



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

March 3, 2016

CALL TO ORDER:

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

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Renee Brooke, AICP, City Planner
Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Lisa Arroyo, Waste Water Systems Manager
Kathleen Kennedy, Associate Planner
JoAnne LaConte, Assistant Planner
Kathleen Goo, Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Gularte made the following announcements:

1. The Planning Commission of April 7, 2016, previously announced as being cancelled, will remain on the schedule as a Planning Commission meeting.

2. The Planning Commission's decision on 251 S. Hope Avenue has been appealed to City Council and will be heard on April 26, 2016.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. February 11, 2016

2. PC Resolution No. 004-16
1211 Serra Vista Lane

MOTION: Thompson/Schwartz

Approve the minutes and resolution.

This motion carried by the following vote:

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

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

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

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 3:03 P.M.

APPEAL BY ANDERS TROEDSSON OF THE STAFF HEARING OFFICER'S DECISION OF THE APPLICATION OF ANDERS TROEDESSON, APPLICANT FOR ROBERT AND GRACE GULOCK REVOCABLE TRUST, 941 MEDIO ROAD 029-321-016, E-1 SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 3 DU/ACRE) (MST2015-00344)

The 10,690 square-foot site is currently developed with a 1,215 square foot single family residence, a 77 square foot basement, a 331 square foot detached garage, a detached 62 square foot shed and a trellis. The proposed project involves demolition of the existing garage, trellis and shed, and 16 square feet of the existing residence; construction of 1,278 square feet of additions to the dwelling, a 208 square foot basement addition, a new 419 square foot two-car garage, new decks and a new stairway. The proposal also includes a new CMU pool equipment enclosure, new condenser units, new retaining walls, new fencing, a new trash enclosure, new swimming pool, restoration of an historic sandstone cap and pier wall and associated grading for the project. The proposal will address violations outlined in a Zoning Information Report (ZIR2014-00443). The proposed total of 3,181 square feet is 83% of the maximum required floor to lot area ratio.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow a new garage, additions, and alterations to the dwelling including roof alterations, new doors and windows, a trash area, condensing units and a pool equipment enclosure with pool equipment within the required 30-foot front setback facing Ferrelo Road to the northwest of the property (SBMC § 28.15.060 and SBMC § 28.92.110); and

2. A Front Setback Modification to allow additions and alterations to the dwelling including new doors and windows, a new deck and a new stairway within the required 30-foot front setback and to allow a new swimming pool within the required 15-foot front setback facing Medio Road to the southwest of the property (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. An Interior Setback Modification to allow a condensing unit and a pool equipment enclosure with pool equipment within the required 10-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110).

On December 9, 2015, the Staff Hearing Officer partially approved the Modification requests subject to several conditions. The appellant is appealing a condition that limits the encroachment into the Medio Road front setback to a maximum of 13 feet.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

Case Planner: JoAnne LaConte, Assistant Planner

Email: JLaConte@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 3320

JoAnne LaConte, Assistant Planner, gave the Staff presentation.

Anders Troedsson, Architect, gave the Appellant/Applicant presentation.

Chair Campanella opened the public hearing at 3:27 P.M., and with no one wishing to speak, the public hearing was closed.

MOTION: Thompson/Schwartz

Assigned Resolution No. 006-16

Approve the appeal, making the findings as outlined in the Staff Report, dated February 25, 2016, subject to the Conditions of Approval on pages 5 and 6 of the Staff Report with the revision to exclude Condition G.

This motion carried by the following vote:

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

Chair Campanella announced the ten calendar day appeal period.

IV. NEW ITEM:

ACTUAL TIME: 1:49 P.M.

