



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: June 23, 2016
AGENDA DATE: July 7, 2016
PROJECT ADDRESS: 1925 El Camino de la Luz (MST2013-00240)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 4560
 Beatriz Gularte, Senior Planner *BG*
 Kathleen A. Kennedy, Associate Planner *KAK*

I. SUBJECT

The purpose of the hearing is for the adoption of the Final Mitigated Negative Declaration for the proposed single-family residence project at 1925 El Camino de la Luz.

No action will be taken at this hearing on the Coastal Development Permit for the proposed project. Following adoption of the environmental document, action on the Coastal Development Permit is required within 60 days.

II. PROJECT DESCRIPTION

Existing project site. The project site address is 1925 El Camino de la Luz, a 20,046 square foot (0.46-acre) flag lot located in the West Mesa neighborhood, the Hillside Design District, and within the appealable jurisdiction of the Coastal Zone. The site is zoned E-3/SD-3, One-Family Residence and Coastal Overlay Zones.

The project site is an undeveloped sloped coastal property with a site elevations that range from 4.63 feet at the Mean High Tide Line to 140 feet at the top of the site at El Camino de la Luz. The average slope of the site is 37.3%. The site width varies from approximately 12.5 feet for the driveway area to 50 feet for the remaining portion.

The project site was previously developed with a two-story, single-family home and carport in 1955. In 1978, a landslide occurred on the project site and adjacent parcels and the existing residence was destroyed. Subsequently, debris removal, grading, slope stabilization, and vegetation planting work was completed for landslide repair, and in 1984 further grading and drainage modifications for landslide repair occurred on several parcels affected by the landslide.

Access to the site is along an existing driveway that is shared with the residence at 1927 El Camino de la Luz to the west. Other remaining improvements on the site include a six foot high east-west gated fence, vegetation, power pole and overhead utilities lines. The City's Mesa sewer line and 10 foot wide easement crosses the project site at approximately the 128 foot contour.

The 0.46 acre project site consists of 0.02 acres of impervious pavement (driveway), 0.21 acres of non-native grassland habitat, 0.14 acres of Coastal Sage Scrub, 0.04 acres of Southern Coastal Bluff Scrub, and 0.05 acres of beach area. No are no existing trees on the parcel.

Inclinometers to measure subsurface movement and piezometers to measure groundwater levels have been installed onsite for use by the applicant team during project development.

Proposed Project. The proposal consists of a new 2,789 square-foot (net), three-story, single-family residence with an attached 571 square foot, two-car garage on the upper entry level. The proposed total development of 3,360 square feet would be 72% of the maximum guideline floor-to-lot area ratio (FAR). The residence would be located approximately between the 80 and 130 foot elevations (MLLW -Mean Lower Low Water), which is approximately 169 feet landward of the lower coastal bluff (51 foot elevation). The average slope of the proposed development envelope is 27.6%.

The maximum height of the residence would be 30 feet, which is the maximum allowed height in the zone. The entry level (level 3) includes an entry patio, a foyer, a garage, a 196 square foot deck, a roof area prepared for solar panels, and landscape planters. The upper level (level 2 living area) includes a master bedroom and bathroom, kitchen, great (living) room, laundry/storage/utility areas, a 181 square foot deck, a 42 square foot deck and landscape planters. The height of level 2 is 25 feet. The lower level (level 1 living area) includes two bedrooms, two bathrooms, a media room, an undesignated room, and a patio. The patio would have steps to a lower patio with a lap pool (water storage tank). Two stepped concrete planters would be located at the lower portion of the residence.

The driveway would be widened to at least 16 feet by reducing the landscaped area adjacent to the driveway near the street and by acquiring an easement from 1921 El Camino de la Luz further down the driveway to the east. An inward opening gate with key pad and Knox box would be installed at the end of the shared driveway and a driveway turnaround area would be located adjacent to the garage. The berm at the driveway entrance would be restored to be approximately 4 inches or less above the top of curb to prevent street runoff from entering the driveway. A new 8" high berm would be installed along the easterly side of the widened driveway. Retaining walls of varying heights (maximum height of seven feet) are proposed adjacent to the driveway, turnaround area, residence, and patio.

The proposed storm water improvements include three water storage tanks (WST) with pumps. WST-1 and WST-2 would be located under the new driveway and turnaround areas. Water storage tank (WST-3) would be located in the lower patio area and would consist of two separate compartments. WST-3a would be an enclosed tank under the patio, with excess water to be discharged to the City storm drain system at the street. WST-3b would be a tank with a power safety cover for seasonal use as a lap pool, would be UV-treated, with excess water utilized onsite (for vegetation or non-potable reuse in the house) or discharged to the City wastewater system. Cobble drain lines would serve to discharge excess stormwater from the water storage tanks to vegetation areas. The proposal includes a provision that allows for making storm water that is retained onsite to be available for use by the City (i.e., Fire Department or Public Works Department) through a dry stand pipe at the street.

Stabilization of the proposed development envelope would occur with the installation of a deep caisson and grade beam foundation with shear-pins and tie-backs utilizing drilling and poured in place construction, rather than pile driving. Grading would involve an estimated 1,180 cubic yards of cut and fill to be balanced onsite.

Construction staging areas would be located on the existing driveway and by temporary easement on an approximately 5,000 square foot area on the adjacent property at 1921 El Camino de la Luz to the east. At the end of construction process, the temporary construction area on the adjacent property would be

restored to its current condition, including the replacement of the four lemonade berry plants that would be removed.

