



## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

May 8, 2014

#### CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:00 P.M.

#### I. ROLL CALL

Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Mike Jordan, Sheila Lodge, and June Pujo.

**Absent: Vice Chair Thompson**

#### STAFF PRESENT:

Bettie Weiss, City Planner  
John Ledbetter, Principal Planner  
Allison De Busk, Project Planner  
N. Scott Vincent, Assistant City Attorney  
Irma Unzueta, Project Planner  
Tony Boughman, Assistant Planner  
Julie Rodriguez, Planning Commission Secretary

#### II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of April 10, 2014
2. Resolution No. 009-14  
296 Schulte Drive

#### MOTION: Jordan/Pujo

Approve the minutes and resolution as presented.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Bartlett, Lodge) Absent: 1 (Thompson)

3. Draft Minutes of April 17, 2014

**MOTION: Jordan/Pujo**

Approve the minutes as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Lodge) Absent: 1 (Thompson)

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

None.

C. Announcements and appeals.

Ms. De Busk made the following announcements:

1. The Planning Commission meeting of May 15, 2014 has been cancelled. There will be a special meeting of the Planning Commission on May 22, 2014, at 9:00 A.M. to hear the items that were scheduled to be heard on May 15, 2014. The site visits will still take place on May 13, 2014.
2. The appeal of the Architectural Board of Review (ABR)'s final approval of 510 N. Salsipuedes Street will be heard by City Council on May 20, 2014.

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

Chair Schwartz opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

III. **DISCUSSION ITEM:**

**ACTUAL TIME: 1:07 P.M.**

**COMMUNITY DEVELOPMENT DEPARTMENT BUDGET**

Staff presented an overview of the proposed Financial Plan for Fiscal Year 2015 to the Planning Commission with highlights for the Community Development Department (CDD). On April 22, 2014, the City Administrator presented the Proposed Financial Plan to the Council, and the Council hearing for the Community Development Department is scheduled for Thursday May 14, 2014.

Contact: Bettie Weiss, Acting Community Development Director/City Planner

Email: [BWeiss@SantaBarbaraCA.gov](mailto:BWeiss@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 5509.

Bettie Weiss, Acting Community Development Director/City Planner, gave the Staff presentation and responded to the Commission's questions about aspects of the budget, including topics such as an additional staff position for plan check, reinstatement of Board and Commission Stipends, planning fees, and performance objectives.

IV. NEW ITEM:

ACTUAL TIME: 1:51 P.M.

APPLICATION OF BRUCE ALKER, ARCHITECT FOR SAM AND AMY CHESLUK, 1423 SHORELINE DRIVE, APN 045-185-005, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL, LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2013-00527)

The proposed project involves the construction of a 440 square foot second-story addition to an existing 2,950 square foot two-story single-family residence with an existing attached 575 square foot three-car garage. The project is located on a 12,632 square foot bluff top lot in the East Mesa neighborhood. No changes are proposed to the existing deck, patio or swimming pool in the rear yard. The discretionary application required for this project is a Coastal Development Permit (CDP2014-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

Case Planner: Tony Boughman, Assistant Planner  
Email: TBoughman@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4539.

Tony Boughman, Assistant Planner, gave the Staff presentation.

Bruce Alker, gave the Applicant presentation.

Chair Schwartz opened the public hearing at 2:03 P.M., and with no one wishing to speak, the public hearing was closed.

**MOTION: Pujó/Bartlett**

**Assigned Resolution No. 010-14**

Approved the project, making the findings for the Coastal Development Permit as outlined in the Staff Report, dated May 1, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following addition to the Conditions of Approval:

1. Add **Section G. Design Review Requirements.** Condition 1. The 20 closest homes survey, as required per the Single Family Design Board (SFDB) General Design Guidelines and Meeting Procedures, Section 3.5.2., shall be prepared and submitted to the SFDB prior to consideration of project design approval.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

Chair Schwartz called for a recess at 2:32 P.M. and reconvened the meeting at 2:44 P.M.