**APPLICATION OF LISA ARROYO AND RAYNE OF SANTA BARBARA, INC.,
APPLICANTS FOR CITY OF SANTA BARBARA, 520 E. YANONALI STREET,
APN 017-113-016 OM-1/SD-3 (OCEAN-ORIENTED LIGHT
MANUFACTURING/COASTAL OVERLAY) ZONES, GENERAL PLAN
DESIGNATION: INSTITUTIONAL, LOCAL COASTAL PLAN DESIGNATION:
MAJOR PUBLIC AND INSTITUTIONAL (MST2014-00199)**

The project consists of a new brine water discharge facility in the southwest corner of the El Estero Waste Water Treatment Plant. Brine water would be trucked to the site by Rayne of Santa Barbara, Inc. (or other authorized company), discharged into the new facility, and released into the Pacific Ocean via the existing ocean outfall conveyance system.

The project includes the installation of a new 4-inch stainless steel discharge pipe with hose adaptor onto the northern wall of the existing ocean outfall mixing box structure, and a new three-foot by three-foot pre-cast concrete basin beneath the hose adaptor to catch any spills during discharge. An interim digital display meter would be installed on the existing control panel located on the easterly side of the outfall mixing box structure. In the near future, in coordination with the City, this equipment would be upgraded to provide automation of testing equipment and reporting. A small 1-inch sampling line, for testing purposes, would be installed underground and would extend from the southeast corner of the structure approximately 15 feet to one of the new City-installed 6-inch discharge conduits.

The discretionary application required for this project is:

1. A Coastal Development Permit (CDP2014-00009) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060); and
2. A Conditional Use Permit to allow the proposed use in the OM-1 Zone (SBMC Section 28.73.030 and SBMC Chapter 28.94).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines §15303 (New Construction or Conversion of Small Structures).

Contact: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Li Lisa Arroyo, Waste Water Systems Manager, Public Works Department, was available to answer questions. Vern Williams and Autumn Malanca of Flowers and Associates, Inc. representing Rayne of Santa Barbara, Inc. were also present.

Chair Campanella opened the public hearing at 2:02 P.M., and with no one wishing to speak, closed the hearing.

MOTION: Pujo/Jordan

Assigned Resolution No. 007-16

Approved the project, making the findings that the project is exempt from further Environmental Review and for the Coastal Development Permit and Conditional Use Permit, as outlined in the Staff Report, dated February 25, 2016, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval:

1. Revise Condition B.1. to include the sentence at the end: "No new lighting is proposed."
2. Revise Condition D.3. Riparian Protection (MMRP BIO-15) to include an additional sentence: "All construction related activities are limited to daylight hours only."
3. Revise Condition B.2. to include "at a minimum" before "as a level Three Substantial Conformance Determination (Planning Commission Lunch Meeting) request."

This motion carried by the following vote:

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

Chair Campanella announced the ten calendar day appeal period.

V. ENVIRONMENTAL HEARING:

ACTUAL TIME: 2:33 P.M.

ENVIRONMENTAL HEARING TO TAKE PUBLIC COMMENT ON A DRAFT MITIGATED NEGATIVE DECLARATION FOR 1925 EL CAMINO DE LA LUZ

A Draft Mitigated Negative Declaration (DMND) has been prepared for the 1925 El Camino de la Luz residence project, pursuant to the California Environmental Quality Act which evaluates environmental impacts of the proposed project.

The project proposes construction of a 3,101 square foot three-story single-family residence and two-car garage, along with associated infrastructure improvements, and native vegetation restoration and landscaping. The development would entail initial demolition and removal of existing infrastructure and debris. Site stabilization and foundation design would utilize deep caissons into bedrock, shear-pins, and tie backs. The project proposes dedication to the City of a lateral public recreational access easement across the beach area of the parcel, an open space easement on the lower coastal bluff and native vegetation area, and an air space public view corridor easement from El Camino de la Luz over the residence toward the ocean. The duration of the demolition, grading, slope stabilization, and construction process is estimated at 94 weeks (1.8 years). The project requires City approval of a Coastal Development Permit.

The hearing was to receive public and Commission comment on the draft environmental document only. No action on the environmental document or project permit request was taken by the Planning Commission at this hearing. The public review period for the DMND extends through March 10, 2016.

Contact: Kathleen Kennedy, Associate Planner

Email: KKennedy@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation reviewing the project and Draft Mitigated Negative Declaration, and acknowledged that numerous public comments had been received prior to and at the hearing that will be considered in preparation of the final environmental document. Barbara Shelton, Environmental Analyst, was available to answer Commissioners questions.