The proposal includes the removal of non-native vegetation on the site and the planting of native vegetation. The area adjacent to the widened driveway, the private open space areas (upslope and downslope of the proposed residence), and side yards would be vegetated with regionally native low stature vegetation that can be mowed or trimmed as necessary to avoid or minimize fuel load buildup. Landscape planters attached to the proposed residence would be planted with native species vegetation. A lemonade berry mitigation area of over 600 square feet is proposed downslope of the lower private open space area to mitigate the removal of the three lemonade berry shrubs from the proposed development area.

The duration of the proposed project is estimated at 70 weeks (1.3 years), with four weeks of demolition (pavement, fencing, remaining landslide debris), six weeks of site grading, and 60 weeks of construction.

The proposal also includes the following:

a) An offer to dedicate to the City an air space public view corridor over the development envelope to preserve public views from El Camino de la Luz to the Santa Barbara Channel and Santa Cruz Island.

b) An offer to dedicate to the City an open space easement that includes two areas. One area is described on the project plans as a coastal bluff area with Southern Coastal Bluff Scrub (0.04 acres), the other area is described as a contiguous lemonade berry stand area (0.14 acres), for a total of 0.18 acres (7,840 square feet). The open space easement would state that no new development would be allowed in these designated areas. There is an existing private easement for access in favor of the adjacent property at 1927 El Camino de la Luz that would remain.

c) An offer to dedicate to the City the entire back beach area of the parcel to the City for lateral public beach access (0.05 acres). Currently, the public has a right to use the beach in this area only below the Mean High Tide Line (MHTL).

III. REQUIRED APPLICATIONS

The discretionary permit application required for this project is a Coastal Development Permit (CDP2013-00014) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC§28.44.060).

Application Deemed Complete:	December 8, 2015
Date Action Required on Final MND:	June 5, 2016 (extension granted)
Date Action Required on CDP for Project:	Within 60 days following adoption of environmental review document

IV. RECOMMENDATION

Staff recommends that the Planning Commission adopt the Final Mitigated Negative Declaration making the findings outlined in Section VII of this report.

V. SITE INFORMATION AND PROJECT STATISTICS

A. Site Information

Applicant:	Clay Aurell, AIA, LEED AP, AB Design Studio		
Property Owner:	Emprise Trust (Thomas Felkay)		
Site Information			
Parcel Number:	045-100-024	Lot Area:	20,046 square feet (0.46 acre)
General Plan:	Residential, 5 units/acre)	Zoning:	E-3/SD-3, One-Family Residence Zone/ Coastal Overlay Zone
Local Coastal Plan: Residential (5 du/acre)			
Existing Use:	Vacant	Topography:	Average slope gradient of 27.6% for development envelope, 37.3 % overall
Adjacent Land Uses			
	North - Residential	East - Residential	
	South - Beach	West - Residential	

B. Project Statistics

	Existing	Proposed	
Living Area	N/A	2,789 SF	
Garage	N/A	571 SF	
Floor Area Ratio	N/A	0.18 72% of Maximum Guideline FAR	
Lot Coverage			
-Building	N/A	2,096 SF	10.85%
-Paving/Driveway	637 SF 3.17 %	3,515 SF	17.15%
-Landscaping	19,409 SF 96.83 %	6,594 SF	32.90%
- Open Space	N/A	7,841 SF	39.12%
Easement Area		20,046 SF	100%

VI. ENVIRONMENTAL REVIEW

A. Background

The initial project application was submitted to the City as a Pre-Application Review Team (PRT) proposal in 2013. In 2015, the applicant submitted a Development Application Review Team (DART) application for the coastal development permit that was deemed complete on December 8, 2015 and the environmental review process was initiated by staff.

The California Environmental Quality Act (CEQA) provides that a Negative Declaration or Mitigated Negative Declaration (MND) shall be prepared if all environmental impacts of the project can be clearly determined to be less than significant or mitigated to less than significant levels with project refinements or other mitigation measures, and if the project applicant has

agreed to all mitigation measures identified in an MND that are needed to avoid or reduce potentially significant impacts. The preparation of an Environmental Impact Report (EIR) is for analysis of impacts that are significant or are unknown and potentially significant, including identifying any feasible mitigation measures or project alternatives to avoid significant impacts or reduce them to less than significant levels. The CEQA Guidelines define a significant effect on the environment as “a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project . . .”

An Initial Study was prepared by staff based on extensive technical studies, and it was determined a Mitigated Negative Declaration was the appropriate environmental document because the analysis demonstrated that project effects on the environment would be less than significant or mitigated to less than significant levels with measures agreed-to by the applicant.

The public review period for the Draft Mitigated Negative Declaration (DMND) was held from February 10 to March 10, 2016. On March 3, 2016, the Planning Commission conducted a public hearing to accept testimony regarding the DMND. Five members of the public provided verbal comments.

Over 80 comment letters were received during the public review period and include letters addressed to the Single Family Design Board, the Planning Commission and staff. Approximately 46 commenters expressed support for the MND and/or project. The public comment letters that expressed concerns or opposition to the project included the following issue areas: project description, construction staging area, scenic views, private views, house design, dust control, vegetation, short-term and long-term slope stability on project site and surrounding areas, erosion, top of bluff/ bluff edge location, seismicity, liquefaction, construction traffic and noise, beach access and open space easements, water quality, and mandatory findings of significance. Comments were also received from the Air Pollution Control District and the California Coastal Commission. All public comment letters are available on the City website (see MND Exhibit I).

