



City of Santa Barbara
PLANNING COMMISSION
MINUTES
OCTOBER 5, 2017

1:00 P.M.
City Hall, Council Chambers
735 Anacapa Street
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Jay D. Higgins, *Chair*
Lesley Wiscomb, *Vice Chair*
John P. Campanella
Mike Jordan
Sheila Lodge
Deborah L. Schwartz
Addison Thompson

STAFF:

N. Scott Vincent, Assistant City Attorney
Beatriz Gularte, Senior Planner
Kathleen Goo, Commission Secretary

CALL TO ORDER

Chair Higgins called the meeting to order at 1:08 p.m.

ROLL CALL

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

Absent: None

STAFF PRESENT

N. Scott Vincent, Assistant City Attorney
Renee Brooke, City Planner
Beatriz Gularte, Senior Planner
Allison De Busk, Project Planner
Jessica W. Grant, Project Planner
Kathleen Goo, Commission Secretary

II. PRELIMINARY MATTERS

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

No requests.

B. Announcements and appeals:

Ms. Gularte announced that an appeal to City Council has been filed for 3617 State Street (Storefront Collective Dispensary Permit Appeal).

- C. Review, consideration, and action on the following draft Planning Commission minutes:
1. September 7, 2017 Minutes for Item IV, ADU Ordinance

Suzanne Elledge submitted some suggested comments for inclusion in the minutes pertaining to her public comments on the proposed changes to the ADU Ordinance.

Mr. Vincent clarified for the Commission that the ADU Ordinance will be going before City Council on October 24, 2017, for initiation and comment. He further clarified that partial minutes ratification was proposed by staff due to the City Attorney Office's continuing review of the second item in those minutes, 3617 State Street.

MOTION: Schwartz/

Continue two weeks to the October 19, 2017 meeting for review of a complete and accurate set of the September 7, 2017 Draft Minutes, with additional comments and corrections made by the Planning Commission on Item IV, Accessory Dwelling Unit Ordinance.

Motion failed due to lack of a second.

MOTION: Campanella/Jordan

Continue to the October 19, 2017 meeting for review of a complete draft of the September 7, 2017 Minutes that will be submitted to City Council for the October 24, 2017 ADU Ordinance initiation hearing.

This motion carried by the following vote:

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

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

No one wished to speak.

ACTUAL TIME: 1:29 P.M.

III. RECOMMENDATION

APPLICATION OF JANE GRAY, DUDEK, AGENT FOR COMETA TRUST, 726 N. LA CUMBRE ROAD, APN 057-111-003, COUNTY ZONE: 8-R-1 (SINGLE FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 8,000 SQUARE FEET PER UNIT), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL 4.6 UNITS PER ACRE (MST2016-00431)

The applicant requests that the City initiate annexation of a property located at 726 North La Cumbre Road. The subject property is located within the City's Sphere of Influence and is currently developed with a single-family residence and detached garage. If the request for initiation is granted, the proposed project would include: Annexation of the unincorporated area of Santa Barbara County to the City of Santa Barbara; General Plan Amendment to Low Density Residential, Five Dwelling Units per Acre; Zoning Map Amendment to RS-7.5 / USS (Residential Single Unit, 7,500 square foot minimum lot size / Upper State Street Overlay); and a Tentative Subdivision Map to divide the property into three residential lots. At this time, the discretionary action required for the project is Initiation of Annexation of the 29,600 square foot lot to the City of Santa Barbara.

Contact: Allison De Busk, Project Planner

Email: ADeBusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4552

Allison De Busk, Project Planner, gave the Staff presentation.

Zoe Carlson, Dudek, Agent for the Cometa Trust, Property Owner, gave the Applicant presentation.

Public comment opened at 1:36 p.m., and as no one wished to speak, it closed.

Staff clarified for Commissioner Campanella that per the original discussion in 2008, LAFCO and other quasi-governmental entities, such as the water and sewer district, gave their opinions on whether they will still service the site, and this will be discussed again during the annexation process if the initiation is approved.

