerly portion of property having a creek setback if applicable and to provide for protection of the oak trees along the edge of the property line.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

COMMISSIONER JACOBS STEPPED DOWN ON THE NEXT ITEM.

ACTUAL TIME: 2:00 P.M.

B. APPLICATION OF ALICIA HARRISON, AGENT FOR THOMAS DUNLAP JR. AND KATHERINE M. DUNLAP, TRUSTEES OF THE DUNLAP FAMILY TRUST, 3443 SEA LEDGE LANE, 047-082-005, A-1/SINGLE-FAMILY RESIDENTIAL AND SD-3/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE (MST2005-00743)

The proposed project consists of the removal of an existing swimming pool, hardscaping alterations over the pool location, minor "as-built" repairs to the existing rear stairway and deck, relocate and replace drains and pipes and replacement of an existing chain link fence with a black chain link fence. The proposal includes 130 cubic yards of grading. The property is developed with an existing 3,150 square foot single-family residence and two-car garage on a 36,770 net square foot lot located in the Appealable Jurisdiction of the City's Coastal Zone.

The discretionary application required for this project is:

A Coastal Development Permit (CDP2005-00017) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

Case Planner: Jo Anne La Conte, Assistant Planner

Email: jlaconte@SantaBarbaraCA.gov

Jo Anne La Conte, Assistant Planner, gave the staff presentation, mentioning that she received one letter in support of the project which has been forwarded to the Commission.

Mr. Vincent commented that the City Attorney's Office realized there is another outstanding code enforcement matter which should be resolved *prior* to approval of the proposed project regarding the gates of the driveway of the parcel, and requires an additional Condition No.3, under Section D, in the Conditions of Approval. This additional condition would require either prior resolution of the issue regarding the gates of the driveway of the parcel to the satisfaction of the Building Code Enforcement Officer or the simultaneous pulling of a building permit which would resolve of the case to the satisfaction of the Building Code Enforcement Officer. An action is required at this time by the Commission since it is important that an outstanding code enforcement matter is not left hanging or unfinished before a discretionary action is made by the Commission.

Commissioners' asked about the large 30-inch aluminum drainage pipe on the eastern property line, and if it is part of the drainage on this site.

Mr. Tom Dunlap, Property Owner, responded that the condition of the 30-inch aluminum drainage pipe was analyzed and it was repaired. It was determined that the pipe only happens to traverse across the property on the way to the sea, but that it supplied drainage from all properties above the sea cliff area and not from any properties in the particular area of the proposed project.

Dawn Sherry, Architect, made the applicant's presentation.

Commissioners' questions:

1. Asked about the three existing catch basins and one existing french drain, and requested an explanation for this configuration and its purpose.
2. Asked if any semi-permeable paving was considered instead of continuous hardscape, and the extent of the hardscape.
3. Commented that the unstable sea ledge area calls for solutions using hardscape instead of permeable or semi-permeable solutions.
4. Requested clarification that the applicant's only problem in obtaining the as-built building permit is Mr. Neubauer refusal to sign the permit since the access gates were originally constructed on his property.
5. Commented that fixing the broken pipes on the unstable bluff area is a serious matter to the residents of the bluff neighborhood, and even though the stalemate for signatures is a concern for both property owners, requested that some of the construction be allowed to go forward in order to fix the damaged drainage pipes to

help stabilize the bluff area since there seems to be a health and welfare issue that should be addressed.

6. Asked about status of Mr. Neubauer's project application.

Ms. Sherry clarified drainage issues on the west and east portion of the property in response to questions raised at the recent site visit by the Commission: a) existing broken drain lines which cut across and hug the west side of the stairway will be replaced with new pipe that will meander and follow the landscape, and in some cases be shielded by new landscaping; b) areas seen from the bluff will be removed without compromising the bluff slope; c) damaged easterly pipe will be replaced with new high density polyethylene pipe with pipelines replaced at the catch basin and not along the bluff so as not to compromise the integrity of the bluff line, and; d) access to old drainage would be blocked off and replaced with newly attached pipelines. The proposed project involves improvement of the existing site regarding hardscape, drainage, removals, etc., and general pipe replacement with 4-inch black pipe with no aesthetic changes to the pipelines. At this time, the City's Engineering Division had no reported neighborhood public concerns through DART review regarding drainage issues.