CEQA does not require specific written responses to comments; however, staff prepared a general response to comments discussion that is an exhibit to the proposed Final Mitigated Negative Declaration. The responses address only comments on the environmental analysis (see MND Exhibit H).

As a result of the public and Planning Commission comments received, some corrections and clarifications have been made to the environmental document; however, no new avoidable environmental effects were identified and no mitigation measures were added in order to reduce an environmental effect to a level of less than significant. Therefore, per CEQA Guidelines Section 15073.5 procedures, recirculation of the document is not done prior to adoption.

Numerous comments were received regarding the proposed project and many of the comments were in regard to issue areas discussed in the Mitigated Negative Declaration. However, no substantial evidence was presented in any of the letters, or in any of the public testimony that, with the identified mitigation measures agreed-to by the applicant, the project would have a significant effect on the environment. As stated in the CEQA Guidelines section referenced below, the existence of public controversy without substantial evidence does not require preparation of an EIR. Also, argument, speculation, unsubstantiated opinion or narrative do not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions

predicated upon facts, and expert opinion supported by facts that the proposed project would have a significant effect on the environment. Therefore, based on the comments received and environmental analysis of the proposed project, the Final Mitigated Negative Declaration is proposed and recommended for Planning Commission adoption.

Substantial Evidence. Determining The Significance Of The Environmental Effects Caused By A Project. CEQA Guidelines Section 15073.5 states, in part, that “(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR. Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

(2) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

(3) If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration.

(4) The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.

(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

Effects of existing environmental conditions. The recent Supreme Court opinion (CA Building Industry Association v. Bay Area Air Quality Management District 12-17-15) held that CEQA generally does not require an agency to consider the effects of existing environmental conditions (such as geologic hazards) on future residents, except for the potential for the project to exacerbate existing environmental conditions. However, revised CEQA Guidelines have not been adopted to implement this change. Therefore, the environmental analysis includes a full evaluation of project impacts associated with existing environmental hazards, including geologic hazards.

Policy Discussions. Discussions of potential policy consistency or conflict are included for consideration of environmental review only, and no Planning Commission determination of

policy consistency is requested at this time. The Planning Commission will consider policy consistency determinations as part of subsequent actions on the Coastal Development Permit.

A summary of environmental analysis guidelines used in evaluating project effects to determine impact significance levels is provided in Exhibit B of the MND.

B. Summary of Impacts

1. Class 1 Impacts – Significant, or Potentially Significant Impacts

Class 1 impacts are either known substantial environmental impacts that need further review to determine if there are feasible mitigation measures and/or alternatives to reduce the impact, or unknown potentially significant impacts that need further review to determine significance level and whether mitigable.

The proposed Final Mitigated Negative Declaration does not identify any Class 1 impacts.

2. Class 2 Impacts - Potentially Significant, Mitigated

Class 2 impacts are potentially significant impacts that can be avoided or reduced to less than significant levels with identified mitigation measures agreed-to by the applicant.

Class 2 impacts were identified in the areas of Biological Resources (bird nesting), Geology (landslides, sea cliff retreat, slope stability, soil erosion), and Noise (construction). Mitigation measures were identified in each case that could feasibly reduce these potentially significant impacts to less than significant levels.

Biological Resources. Potentially significant impacts to nesting birds during construction would be mitigated with measures to avoid removal of any vegetation with nesting birds until nesting has concluded. Also, an additional recommended measure has been identified to assure implementation of the approved habitat restoration and landscaping plan.

Geology. Potentially significant short-term and long-term slope stability, landslide, and erosion impacts would be mitigated with slope stability and erosion control measures identified in the project technical reports and incorporated as part of the project description.

Noise. Potentially significant impacts associated with temporary construction noise and vibration would be mitigated with measures limiting construction hours for higher noise generating activities, requiring equipment sound control, and requiring neighbor notification of construction schedule and contacts. Additional recommended measures are identified for consideration that could further reduce less than significant impacts (construction hours, sound control, neighbor notification, noise barriers, building crack survey).

The project applicant has agreed to implement the identified required mitigation measures.

3. Class 3 Impacts - Less Than Significant

Class 3 impacts are impacts that are not substantial or significant.

Class 3 impacts were identified in the areas of Visual Resources, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Population and Housing, Public Services and Utilities, Recreation, Transportation and Circulation, Water Quality and Hydrology, and Land Use and Planning based on consideration of existing environmental conditions, project components, and existing regulations and standard measures that would apply to the project.

Recommended measures in the area of Visual Resources (identified to assure that a detailed project lighting plan is submitted for approval by the Single Family Design Board) and Water Quality and Hydrology (identified to assure compliance with project technical reports).

4. Class 4 Impacts – Beneficial

Class 4 impacts are impacts that would improve environmental conditions.

Class 4 impacts were identified for Visual Resources (public view corridor), Biological Resources (open space easement) and Recreation (easements for lateral public beach access and open space).

5. No Impact or Not Applicable (N/A)

There are instances where the project would not cause any impact or the impact would not be applicable.

These areas were identified as Biological Resources (conflict with adopted conservation plan), Geology (septic tanks), Hazards and Hazardous Materials (Airport), Noise (Airport), Population and Housing (displacement), and Land Use and Planning (dividing community).