MOTION: Thompson/Wiscomb

Assigned Resolution No. 016-17

Initiate annexation of the property located at 726 North La Cumbre Road, as outlined in the Staff Report dated September 28, 2017.

This motion carried by the following vote:

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

There is no ten calendar day appeal period for this item.

ACTUAL TIME: 1:38 P.M.

IV. CONTINUED ITEM

APPLICATION OF THOMAS OCHSNER, ARCHITECT FOR CHAD YONKER, PROPERTY OWNER, 1631 SHORELINE DRIVE, APN 045-173-022, E-3/SD-3 SINGLE FAMILY RESIDENTIAL AND COASTAL OVERLAY ZONES, GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: FIVE RESIDENTIAL UNITS PER ACRE (MST2016-00241/CDP2017-00002)

The project consists of a major home remodel resulting in a first-story addition of 422 square feet and a new 1,356 square foot second-story addition to an existing one-story, 1,826 square foot single-family residence, and 382 square foot garage. Other proposed site improvements include landscape changes, a new wood fence, new plaster wall, a new concrete driveway, and a flagstone patio. Code violations in ZIR2016-00169 and ENF2008-00161 will be addressed with the project. The applicant is requesting permission to permit the two "as-built" retaining walls and chain link fence and remove the concrete pad. The proposed total of 3,986 square feet on a 20,100 square foot lot located in the Hillside Design District is 85% of the guideline maximum floor-to-lot-area ratio (FAR).

The property is zoned E-3/SD-3, Single Family and is located in the Appealable Jurisdiction of the Coastal Zone with a General Plan and Coastal Land Use designation of Residential, Five Dwelling Units per Acre.

The subject site is a south-facing bluff-face property with the existing main residential structure north of the edge of the coastal bluff. The existing drainage is via two drain inlets on the southern portion of the bluff that drain down to the beach. The project site would comply with Tier 3 Storm Water Management.

This project was reviewed by the Planning Commission on August 10, 2017 and continued for further notice to the neighbors and Single Family Design Board input on the design. The discretionary application required for this project is a Coastal Development Permit (CDP2017-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060). The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Contact: Jessica Grant, Project Planner
Email: JGrant@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4550

Jessica Grant, Project Planner, gave the Staff presentation, and clarified the requested proposed findings for the Commission to make if deemed supportable for the addition to the single-family residence and its consistency with the Local Coastal Plan (LCP) and Coastal Act, and asked the Commission to also consider alternatives for the two as-built retaining walls. Fred Sweeney, Single Family Design Board (SFDB) Chair, was also available to answer questions.

Ms. Grant confirmed for Commissioner Schwartz that the original set of plans the Planning Commission reviewed for this meeting were the same plans reviewed by the SFDB, with the exception of a few windows on the second story, which were modified to address privacy impacts for the adjacent neighbors.

Commissioner Jordan stated he was uneasy with the fact that the only person offering an opinion on the viability of the different options to resolve the retaining walls is someone paid by the applicant, and he asked staff how the Commission could determine if what the applicant's expert suggested is practical. Ms. Grant stated that if the project receives an approval by the Planning Commission and subsequently the SFDB, then the project would be sent to Building Plan Check review for evaluation of the construction drawings before a building permit is issued, and eventually assigned building inspectors for review through the construction process.

Thomas Ochsner, Architect, gave the Applicant presentation, and was joined by Adam Simmons, Geologist. Mr. Ochsner's presentation included discussion of story poles, physical and calculated edge of bluff, project noticing, and property owner outreach efforts to the neighborhood.

From the original plans that went before the Commission on August 10, 2017, Ms. Grant clarified for Commissioner Wiscomb staff's calculation of top-of-bluff based on the Coastal Commission's coastal map approved in September 2017. The geologist's top of bluff is determined from aerial and topographic records prior to the residence being constructed.