**V. DISCUSSION ITEM**

**ACTUAL TIME: 2:44 P.M.**

**INITIATION OF HOUSING ELEMENT UPDATE**

The Planning Commission will consider initiation of a General Plan Amendment to update the Housing Element of the City's General Plan in accordance with State law. State law requires that Housing Elements be updated at least every five years with mandatory review and certification by the State Department of Housing and Community Development (HCD). The City's Housing Element was last certified by HCD in 2012. Due to legislative changes associated with the adoption of the Sustainable Communities Strategy (SCS) and a new 8-year planning period (2015-2023), the Housing Element will be updated to comply with this new timeframe. Substantial policy changes are not anticipated as part of the update. It is primarily an update of housing information related to existing and projected community housing needs and quantified objectives to meet those needs.

Case Planner: Irma Unzueta, Project Planner

Email: IUnzueta@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4562.

Irma Unzueta, Project Planner, gave the Staff presentation. John Ledbetter, Principal Planner was present to answer any of the Commission's questions.

The Commission appreciated Staff's presentation and clarifications on the process and scope of work related to the Housing Element Update. The Commission acknowledged that meeting the statutory timeline requirement is important and offered their support and encouragement to this ambitious undertaking.

**VI. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 3:37 P.M.**

**A. Committee and Liaison Reports.**

**1. Staff Hearing Officer Liaison Report**

Commissioner Jordan reported on the Staff Hearing Officer meeting held on April 30, 2014.

2. Other Committee and Liaison Reports.
  - a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of May 7, 2014.
  - b. Commissioner Pujo reported on the Creeks Committee meeting of April 23, 2014.
  - c. Commissioner Schwartz reported on the Water Commission meeting of April 14, 2014.
  - d. Commissioner Jordan reported on the Regional Water Quality Board.
  - e. Commissioner Pujo announced that the City's Single Use Bag Ordinance goes into effect next week.
3. Report from the Chair.
  - a. The Planning Commission will conduct site visits next Tuesday for items originally scheduled for May 15, 2014.
  - b. The agenda items originally scheduled for May 15, 2014 will now be heard on May 22, 2014.

**VII. ADJOURNMENT**

Chair Schwartz adjourned the meeting at 3:51 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary





# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-14  
1423 SHORELINE DRIVE  
COASTAL DEVELOPMENT PERMIT  
MAY 8, 2014

**APPLICATION OF BRUCE ALKER, ARCHITECT FOR SAM AND AMY CHESLUK, 1423 SHORELINE DRIVE, APN 045-185-005, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL, LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2013-00527)**

The proposed project involves the construction of a 440 square foot second-story addition to an existing 2,950 square foot two-story single-family residence with an existing attached 575 square foot three-car garage. The project is located on a 12,632 square foot bluff top lot in the East Mesa neighborhood. No changes are proposed to the existing deck, patio or swimming pool in the rear yard. The discretionary application required for this project is a Coastal Development Permit (CDP2014-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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

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

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 1, 2014
2. Site Plans
3. Correspondence received in support of the project:
  - a. Jim Malcolm, via email

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

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

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 SFDB Final Approval.
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 May 8, 2014 is limited to the construction of a 440 square foot second-story addition to an existing 2,950 square foot two-story single-family residence with an existing attached 575 square foot three-car garage, for a total of 3,965 square feet net floor area, 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.
2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
4. **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.

5. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
  6. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- C. **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. **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 2 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87. The Owner shall submit plans demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. 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. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board, and all elements/specifications shall be implemented on-site.
- d. **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	License No.
_____	_____	_____
Architect	Date	License No.
_____	_____	_____
Engineer	Date	License No.

D. **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 and telephone number to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 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 Public Works Director with a Public Works permit.
- 3. **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.

- E. **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.
- F. **General Conditions.**
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 021-04.
  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.

**G. Design Review Requirements.**

1. The 20 closest homes survey, as required per the Single Family Design Board (SFDB) General Design Guidelines and Meeting Procedures, Section 3.5.2., shall be prepared and submitted to the SFDB prior to consideration of project design approval.

**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 8th day of May, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

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

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

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**