6. Cumulative Impacts

With the implementation of the identified mitigation measures, the project would not result in any significant, cumulative impacts on the environment. Also, the project development is within the growth assumptions evaluated for cumulative impacts as part of the Program Environmental Impact Report for the 2011 General Plan, which is incorporated by reference.

C. Impact Discussion

1. Visual Resources

Public views of the project from the street. A scenic view of the ocean is currently visible from El Camino de la Luz across the project site. The view corridor presently includes the project site driveway (an approximately 10-foot wide driveway shared with the 1927 El Camino de la Luz parcel to the west), vegetation, six-foot high fence, and overhead utility lines. The project site driveway as well as the adjacent driveway (for 1919 and 1921 El Camino de la Luz) provide a narrow corridor of approximately 35 feet in width between the adjacent residences to the east and west, offering a brief glimpse for vehicle, bicycle, and pedestrian travelers (see MND Exhibit D1).

The project has been designed to not be visible from El Camino de la Luz and not block the existing scenic view of the ocean, by being constructed lower on the parcel (between the 80 and 130 foot

elevations) than the elevation of the street (approximately 140 foot elevation). The project would also remove the existing fencing and vegetation, which would enlarge the view corridor. Undergrounding of new utilities would be a requirement of the project; therefore, no new overhead utility lines would be installed. An offer to dedicate a public view corridor easement to maintain the existing view of the ocean through the project site is included as a project component. The project would result in an incremental change and improvement to the existing public scenic view from the street. The project would not result in a significant impact to public scenic views from the street.

Public views of the temporary construction staging areas from the street. Two construction staging areas are proposed. One would be located on a portion of the existing driveway and the other would be approximately 5,000 square feet in size and located on the adjacent parcel at 1921 El Camino de la Luz. The staging area on the driveway would be visible from the street and may temporarily block public scenic views of the ocean. Most of the staging area on 1921 El Camino de la Luz would not be visible from the street since it would be below the street level elevation (between approximately 105 and 123 foot elevations) and behind existing homes (1909 and 1915 El Camino de la Luz). The stored materials would be covered with landscape colored material and the areas would be monitored through the construction process for compliance with best management practices. Public views of the construction staging areas from the street would be temporary and minimal. The staging areas would not result in a significant impact to public scenic views from the street.

Public views of the project from the beach and ocean. The project would be sited between the 80 foot and 130 foot elevations above the beach. The photographic study included in the DMND shows the proposed residence would not be visible from beach at lower low tide looking north to the parcel, or only the rooftop would be visible from other locations (south, southeast, and southwest) consistent with other residences in the area (see MND Exhibit D1).

The project would not result in a substantial change in the public view from the beach and ocean due to the following factors: (1) The project involves only one residence, with a majority of the 0.46 acre site remaining in native species vegetation and open space; (2) the residence would be viewed from a substantial distance, and the project would be an in-fill residence located within the context of a line of numerous single-family residences along several miles of this low-density urbanized area of the coast; (3) intervening topography and vegetation screens visibility from many locations and only the top of the residence would be visible from some beach and off-shore locations, similar to other residences in the area; and (4) the residence stepped architecture, materials, earth-tone color palette, and landscaping has been designed to blend into the slope and setting when viewed from a distance and would be subject to design approval for compatibility and visual aesthetics per City design guidelines. The project would not result in a significant impact to public coastal views from the beach and ocean.

Public views of the construction staging area from the beach and ocean. Public views from the beach and ocean of the temporary construction staging area located at 1921 El Camino de la Luz would be similar to the project in that it would be located within an existing urbanized neighborhood, and the view toward the staging area is against the backdrop of existing urban development. The stored materials would be covered with landscape colored material, and equipment stored on the site where it cannot be seen from the beach. The analysis demonstrates that the staging area and equipment use would not be visible to a height of 8-10 feet from the beach south of the property at the mean high tide line (MHTL) due to topography and vegetation. Views from the beach to the southwest and southeast of the site would be largely screened by topography and vegetation but would be intermittently visible, and the site would

be visible from off-shore. The staging area would not result in a significant impact to public coastal views from the beach and ocean.

Private views of the project. Impacts to private views are not generally considered a significant environmental impact under CEQA unless a project would substantially affect important scenic views from a large portion of the community. Portions of the residence would be partially visible from some residences in the surrounding area but not from a large portion of the neighborhood, Mesa community or City due to topography and vegetation. Also, the project is subject to design review approval for neighborhood compatibility per City design guidelines. The project would not result in a significant impact on private views.

Visual quality of the project. The project was reviewed by the Single Family Design Board on two occasions. Based on comments from the Board, revisions were made to the project including a reduction in the size of the structure from 3,545 square feet (net) to 3,360 square feet (net), a reduction in the height of the level 2 living area portion from 30 to 25 feet (although the maximum height of the stepped structure, including attached garage level 3, remains at 30 feet), an increase in vegetation screening, and a reduction in reflective materials. The home size and floor area ratio (FAR) study of the twenty closest homes indicated that the project (3,545 SF with garage, 0.18 FAR) would be larger than the average size of homes in the surrounding area (2,713 SF, 0.21 FAR) but within the range of home sizes (1,388 SF to 6,137 SF) and FARs (0.06 to 0.42) (see MND Exhibit D2).

