



City of Santa Barbara
PLANNING COMMISSION
MINUTES
MARCH 1, 2018

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

COMMISSION MEMBERS:

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

STAFF:

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

CALL TO ORDER

Chair Wiscomb called the meeting to order at 1:01 p.m.

I. ROLL CALL

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

Absent: None

STAFF PRESENT

N. Scott Vincent, Assistant City Attorney
 Renee Brooke, City Planner
 Debra Andaloro, Principal Planner
 Beatriz Gularte, Senior Planner
 Cameron Benson, Creeks Division Manager
 Karl Treiberg, Waterfront Facility Manager
 Rosie Dyste, Project Planner
 Timmy Bolton, Associate Planner
 Adam Nares, Geographic Information Systems Technician
 Kathleen Goo, Commission Secretary

II. PRELIMINARY MATTERS

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

Ms. Gularte requested that the approval of minutes and resolutions be moved to the end of the hearing.

B. Announcements and appeals:

Ms. Goo introduced Krystal Vaughn as the new Commission Secretary for the Planning Commission.

C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. January 25, 2018 Minutes

MOTION: Thompson/Campanella

Approve the minutes as amended.

This motion carried by the following vote:

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

2. February 1, 2018 Minutes

MOTION: Thompson/Jordan

Approve the minutes as amended.

This motion carried by the following vote:

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

Commissioner Wiscomb abstained from approval of the minutes for Item IV, 1837 ½ El Camino de la Luz.

3. PC Resolution No. 003-18
1201 Del Oro Avenue

MOTION: Thompson/Jordan

Approve the resolution as presented.

This motion carried by the following vote:

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

4. February 8, 2018 Minutes

5. Resolution 004-18
6210-6290 Hollister Avenue

MOTION: Thompson/Jordan

Approve the minutes and resolution as presented.

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 public comment.

III. NEW ITEM**ACTUAL TIME: 1:02 P.M.****ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE**

The Planning Commission will decide whether to allocate 12,316 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2017 to the Small Addition category or to the Community Benefit category for future development. Unused or expired Small Additions are reallocated by Planning Commission on an annual basis per the Growth Management Plan passed by Council Resolution on March 5, 2013.

Contact: Adam Nares, Geographic Information Systems Technician

Email: ANares@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4553

Chair Wiscomb requested that the Planning Commission waive the Staff Report.

MOTION: Lodge/Thompson

Waive the Staff Report.

This motion carried by the following vote:

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

Adam Nares, Geographic Information Systems Technician, was present. Debra Andaloro, Principal Planner, was available to answer questions.

Public comment opened at 1:11 p.m., and as no one wished to speak, it closed.

MOTION: Lodge/Jordan**Assigned Resolution No. 005-18**

Approve the allocation of 12,316 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2017 to the Community Benefit category for future development.

This motion carried by the following vote:

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

IV. RECOMMENDATION TO CITY COUNCIL FOR AMENDMENTS TO GENERAL PLAN MAP AND LOCAL COASTAL PROGRAM

ACTUAL TIME: 1:10 P.M.

The Planning Commission will consider for recommendation to the City Council:

1. A General Plan Map Amendment (MST2018-00070, Applicant: City of Santa Barbara) bifurcating the adopted General Plan Map at the Coastal Zone boundary, except in the Airport Area, to create a General Plan Land Use Map for the Inland and Airport Areas (no other changes proposed) and a General Plan Land Use Map for the Coastal Zone with minor land use designation name changes.
2. Local Coastal Program Amendment (MST2018-00070, Applicant: City of Santa Barbara) comprised of:
 - a. An update to the Coastal Land Use Plan (LUP) to modernize the 1981 Coastal LUP to 1) document criteria and interpretations already being used today for the review and approval of Coastal Development Permits, 2) clarify development standards for complicated topics such as development near coastal bluffs and creeks, and 3) address new and emerging issues for the City, such as sea level rise; and
 - b. A General Plan Land Use Map for the Coastal Zone.