Commissioners requested clarifications and discussed the following issues, with responses by Staff and Applicant:

- The relation between policy consistency and environmental impacts.
- The definitions of shoreline protective devices and slope stabilization devices as applied in coastal policies.
- Legal takings provisions and applications
- Instances of permitted structures later failing and City liability

Clay Aurell, Architect, led the Applicant presentation. The Applicant team consisted of Steve Kaufman, Attorney; Pat Shires, Geotechnical Engineer; Richard Monk, Attorney; and Thomas Felkay, Owner, who were all available to answer Commissioners questions.

Chair Campanella opened the public hearing at 3:55 P.M.

The following people commented on the project:

1. Julie Dorn, neighbor on El Camino de la Luz, is concerned that erosion and slides could result from the project with a natural disaster or with drilling into bedrock. She stated that the top of bluff is located further up, and expressed concern about machinery and staging on the adjacent lot during project construction.
2. Tom Morrison, neighbor on El Camino de la Luz, submitted written documentation and photographs. Mr. Morrison noted that prior geologist studies clearly identify the upper area as the top of bluff. He discussed a prior Coastal Commission report on the landslide, the Doolittle case, and a deed restriction condition for no additional structures without approval of Coastal Commission. Scott Wiscomb yielded his speaking time to Mr. Morrison.
3. Nancy Brock, contiguous neighbor to the east on El Camino de la Luz, believes that safety is paramount and is concerned with the staging area for the project and the weight of construction materials and activity on the project site. She is also concerned with the construction mess, as experienced by a prior Felkay project, with the close

proximity to her home. As a witness to the 1978 landside, she had not heard anything about a sewage leak. Bruce Peterson yielded his speaking time to Ms. Brock.

4. Lesley Wiscomb, neighbor across the street on El Camino de la Luz, opposes the project and has objections on grounds of visual resources, noise, transportation and circulation, water quality and hydrology, and geology and soils. Sea level rise and sea cliff erosion will continue to change the face of coastal landscapes. The health, safety, welfare and lives of others should not be jeopardized for the sake of someone building their dream home. She finds the MND to be inadequate in addressing these concerns and impacts.
5. Robert Stenson, neighbor west of project site, referenced construction activity to a neighboring home that impacted their water line and caused significant water leakage. The cost of repairs was over \$2,000. Though the site has been referenced as stable, he asked what is in place to stabilize surrounding homes and who will take financial responsibility for construction damage to the site from vibrations and underground cracks and leaks.

With no one else wishing to speak, the public hearing was closed at 4:23 P.M.

The Commissioners made the following comments:

Commissioner Higgins:

- When the document returns, clarify in the land use section whether or not there is a deed restriction on the property.
- In the visual resources section, he suggests adding a photo simulation from the ocean.
- Include a discussion of the Mesa sewer trunk line in the document.

Commissioner Jordon

- He would like to hear more discussion when the project returns, and made the following suggestions to the applicant:
 - Suggested that Mr. Shires be at the subsequent hearing; and
 - Clarify how a top of bluff changes after a collapse; and
 - Address the safety and stability concerns voiced by the neighboring properties concerned with construction activity and in the long term; and
 - Explain how drilling will be accomplished in the absence of pounding caissons, and
 - Further explanation of Storm Water Management Plan (SWMP) Tier 3 and how water will be pre-treated before discharge, and
 - He would not adopt the construction days and hours that are currently in the CEQA document; and
 - More on the adjacent parcel and how it will be used during and after project construction; and
 - Ingress and egress over driveways that are not in the best of condition; and

- Recommends neighborhood outreach. Support letters from out of the area are not as meaningful as letter received from people in the project zip code.