Ms. Sherry explained that there would be no changes to the existing drainage since it works sufficiently to ensure the least amount of ground disturbance to the bluff slope area. The purpose of the french drain is to collect surface drainage from runoff. An eastside bioswale is also proposed to catch and filter this runoff.

Mr. Chris Jacobs, Agent, submitted some letters of support for the project, and explained to the Commission that the Dunlap property is served by an old easement which crosses an adjacent property owned by Mr. David Neubauer. Mr. Jacobs explained that the previously constructed gates and part of the driveway on Mr. Newberry's property serve as access to the subject property, and Mr. Neubauer is unwilling to sign the as-built building permit since he currently views the gates as a zoning violation as there were no permits issued for their original construction. Since the project cannot move forward by obtaining the as-built building permit without the property owner's signature, and since Mr. Neubauer refuses to sign the permit, the current project is on hold until this matter can be resolved. He requested that the City submit the as-built building permit without Mr. Neubauer's signature, and also stated he understood the reasons for the additional condition made by the City Attorney's Office.

Mr. Vincent stated that there must be some resolution to the outstanding code enforcement matter regarding the gates to the parcel to the satisfaction of the Building Code Enforcement Officer prior to any discretionary action made by the Commission. Some resolution must be found between property owners to the stalemate for signatures for the as-built building permit.

Mr. Vincent stated that sole blame cannot be assigned to the applicant since the neighbors have not facilitated a resolution to the code enforcement issue that they initiated in the first place. He stated he believed that both property owners have not fully explored mutually beneficial solutions for a compromise.

Mr. Vincent agreed that there are differing priorities for resolution, but is not exactly sure how to effectively bifurcate the as-built building permit to allow some improvements and

not others since most of the proposed improvements are interrelated and located outside the residence, so there will be no “hook” or check the City can make after the building permit is issued (e.g., the Certificate of Occupancy) that will ensure the full interest of the applicant in sufficiently completing these improvements.

Ms. Hubbell responded that Mr. Neubauer’s project has received the Commission’s approval, but has not moved forward with his project since he is currently waiting for ABR approval. He has recently submitted additional improvements after Commission’s approval which is not consistent with that approval, and staff is currently working with him to resolve these additional proposals.

After receiving a confirmation phone call, Mr. Vincent clarified that since Mr. Neubauer initiated the code enforcement issue, the City will not require his signature on the as-built building permit for the currently proposed Dunlap application, thus negating the need to bifurcate the permit and removing a significant impediment to the resolution of the outstanding code enforcement issue.

Mr. Jacobs stated he has all the application materials and fees ready to submit for the as-built building permit.

Chair Jostes opened the public hearing at 2:35 P.M.

The following member of the public expressed support, yet concern for the proposed project:

Mr. David Neubauer stated he supported the proposed project. He expressed concern that the gates and debris walls were built without permits by the previous owner. He also requested an additional Condition to support discussion between himself and Mr. Jacobs for resolution of gate issues.

Mr. Jacobs stated he believed it would be inappropriate to add an additional Condition to the Conditions of Approval simply to resolve a dispute between neighbors.

The public hearing closed at 2:40 P.M.

Commissioners’ comments and questions:

1. Clarified that the gates are not part of the application, and commented that drainage pipes should be painted to match the bluff or landscaping.
2. Commented on a preference for the black-clad 8-foot chain-link fence used in the project.
3. Stated support for the project and deferred to Mr. Vincent to resolve neighbor issues.

Mr. Vincent clarified that additional Condition made by the City Attorney’s Office is appropriate and does not create an undue impediment to the proposed project.

MOTION: Mahan/Myers

Assigned Resolution No. 052-06

Approved Coastal Development Permit, making the findings outlined in Section VII of the Staff Report, and subject to the recommended Conditions of Approval in Exhibit A with additional Condition No.3, under Section D, which will require either prior resolution of the driveway gates enforcement case to the satisfaction of the Building Code Enforcement Officer or the simultaneous pulling of a building permit which would resolve the case to the satisfaction of the Building Code Enforcement Officer.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jacobs)

Chair Jostes announced the ten calendar day appeal period.

III. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Larson reported that the new domed streetlight fixtures around Cottage Hospital have been completed.

B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.080.

None were requested.

IV. ADJOURNMENT

MOTION: Thompson/Larson

Adjourn the meeting.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jacobs)

Chair Jostes adjourned the meeting at 2:49 P.M.

Submitted by,

Kathleen Goo, Acting Planning Commission Secretary