Following Planning Commission recommendation, the General Plan Map Amendment and LCP Amendment will be forwarded to the City Council for adoption, and the LCP Amendment onto the California Coastal Commission for certification.

Contact: Debra Andaloro, Principal Planner
Email: DAndaloro@SantaBarbaraCA.gov

Phone: (805) 897-2569

Debra Andaloro, Principal Planner, gave the Staff presentation. Renee Brooke, Senior Planner; Cameron Benson, Creeks Division Manager; Rosie Dyste, Project Planner; and Timmy Bolton, Associate Planner, were available to answer questions.

Public comment opened at 1:37 p.m.

The following people spoke in support:

1. Steve Welton of Suzanne Elledge Planning & Permitting Services spoke in support of Policy 3.1-15, Parking Supply and Management; he emphasized that the success of this policy is linked to sustainable transportation policy. Regarding the Coastal Hazards section, he recommended the City obtain feedback from local geologists on coastal bluff issues that impact future development. Policy 5.1-32 could also provide further clarity to homeowners and the public about the type of development allowed within the Coastal Bluff Edge Development Buffer, and the City should consider allowing minor development where it can be demonstrated that it will not have a deleterious effect.
2. Brian Trautwein of the Environmental Defense Center spoke in strong support of creek setbacks as established in the LUP. He emphasized the amount of wetlands lost in California and stated that the LUP allows reasonable uses while protecting from harmful alterations. The 35-foot setback for Mission Creek is practical, but a larger one would be supportable. He also emphasized the importance of the LUP's Environmentally Sensitive Habitat Areas (ESHA) policy language being consistent with the Coastal Act.
3. Shannon Batchev of the Coastal Housing Coalition expressed support for inclusion of Policy

2.1-3, the Average Unit-Size Density (AUD) Incentive Program, in the LUP. It is essential this be included to facilitate AUD development in the Coastal Zone, and that the language indicating the program's target of middle and upper-middle income housing remain.

The following people spoke in opposition or with concerns:

1. Daniel McCarter of the Urban Creeks Council requested greater creek setbacks, expressing concern that they will not provide an adequate safety buffer and should be increased based on science and input from public safety experts.
2. Adam Brown spoke of concerns regarding Coastal Zone housing and the City's short-term vacation rental policy forcing the conversion of homes to hotels and they can't be converted back.
3. Tiffany Haller, realtor, spoke of concern that short-term rentals are not addressed appropriately in the document and requested that the Planning Commission direct staff on this topic. Betsy Kehoe ceded time to Ms. Haller.
4. Guy Dolev, chairman of the business association Railroad Square, spoke of concerns of industrial uses beyond the scope of the zoning taking place in areas adjacent to the Coastal Zone and their negative impacts.
5. Samantha Ireland, realtor, objected to the municipal code definition on page 3.2-14 of short-term rentals as hotels, emphasizing that it is inconsistent with the Coastal Act. She requested the Commission discuss removing the text. Pat Kehoe ceded time to Ms. Ireland.
6. Sharon Byrne of the Coast Village Merchants Association spoke about the Cacique-Milpas-Quarantina-Montecito Streets area, what has been called the "Craftsman District," and concerns regarding land uses generating air and noise pollution in this area, which should be researched due to proximity to the Coastal Zone.

Public comment closed at 2:03 p.m.

Commission Comments on the 2018 Draft Coastal LUP Chapters:

INTRODUCTION AND COASTAL LAND USES

- ***Chapter 1.1: The Coastal Act***
- ***Chapter 1.2: Santa Barbara's Local Coastal Program***
- ***Chapter 1.3: Santa Barbara's Coastal Zone***

Commissioner comments:

On page 1.2-3, under "Other Coastal Land Use Plans," following a discussion with staff, Commissioner Higgins requested that the text of the Coastal LUP be amended to clarify that City College's future amendments to its Long Range Development Plan document will need to be consistent with the City's more restrictive certified Coastal LUP policies. If convenient for staff, Commissioner Higgins also requested a "red-line" version of the Coastal LUP, specifically for the policy points.