Mr. Ochsner clarified the his proposed retaining wall alternatives, Options A through C, are the same as what the SFDB reviewed. Option D is a hybrid of Option B that was suggested by the SFDB. Mr. Ochsner discussed each option in detail:

- Option A: Original option presented at the August 10, 2017 PC hearing and includes removing the first 18"-24" of the upper retaining wall and removing 16 cubic yards of fill material from the property behind the upper retaining wall. In evaluation of the weight distribution on the physical bluff face, there would be no net gains and zero tons of added weight to the calculated top-of-bluff.
- Option B: Proposes to remove the first 18"-24" of the upper retaining wall and distributes the cut from above at the upper retaining wall to the toe of the wall, including a 12-inch deep bench to control erosion, and compacted 50 cubic yards of cut and fill for both the upper and lower retaining walls, with no export material off the property. In evaluation of the weight distribution on the physical bluff face, there would be 16.8 tons added weight to the south of the calculated top-of-bluff.
- Option C: (Requested by Planning Commission at the August 10 meeting) Involves the visual elimination of the both upper and lower retaining walls from the top of grade, and applies the fill to establish a continuous slope down the bluff face to an area behind the physical existing bluff edge, and includes 69 cubic yards of cut, 93 cubic yards of fill, with 24 cubic yards of import material. In evaluation of the weight distribution on the physical bluff face, there would be 27 tons added weight to the south of the calculated top-of-bluff.
- Option D: (Recommended by SFDB) A hybrid or modified Option B, which reduces fill for the the lower retaining wall to 1.35 tons since placing more fill at the lower retaining wall near the bluff edge may not be ideal. The landscape architect also recommends smaller, quicker-growing one-gallon lemonade berry bush plantings that would totally engulf the existing retaining walls in a growth rate of five years at a maximum size of 12 feet tall by 20 feet wide.

Public comment opened at 2:15 p.m.

Peter Snowden spoke in support of the proposed size, bulk, and scale, and found the proposed project compatible with the neighborhood with no privacy impact issues.

The following people spoke in opposition or with concerns:

1. Jesse Wooten spoke about concerns regarding the lack of previous noticing on the project by the applicant last August, requested removal of the "as-built" retaining wall to allow natural beach preservation replenishment to occur, and requested the project be sent back to the Single Family Design Board with comments: the second story should be narrowed, the ten-foot high plate height should be lowered, the square footage should be reduced for neighborhood compatibility, and that the current box-like structure and height pose privacy impacts to adjacent homes in the surrounding Santa Rosa Lane area.
2. Jon Kauffman spoke of concerns regarding the proposed second story and that the proposed size, bulk, and scale are too large and box-like, and he requested removal of the retaining wall to allow natural beach erosion.

Public correspondence was received from Susan Sheller and Bob Roe, and the law offices of Marc Chytilo representing local resident Mary Wise in opposition. An email of concern was received from Kip Fulbeck regarding the posted story poles and City noticing. The Planning Commission received copies of correspondence in support from the September 18, 2017 Single Family Design Board meeting.

Public comment closed at 2:23 p.m.

Ms. Grant clarified for Chair Higgins and Commissioner Thompson that the combined digital data mapping source inputs and analysis of the top-of-bluff, derived from the Coastal Commission's Coastal Map approved in September 2017, the County of Santa Barbara Coastal Hazard Modeling and Vulnerability Assessment, the County of Santa Barbara Post-LCP Certification Permit and Appeal Jurisdiction Map, and the USGS Coastal Storm Modeling System, show an approximate 120-foot contour. Ms. Grant also showed the as-built condition of the property over time with the use of maps, aeriels, and bird's eye photos from CaliforniaCoastline.org and City records.