As a single residence development, the project is minor in scope with the majority of the site remaining in native vegetation and open space, would be sited as in-fill development within an existing urban neighborhood of other single-family residences, would be visible from few locations due to topography and vegetation, and would require design approval. The project would not result in a significant impact to onsite visual character and quality.

Lighting and glare. The project was revised to address comments from the Single Family Design Board, including a reduction in reflective materials (e.g., replacement of glass railings with cable rails, less glazing, elimination of solar panels). The lighting design is subject to City design review approval. Exterior lighting is also subject to the Municipal Code Lighting ordinance that provides for shielding and directing light to avoid glare effects to off-site locations. A recommended measure (RM V-1, Lighting Design) is identified to assure that a detailed project lighting plan is submitted for approval by the Single Family Design Board. The project would not result in a significant impact related to lighting and glare.

Policy Consistency. Temporary project effects during construction and long-term project effects on scenic views from the street and views inland from the coast would not be significant. Therefore, the project could be found consistent with City Local Coastal Policy 9.1, which states that the “*existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced.*”

2. Air Quality

The analysis in the MND concludes that the project would not result in significant impacts associated with Clean Air Plan consistency, project-specific long-term and short-term construction emissions of criteria air pollutants, highway exhaust emissions, asbestos emissions, odors, or greenhouse gas emissions. No mitigation measures are required. Building code requirements and standard conditions of approval applicable to the project that address construction dust and emissions would be required.

3. Biological Resources

The analysis in the MND concludes that the project would not result in a significant impact on biological resources. With the minor scope of development and proposed project components for native vegetation restoration and replacement and a proposed open space easement that would preserve lower slope native habitat, project impacts to native coastal bluff scrub and coastal sage scrub habitat and the cliff aster, a plant of local interest, would be less than significant. The project would not result in significant impacts associated with protected wildlife and vegetation species, wetlands, wildlife corridors. Potential project impacts pertaining to construction impacts to nesting birds would be mitigated to a less than significant level with a mitigation measure (B-1) to avoid removal of any vegetation with nesting birds until nesting has concluded. A recommended measure (RM B-2) has been identified to assure implementation of the approved habitat restoration and landscaping plan.

4. Cultural Resources

The analysis in the MND identifies project impacts associated with historic resources, archaeological resources, human remains, paleontological resources, and tribal cultural resources as less than significant. No mitigation is required. Standard conditions of approval applicable to the project provide procedures per City Master Environmental Assessment in the event of unanticipated resource discovery during ground disturbing activities.

5. Geology and Soils

Fault Rupture, Ground Shaking, Liquefaction, Expansive Soils, Radon. The site is outside identified earthquake fault hazard zones. All California is subject to earthquake ground shaking, and State and City Building Code provisions require appropriate structural design to address ground shaking and other seismic-related geologic conditions. The project does not have the potential to substantially increase seismic and geologic hazards exposing persons and structures to risk of earthquake fault rupture, earthquake ground shaking, liquefaction, expansive soils, or radon impacts, a less than significant project impact.

Slope stability/ landslides. The geologic analysis found that the proposed development site had no evidence of surface movement since the 1984 post-landslide stability measures. This is confirmed by inclinometer readings. However, the proposed development area conditions do not meet the minimum requirements for slope stability. The industry standard for new development is a minimum factor of safety against sliding of 1.5 for static conditions and 1.1 for seismic conditions. The analysis identified only two locations on the property that meet these minimum factor of safety criteria; however, these constrained, smaller locations (upper flat driveway area of approximately 1312 square foot area, 12 ½ foot wide, 105 foot long, above the 137 foot elevation, and a small, steep, lower area closer to the coast between the 60 and 66 foot elevations where development could have impacts to shoreline resources and processes) would not be suitable for development. The geologic analysis found that the proposed slope stability measures (caissons, shear pin walls, tie backs, etc.) would improve slope stability at the proposed project location to meet factor of safety criteria (1.5 static, 1.1 seismic) and would not exacerbate slope instability for the residence location or larger surrounding area for the life of the project (75 years).

Long-term erosion. The Scepan report analyzed the historic coastal bluff location on the parcel over a 60-year period, including pre- and post-1978 landslide conditions, and the geologic analysis submitted by the applicant demonstrate that the project would not exacerbate erosion on the property or adjacent

property because project slope stability shear pin walls and tie-backs, drainage and run-off controls, and native vegetation restoration and landscape would reduce erosion. The analysis submitted by the applicant of long-term erosion at the lower bluff location at 51 feet in elevation does not factor in a setback from areas naturally meeting factor of safety criteria for slope stability purposes pursuant to the current Coastal Commission geologist analytic guidelines (Establishing Development Setbacks From Coastal Bluffs, M. Johnsson) but does calculate an average historic rate of long-term erosion at the 51 foot elevation. The project geologic reports estimate historic and current sea cliff retreat at an annualized average rate of 1.36 inches per year in this location (substantially less than the identified citywide average of 8-12 inches per year). The project development would be located 169 feet upslope from the 51 foot elevation of the lower cliff.

Sea cliff retreat/sea level rise. The project would be located between approximately the 80 foot and 130 foot elevations on the project site, 169 feet upslope from the lower sea cliff near the shore. The technical analyses demonstrate that with the low cliff retreat rates gradually increased by maximum scenarios of sea level rise by years 2050 and 2100, erosion of the lower cliff would not reach the project development during its 75-year life.