Commissioner Pujo

- Referenced page 6 of the MND, Visual, and agrees with Commissioner Higgins that the view from the beach needs to have a visual study.
- Referenced the Geology section of the MND, Geology:
 - On pages 17-18, noted that conflicts with policies could also be a reason to determine a significant impact; and
 - On page 20, disagreed with reference to potential takings and the Coastal Act, Section 30010 and does not see that it has a place in the MND; and
 - There are a number of references to landslide potential that were done during the Doolittle project and more information that led to the Safety Element policies that were prepared with expertise that determined how sensitive or how vulnerable this area is to landslides, erosion, and slope failure. Activity is episodic and not that simple to determine. She referenced many reports and asserted that in her view they conflict with reports that the Applicant is providing. Because of the conflicts, Staff should flesh this out in an EIR with providing alternatives to address the severity in geology.
- Referenced Public Services on page 27 stating that she would like to see what kind of effect this work and project has potentially, or in the future, on the Mesa sewer trunk line.
- Referenced Recreation section on page 30 stating that she was concerned with item 10.(b) and does not agree that the open space easement is a Class 4 beneficial impact or that any Class 4 impact should be referenced or discussed in an MND. If it is an EIR, then it could be considered as a beneficial impact and included.
- Referenced Water Quality on page 33, subsections b, c, and d, recognizing that storm water quality management plans are required at the building stage, and should not be included as required mitigation. In the absence of specifics in the project description and plans, she suggests inclusion as a recommended Class 3 measure.
- Referenced Land-Use on page 37, Item b, stating that she does not agree with the Class 3 less than significant impact. There are several policies that are inconsistent and relate to some of the policies discussed today, such as Safety Element policies regarding hazards (pages 23-25). This is also not consistent with section 30235 of Coastal Act as the construction proposed will alter natural shoreline processes. This is also in conflict with section 30253 of the Coastal Act and in potential conflict with section 30250. There is also inconsistency with our Local Coastal Plan, policies 8.2 and 9.1.
- Referenced Mandatory Findings of Significance on page 37, encouraging staff to go through the checklist. She has concerns over sections (a) which in her view

should be checked as 'yes' the project does have the potential to degrade the quality of the existing environment due to the degree of alteration and manufactured change to existing baseline conditions; and (b) the incremental effects are cumulatively considerable.

Commissioner Schwartz:

- Referenced Geology on page 17, stating that she would like to see terminology further described such as 'landslide deposits', 'earthquake fault zone hazards', and 'liquefaction and expansive soils'.
- Would like analysis peer reviewed by a geology expert.
- Does not think that building code regulations in place adequately addresses the geologic and seismic hazards. A less than significant impact is not adequately supported.
- Agrees with Commissioner Pujo that there are conflicts with the Safety Element and the Local Coastal Plan policies that are not resolved.
- Referenced Land Use Planning on page 37 and the letter received by the California Coastal Commission (CCC) and stated that she would like the letter received by the CCC fully analyzed.
- Referenced Mandatory Findings of Significance, stating that Staff needs to add justification to support the 'no' check marks and adequacy of the MND.
- The MND does not provide for alternatives that could bring down some of the impacts to less than significant or provide mitigations that are not included in the document.

Commissioner Thompson:

- The MND is a good start and does cover things adequately.
- Other Commissioner comments have provided suggestions for enhancing the Geology section.

Commissioner Campanella:

- Concurs with other Commissioner comments that the Geology analysis needs to have the best available information.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:53 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

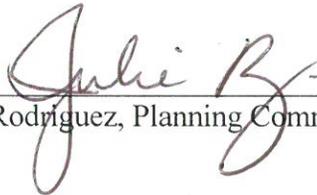
Commissioner Jordan reported that the March 2, 2016 Staff Hearing Officer meeting had been cancelled.

2. Other Committee and Liaison Reports
 - a. Commissioner Campanella reported on the Architectural Board of Review meeting of February 29, 2016.
 - b. Commissioner Lodge reported on the Historic Landmarks Commission meeting of February 24, 2016.
 - c. Commissioner Campanella reminded everyone that it was First Thursday and encouraged everyone to enjoy the events.

VII. ADJOURNMENT

Chair Campanella adjourned the meeting at 5:58 P.M.

Reviewed by video and submitted by,



Julie Rodriguez, Planning Commission Secretary