Mr. Vincent explained the complicated situation of LCP policies allowing no building along the bluff face, which does not address circumstances involving pre-existing violations such as as-built retaining walls, any procedure for violations of this policy, and new development mandates of the Public Resources Code Section Policy of the Coastal Act requiring new development to do all of the following: *"a) minimize risks to life and property in areas of high geologic, flood, and fire hazard; b) 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 that would substantially alter natural landforms along bluffs and cliffs."* Even though the LCP states no development is allowed on the bluff face, development has already occurred, and the Commission should now decide the correct development that should remain.

Mr. Sweeney, Chair of the Single Family Design Board (SFDB), pointed out that SFDB Guidelines do not have a set definition for the term "neighborhood," and he explained that the SFDB defines the applicable neighborhood on a case-by-case basis. Mr. Sweeney also noted that the SFDB guidelines are not zoning standards, and therefore they are subject to

interpretation by SFDB members on a case-by-case basis through site visit observations and plan reviews of size, bulk, and scale; pre-existing structures; accurately posted story poles; floor-to-lot area (FAR) calculations; privacy issues; public view impacts; and neighborhood compatibility. The SFDB supported the size of the project as appropriate at 85% of the FAR. The first-story plate height was acceptable, but the Board wanted to see introduction of horizontal elements to break the high front appearance. The Board also wanted to work with the applicant on exterior materials proposed. The Board appreciated the removal of all chimneys except one.

Commissioner Wiscomb commented that she does not agree with using the applicant's determination as to the location of the top-of-bluff, which significantly differs from staff's top-of-bluff determination.

Adam Simmons, Geologist, explained the distinction between his determination of the top-of-bluff and the Coastal Commission's determination in the following manner:

- The Coastal Commission's top-of-bluff determination was based on a more regional and less specific analysis. Mr. Simmons stated that his determination is based on a site-specific analysis.
- Mr. Simmons explained that his first priority with respect to changes to the retaining walls on the bluff edge is to avoid or at least minimize the amount of additional weight (from fill dirt) that is placed on the bluff edge.
- Proposed Option C for removal of the retaining walls with an additional 27 tons of grade and fill might only add unnecessary stress and weight to the bluff edge and invite bluff face failure, with any subsequent rain water weight only adding to probable bluff face failure, damage to the project site and property, and danger to the health and safety of people on the beach. If this option is preferred, then removal of the walls would need to be accomplished by hand equipment to reduce weight and vibration effects and damage to the bluff face.
- Option A offers the least impacts, cutting off two feet from the upper retaining wall and adding the least amount of slope instability with zero fill.
- Option D would spread the amount of cut and fill over a wider area for slope stability.
- Fill would either come from the site at the rear of the retaining walls, or come from off-site, and would be preferably hand-compacted going along the slope of the bluff.
- Adding any significant weight to the top-of-bluff or slope of the bluff would increase the potential for failure.
- Removal of the walls or changing the slope face might have impacts to neighboring parcels.
- From a geological standpoint, he would have no issue removing the stairs, but he did not think it absolutely necessary since it could be used as a landscaped feature.

Ms. Grant clarified for Commissioner Wiscomb that one of the retaining walls may predate the the Local Coastal Plan (LCP) based on the 1979 bird's eye photo from CaliforniaCoastline.org. Ms. Grant also clarified for Commissioner Campanella that when the bluff edge is stepped or has man-made terraces, the bluff edge is normally set at the highest point of the upper-most riser of the step-like feature. Ms. Grant went on to explain that Mr. Simmons found that the natural condition of the bluff face, prior to the installation of the retaining walls, was rounded as opposed to stepped.

Mr. Vincent addressed the possibilities of adding to the Coastal Development Permit conditional circumstances addressing imminent threats to the coastal bluff.

Commissioner comments:

Commissioner Jordan commented that even though he empathized with neighbors' concerns for preservation of private views, he concurred with the SFDB's comments and found the proposed project has appropriate scale, fits the neighborhood, and is similar in design to other two-story homes in the area. He could support the proposed CDP, and he only had reservations with regard to the retaining walls, which are sensitive to the coastal bluff safety and preservation. With respect to the retaining walls, Mr. Jordan stated that his desire was to remedy the current condition in the manner that provides the most safety for the slope and that removes any possibility for future use of the bluff face by the residents.