There is potential that wave run-up at the base of the cliff could potentially affect the stability of the landslide area, however, with project location 169 feet upslope of the lower 51 foot cliff tier elevation and the proposed slope stability and erosion control measures, wave run-up and cliff retreat would not represent factors affecting project safety, and the project development would not be expected to influence erosion, cliff retreat, sand supply or other shoreline landforms, processes, resources, or hazards. No shoreline protective devices would be required for the life of the project.

Short-term construction impacts. The technical analysis demonstrates that no significant impacts would occur in regard to slope stability, landslides, or erosion with the implementation of project construction plan measures (e.g., grading during dry season, installation of temporary shoring and drains, monitoring of slopes and bluffs, etc.). The project construction process has been designed to avoid the potential for hazards to the site or neighboring sites from heavy equipment, grading, drilling and installation of slope stability devices, and construction. Installation of caissons, shear pins, and tie backs would be done with drilling and poured in place construction, not pile driving. Limited grading would create a temporary bench cut for the drilling rig to drill for the shear pins. The initial installation of shear pins would provide immediate slope stability due to increased shear resistance. The tie backs would be drilled from the temporary bench cut supported by the shear pins. The shear pins and tie backs would improve stability of the site per industry safety standards, which would support the use of heavy equipment, grading, and construction without creating hazards to the site, surrounding areas, sewer main or other underground utilities. Public Works staff has confirmed that the 10-inch Mesa Trunk Line was rehabilitated in 2006 and there is no evidence of current leakage. The project construction process would include oversight by a licensed geotechnical engineer as a building permit requirement, and inclinometers would remain in place to monitor slope stability through the process.

With the implementation of mitigation measure G-1 below, both short-term and long-term project impacts associated with slope stability, landslide, and erosion/seacliff retreat would be mitigated to a less than significant level. Project impacts associated with seacliff retreat and sand supply would be less than significant.

G-1: Final project plans will incorporate measures recommended by project geology reports to ensure long-term slope stability and erosion control, and measures recommended by project

geology reports to ensure short-term stability and erosion control during the site preparation and construction process, with final measures approved by the City prior to issuance of grading and building permits.

Coastal Policy discussion. Coastal Act Policy §30253 states in part,

“New development shall do all of the following:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices than would substantially alter natural landforms along bluffs and cliffs. .”

As stated above, with the implementation of the measures in the project geology reports, the proposed project could be potentially consistent with Policy §30253.

City Local Coastal Plan Policy 8.2, states in part,

“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.”

In order to determine whether the proposed project is potentially consistent with Policy 8.2 above, the location of the bluff face and the top of bluff/ bluff edge must first be determined. The bluff face is the area below the top of bluff/ bluff edge. The definition of top of bluff/ bluff edge is found in the California Code of Regulations Title 14, §13577, as follows:

“...Coastal bluff shall mean: (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2). Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.”

If the top of bluff/ bluff edge is determined to be located at the lower 51-foot elevation as proposed by the applicant and shown on the project plans, the project would not be located on the bluff face and would be consistent with the LCP Policy 8.2. If the top of bluff/ bluff edge is determined to be at the

upper 127-foot elevation as identified by City and Coastal Commission staff, the project would be located on the bluff face, inconsistent with LCP Policy 8.2.

City staff uses the document *Establishing Development Setbacks from Coastal Bluffs* prepared by Coastal Commission staff geologist, Mark Johnsson, in 2003, which represents the current analytical process used by Coastal Commission staff in evaluating new development proposals. These procedures are regularly employed by the Coastal Commission and their staff when reaching decisions concerning development on or near coastal bluffs. These guidelines note that the determination of the bluff edge location is a qualitative judgment based on consideration of the site topography, and for some sites may be open to differing interpretations of the location of bluff edge. Coastal Commission previously used the *Geologic Stability of Blufftop Development* document adopted by the Coastal Commission in 1977.

As part of the 2013 City pre-application review process for the proposed project, both City and Coastal Commission staff determined that the top of bluff/ bluff edge was located at the 127 foot elevation. This was based on review of topography, submitted project plans and technical information, a site visit by Coastal Commission staff planner and staff geologist and City planning staff, and their analysis/application of the coastal bluff edge policies using current Coastal Commission guidance. The site was considered to have a step-like feature at the 127 foot elevation. Additional information supporting this determination include a coastal slope analysis exhibit based on LiDAR-generated topographic data (LiDAR is remote sensing that uses a laser to measure distance) that shows a pattern along the coast with greater than 60 percent slopes (see MND Exhibit F3), City General Plan and Master Environmental Assessment maps; archive plan references for other parcels in the area identifying top of bluff at the higher elevation; and prior geologic reports for the area which identified the landslide headscarp as the bluff top. A minimum 500 foot wide area was examined to determine bluff edge.

The applicant submitted studies that identify the top of bluff/ bluff edge at the 51-foot elevation, and conclude that no upper tier/bluff edge exists based on analysis of historical mapping, aerial photos, and site investigation. The applicant's studies also state that, unlike the 51-foot elevation, the 127-foot elevation area does not meet the coastal policy criterion for a minimum 500 foot length of bluff edge for making the bluff edge determination. City staff, however, has confirmed with Coastal Commission staff that the 500 foot length of bluff line/edge requirement for bluff edge determination is referring to the minimum area to be examined in making this determination for the purpose of distinguishing a minor indentation where a coastal bluff trend line transitions to a canyon bluff, and not the length of the bluff required in order to establish a bluff edge of a seaward facing bluff.