Commissioner Lodge commented that the story poles did not appear to show the full story of the almost 4,000 square foot mass of the large proposed structure, which seems to stretch out further than depicted. Mr. Ochsner clarified for Commissioner Lodge the guidelines used for calculating and developing the height of the roof, prior reduction of the plate heights, and determination of the location of posted story poles. He stated that if required, he would be willing to consider further reduction of the second-story plate heights after receiving PC approval for return to SFDB for final approval of the project.

Commissioner Schwartz found that the proposed project with large second floors does not seem to have the sensitivity to the surrounding neighborhood shown by a similar project on La Marina and Shoreline Drive, which does not overwhelm the corner or the City block or create massing on the ocean side of Shoreline Drive, and she requested the project return to SFDB for further review. She requested a nuanced reduction of the second floor, in the design and of the proposed square footage.

Commissioner Wiscomb concurred with Commissioner Jordan and also supported the SFDB's comments. She commented that she would support the proposed retaining wall options, but could not entirely support staff's suggested options. She concurred with Mr. Vincent's statements on LCP Policy 8.2 that no development is allowed on the bluff for areas of high geologic hazard; concurred with removal of the stairs and chain link fence; concurred with the geologist's recommendations for the cutting of the upper retaining wall by 12-24 inches, cut and fill with site material from the rear of the bluff, and replacement of drought-tolerant vegetation of sufficient density to camouflage the retaining walls; and recommended the issuance of a CDP performance bond for maintenance, with added language for a plan in case the walls should fail. She supported SFDB's Option D and a modified version of Option 2 of the Staff Report Findings.

Mr. Vincent clarified for Commissioner Wiscomb that any proposed solution violates LCP Policy 8.2 that is against any development on the bluff face, and stipulates that *"any new development shall minimize threats to life and safety, except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry, and shall minimize alteration of the bluff and beach."* Unfortunately, leaving the bluff face as is would be inconsistent with the Local Coastal Act, and Option 2 (Staff Report Findings Option 2) is the closest approach that would be in keeping with the the stipulations of LCP Policy 8.2.

Commissioner Thompson commented that first-floor wall/plate height is predicated on the City sustainability policy and that it does not make sense to tear down the retaining walls. He agreed that there should be some changes to the second-story design, and he supported Option D or Option 2, which have the least amount of fill and minimize weight distribution on the bluff.

Commissioner Campanella supported either Option D or Option 2 as written, those being the options with the least amount of possible work on the bluff with no violation of the bluff face, and supported the SFDB suggestions.

Commissioner Schwartz supported a modified Option 2 versus Option 1 (Staff Report Findings Option 1), as bluff top properties are unique to their situations and circumstances. She was concerned about instability, and preferred an enlightened approach to either remove or allow retaining walls. She concurred with Commissioner Wiscomb on a modified Option 2. She requested Mr. Vincent's assistance to modify Condition of Approval B5, and stated that she is aware of these more sensitive iconic beachside areas of Santa Barbara and the need to protect them.

Mr. Vincent clarified that the Building Official should determine imminent threats to public health and safety, and that a letter should be placed in the project file that states his evaluation of the circumstances and steps to follow to comply with requirements for the bluff face and for protection of public health and safety.

Chair Higgins stated that he was generally disappointed with the state of the architecture upon return to the Planning Commission after the Commission's prior comments. He also lamented the fact that the FAR calculation includes the unbuildable lot area on the bluff face, which enables a larger residence while staying within 85% of the maximum FAR. While understanding the potential impacts to the neighboring private views, he supported the SFDB's conclusions about neighborhood compatibility, found the City followed protocol and took appropriate steps, and supported Option D or a modified Option 2.