The applicant also asserts that the City is required to accept their lower location for the bluff edge based on a 1984 permit issued by the Coastal Commission to Jennette Doolittle, the then owner of 1933 El Camino De La Luz. Public Resources Code Section 30625(c) does state that "Decisions of the [Coastal Commission], where applicable, shall guide local governments or port governing bodies in their future actions under [the Coastal Act]." However, the Doolittle permit does not identify a particular location for the bluff edge. The Doolittle permit merely identifies the bluff edge in relative terms in relation to the location to the work proposed under the Doolittle application (e.g., "The proposed site will be inland of the bluff face and bluff edge.") While this description of the bluff edge is likely seaward of the proposed location of the residence at 1925 ECDLL, the Doolittle permit does not precisely identify the location or explain how the Coastal Commission determined the location of the bluff edge. These factors make it difficult to apply the Commission's determination to the present circumstance. The applicant's representatives also assert that the proper guidelines for application of policy are the *Geologic Stability*

of *Blufftop Development* adopted by the Coastal Commission in 1977, and referenced in the initial City Local Coastal Plan adopted in 1981, rather than the more recent Coastal Commission staff prepared document, *Establishing Development Setbacks from Coastal Bluffs*, referenced above.

Once the top of bluff/ bluff edge is located, the next step in determining the bluff setback is to determine whether the existing coastal bluff meets the minimum requirements for slope stability (factor of safety 1.5 static, 1.1 seismic). If it does, no slope stability setback would be required. If it does not, it must be determined how far from the unstable slope must development be sited to assure safety. Generally, as one moves landward the factor of safety against landslides increases. After the location is found on the site that meets the minimum requirements for slope stability, the anticipated sea cliff retreat rate is applied and this then becomes the development setback from the top of bluff.

As stated previously, for the proposed project, only two small areas were identified as meeting the minimum requirements for slope stability (factor of safety criteria). The first is the small narrow flat area of the existing driveway at the top of the parcel, which is used to access the parcel and adjacent parcel (approximately 12 ½ foot wide, 105 foot long, 1312 square foot area above the 137 foot elevation), and the second is a small, steep, lower area closer to the coast between the 60 and 66 foot elevations where development could have impacts to shoreline resources and processes. These areas are small and constrained and would clearly be inadequate for development under City land use and zoning designations.

Whether decision makers determine that the top of bluff/ bluff edge is located at the 51-foot or 127-foot elevation, the proposed project would not meet the minimum requirement for slope stability. As previously discussed, the proposed project includes the installation of caissons, sheer pins, and tie backs in order to meet the minimum required factor of safety on that portion of the site where the residence is proposed. As such, while the proposed project could be found inconsistent with the bluff setback guidelines for implementing coastal policy, as demonstrated by the analysis above, the project as proposed with slope stability components would not result in significant geological impacts in its proposed location, and the potential conflict would therefore not constitute a significant environmental impact under CEQA environmental review.

6. Hazards and Hazardous Materials

Project impacts associated with hazardous materials use, potential hazardous materials contamination, emergency evacuation and response, safety risks from major facilities, and wildfire hazards would be less than significant. The project would have no impact on aircraft hazard. No mitigation measures are required.

7. Noise

No long-term operational noise is expected with the single-family residence; however, the analysis identifies a potentially significant impact to the surrounding neighborhood associated with temporary construction noise and vibration. Higher noise levels (>80 dBA at 50 feet) and vibration associated with some processes, such as drilling, grading, and jack hammers for demolition of existing pavement are intermittent, periodic and limited in overall duration. No pile driving is proposed. The overall length of the project is estimated at 70 weeks (1.3 years) including four weeks of demolition, six weeks of site grading, and 60 weeks of construction.

Construction processes are regulated through City ordinances and building permit provisions. Requirements of the Santa Barbara Municipal Code Noise Ordinance provide limitations on noise-generating construction equipment to the hours of 7:00 a.m. to 8:00 p.m.

With the application of mitigation measures N-1 through N-3 further limiting construction days (weekdays only) and hours (7:00 a.m. to 4:00 p.m. only) for high noise-generating construction processes, requirements for construction equipment sound controls, and neighbor notification 20 days prior to commencement of the construction process, temporary construction-related noise and vibration impacts of the project would be less than significant. In addition, a pre-construction meeting with contractors is held to review noise mitigation requirements, and monitoring of the implementation of mitigation measures is required by an approved project environmental coordinator (PEC) with bi-weekly reporting to City staff.

As determined necessary to implement noise policies and make required compatibility findings for permit approval, additional measures RM N-4 through RM N-8 (Further Construction Hours Limitations; Use of Construction Equipment Sound Controls, Neighbor Notification Specifications, Construction Noise Barriers, Prepare a Structural Crack Survey and Video Reconnaissance) are recommended that could be added as conditions of approval to further reduce less than significant construction related noise and vibration impacts. It should be noted, however, that further limiting construction hours could result in a longer overall construction period.

8. Population and Housing

Project growth-inducing impacts would be less than significant. The project would have no impact associated with housing or population displacement. No mitigation is required.