MOTION: Lodge/Wiscomb

Assigned Resolution No. 017-17

Approve the Coastal Development Permit for the proposed development at 1631 Shoreline Drive, finding that the project qualifies for an exemption from further environmental review pursuant to CEQA Guideline Section 15183, subject to the conditions of approval in Exhibit A to the Planning Commission Staff Report dated August 3, 2017 as amended below, and making the following findings with regard to the Coastal Development Permit:

The Planning Commission finds that leaving the historic terracing of the bluff face and the associated improvements (i.e., retaining walls, railroad tie stairs, chain link fence) in their existing condition is not consistent with the Coastal Act or the City's Local Coastal Program Policy 8.2. Because the removal of the improvements would also be inconsistent with the City's Local Coastal Program Policy 8.2, of the remediation plans presented to the Planning Commission, the Commission finds the approach depicted in Option D of the applicant's presentation to the Commission on October 5, 2017 (as amended by the Commission) to be the most consistent with the Coastal Act (Public Resources Code Section 30253) and the City's Local Coastal Program. The Planning Commission does not find the removal of all improvements from the bluff face to be consistent with Public Resources Code Section 30253 because the removal of the as-built retaining walls does not minimize the risks to life and property in an area of high geologic hazard, would not assure the geologic stability of the bluff edge, and could potentially contribute significantly to erosion of the bluff edge.

Option D (Amended):

1. Leave the existing retaining walls in place, except for removing 18"-24" of the upper retaining wall.

2. Grade a 3:1 (horizontal:vertical) slope landward from the new top of the upper retaining wall.
3. Add the spoils from the grading of the 3:1 slope to the seaward base of the upper retaining wall (as depicted in Option D) and compact to a 2:1 slope with a 12" deep key.
4. No fill is to be added seaward of the lower retaining wall.
5. Remove the poles and chain link of the chain link fence, but protect in place the concrete footings for the poles so as not to disturb the bluff face.
6. Landscape the area between the bluff edge and the upper retaining wall with lemonade berry bushes in accordance with the approved landscape plan in order to camouflage the retaining walls and to prevent the use of the terraced areas by persons.
7. Remove the railroad tie stairs, but an access path for planting is acceptable.

Conditions of Approval:

The Planning Commission adopts the Conditions of Approval attached as Exhibit A to the Planning Commission Staff Report dated August 3, 2017 with the following revisions:

1. Condition I.B.1 shall be amended to reflect the date of approval of October 5, 2017 and incorporate the approval of Option D as described above.
2. A new Condition I.C.6 is added to encourage the SFDB to work with the applicant to consider reducing the massing of the second floor addition.
3. A new Condition I.D.2.g is added to require the applicant to submit performance security in a form acceptable to the Community Development Director and in an amount sufficient to complete a successful installation of the lemonade berry bush as proposed in the landscape plan. The security shall remain with the City for five years from certificate of occupancy or final inspection of the installation of the landscaping, whichever is later. The security shall be available to ensure additional planting as necessary to achieve the intended camouflaging effect with respect to the retaining walls.

This motion carried by the following vote:

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

The ten calendar day appeal period was announced.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:44 P.M.

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report

No report given.

2. Other Committee and Liaison Reports

- a. Commissioner Thompson reported on the October 2, 2017 SFDB meeting.
- b. Commissioner Lodge and Commissioner Wiscomb reported on the September 27, 2017 Creeks Advisory Committee meeting.
- c. Commissioner Lodge and Commissioner Campanella reported on the September 25, 2017 ABR meeting.
- d. Commissioner Campanella discussed the upcoming October 11, 2017 Housing Task Force meeting.
- e. Commissioner Schwartz reported on pending public outreach meetings on sea level rise and vulnerability assessment.

VI. **ADJOURNMENT**

Chair Higgins adjourned the meeting at 4:56 p.m.

Submitted by,



Kathleen Goo, Commission Secretary