9. Public Services and Utilities

Project impacts associated with water supply and capacity of treatment/distribution facilities, wastewater collection and treatment facilities, storm water facilities, solid waste collection and disposal, and other public facilities and services, including fire and police protection, schools, and other public facilities, services, and utilities would be less than significant. No mitigation is required..

10. Recreation

Project impacts on recreational demand and existing public recreational facilities would be less than significant. The project component offer for dedication of a public lateral beach access for the property back beach and open space easement for preservation of natural undeveloped areas of the property would have a beneficial impact. No mitigation is required.

11. Transportation/ Circulation

Project impacts associated with transportation policy conflicts, vehicle traffic congestion, bicycle, pedestrian, and transit facilities and travel, circulation and safety of transportation networks, and aircraft traffic and safety would be less than significant. No mitigation is required.

12. Water Quality and Hydrology

The drainage plan would provide for strict control of all surface water to avoid landform saturation and reduce bluff erosion. The water storage tank designs would have capacity to contain runoff onsite up to the City peak design storm (25-year, 24 hours, 6.21 inches). Onsite drainage facilities would include three water storage tanks, with excess water used onsite for irrigation, non-potable use in the house, or

pumped to the City's storm water or waste water system. Water would also be made available for municipal use as needed (fire protection, public works) via a stand pipe adjacent to the street. Project impacts associated with groundwater and surface water volume and quality, drainage and storm water volume and quality, creeks, flooding and inundation would be less than significant. No mitigation is required. A recommended measure has been included

13. Land Use and Planning

Project impacts associated with land use and planning policies would be less than significant. Required mitigation measures are discussed in the Biological Resources, Geology, and Noise sections. No further mitigation required.

D. Other Issues

Cumulative Impacts. The project development is within the growth assumptions analyzed for cumulative effects associated with the issue areas included in the Mitigated Negative Declaration, within the Program Environmental Impact Report for the 2011 General Plan. The environmental analysis in the proposed Final Mitigated Negative Declaration concludes that, with identified mitigation measures agreed-to by the applicant, the project would not result in project-specific significant impacts or a considerable contribution to cumulative impacts associated with any of the issue areas analyzed.

Peer review. The extensive project geological and geotechnical analyses were performed, prepared, and stamped by qualified professional experts registered by the State of California. The reports were reviewed by City staff of the Land Development Team (Planning Division and Building & Safety Division), and by the Staff Geologist of the California Coastal Commission. Further review and approval of the geotechnical reports by the Building & Safety Division will occur prior to issuance of building permits. The Municipal Code provides that supplemental engineering geology reports and data may be required as the Building Official may deem necessary, which may include additional peer review, and that recommendations of the project reports must be approved by the Building Official and incorporated in the project. Staff has determined that, based on the qualifications of the project technical experts, review of technical reports by the Coastal Commission geologist, and no submittal of substantial evidence refuting the environmental impact conclusions of the technical reports, no further peer review is warranted at this time.

Potential for conflict with coastal policies. A significant impact could be identified if the project would conflict with applicable coastal policies adopted for the purpose of avoiding or mitigating environmental impacts to coastal resources. However, a policy conflict does not necessarily constitute a significant impact under CEQA. A policy conflict could represent a significant impact if the policy conflict results in a substantial adverse change to the physical conditions within the area (*Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005*). For the proposed project, it was determined that no significant environmental impact would occur as a result of the project whether or not the decision-makers subsequently determine that there are policy inconsistencies.

However, project approval requires findings of project consistency with coastal policies. Therefore, potential policy inconsistencies remain a factor for decision-maker consideration in a future action on the Coastal Development Permit for the proposed project.

Alternatives: An alternatives analysis is not required for the CEQA document analysis; however, it is also clear that there is no feasible alternative location on the property for the proposed level of development. The parcel is a flag lot with the uppermost portion of the lot accommodating only the

driveway. There is a limited area north of the 127 foot upper bluff step elevation of approximately 1312 square feet (105' x 12.5') which meets minimum factor of safety criteria for stability but which is not developable (a portion of the existing driveway, which is shared access with the adjacent parcel and is too narrow to provide for City development standards). There is a limited buildable area of approximately 740 square feet (20' x 37') above the 127 foot elevation between the driveway and proposed building envelope location, which would not be sufficient for a single-family residence and garage development at the proposed level of development, and does not meet factor of safety setback guidelines without stability devices. Moving the project further north would also increase its visibility and block the scenic ocean view in the public view corridor from the street. Decision-makers may however require further project refinements or require alternatives analysis as part of their assessment of policy consistency or as a basis for making findings for action on the project permit. The project application includes a brief written alternatives analysis that is consistent with staff's preliminary conclusions (see MND Exhibit F4).

E. Conclusion

The proposed Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Therefore, staff recommends that the Planning Commission adopt the Final Mitigated Negative Declaration making the findings specified in Section VII below.

Pursuant to CEQA, prior to approving the project, the Planning Commission must adopt the Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measures into conditions of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation. The mitigation monitoring and reporting program (MMRP) is included as an exhibit to the Final Mitigated Negative Declaration (see MND Exhibit G).

VII. FINDINGS

The Planning Commission finds the following (CEQA Guidelines Section 15074):

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.
2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project.

5. A mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.
6. The location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

Exhibit: Final Mitigated Negative Declaration (includes Initial Study, MMRP, Responses to Comments, Public Comment Letters)

Public comment letters (MND Exhibit I, bound separately) are available upon request or on the City's website at www.SantaBarbaraCA.gov/eir.