On page 1.3-8, fourth paragraph under Major Coastal Issues, Commissioner Campanella requested the term "episodic" be defined to highlight that coastal bluff erosion may occur incrementally or abruptly.

COASTAL LAND USES

- **Chapter 2.1: Land Use & Development**
- **Chapter 2.2: Coastal-Dependent & Related Development**

Commissioner comments:

On page 2.1-16, under Policy 2.1-16, Nonconforming Development, item e, Commissioner Jordan requested a correction on typographical error: “*Additions to a legal nonconforming structure may be permitted is the addition conforms...*” should be corrected to “*Additions to a legal nonconforming structure may be permitted if the addition conforms...*”

On page 2.1-18, under Policy 2.1-24, Substantial Redevelopment, items a(ii) and b(ii), Commissioner Higgins found the definition of substantial redevelopment to be overly harsh and aggressive for structures like fences, when the process would then require provisions of additional development for public access, easement, acquisitions, and dedications.

Chair Wiscomb concurred with staff’s intention to be stricter on requirements along the coastal bluff and creek areas in order to correct existing problems for nonconforming uses and structures.

PUBLIC ACCESS & RECREATION

- **Chapter 3.1: Public Access**
- **Chapter 3.2: Visitor-Serving & Recreational Facilities**

Commissioner comments:

On page 3.1-24, Sustainable Transportation, under Policy 3.1-27, Maintain, Improve, and Maximize Sustainable Coastal Access, Commissioner Higgins asked that staff elaborate or have an expressed statement in the document that explains in black and white that the application of these policies to individual projects should remain consistent so that, for example, a private property owner of a single-family home who is replacing a fence would not be required to put a third lane on Highway 101.

On page 3.1-25, Sustainable Transportation, under Policy 3.1-27, Expansion of the Pedestrian Paseo Network, Commissioner Higgins suggested inclusion of a map; the map could tie constructively to Policy 3.1-26, identifying the existing paseos or possible existing disconnects that might be the target of some nexus to substantial redevelopment. Additionally, Commissioner Higgins also commented that the document should more clearly identify street parking areas near coastal amenities, such as the Douglas Family Preserve and Mesa Lane, which will no longer be removable without a CDP. Commissioner Higgins also stated that there may be a future conflict with Policy 3.1-30, Public Use of Key Public Access Parking Areas, and an Accessory Dwelling Unit ordinance consistent with state law.

On page 3.1-14, Opportunities to Improve Parking Efficiency & Supply, Commissioner Schwartz stated that merchants and business owners in the Funk Zone area have indicated that the need for parking by customers and patrons continues to decrease due to alternate transportation via Uber/Lyft, bicycling, and carpooling. Therefore, the sentence pertaining to the Funk Zone parking need can be removed.

On Page 3.1-26, Policy 3.1-30, Public Use of Key Public Access Parking Areas, and Policy 3.1-34, Locations of Key Public Access Parking Areas, Commissioner Jordan emphasized that maintaining coastal access in specific high-use areas is critical, and discussed with staff both the bounds of the Key Public Access Parking areas and that Policy 3.1-13, Requirements for New City Parking Programs, would sufficiently address his concerns. For Policy 3.1-32, SBCC and City Shared Parking, Commissioner Jordan commented on the need for a better reciprocal relationship between the two entities to leverage better access to SBCC's underutilized parking facilities for the City's benefit.

*** THE COMMISSION RECESSED FROM 3:35 TO 3:51 P.M. ***

COASTAL RESOURCES PROTECTION

- ***Chapter 4.1: Biological Resources******Chapter 4.2: Water Quality***
- ***Chapter 4.3: Scenic Resources & Visual Quality***
- ***Chapter 4.4: Cultural Resources***

Commissioner comments:

On page 4.3-13, Policy 4.3-5, Obstruction of Scenic View Corridors, and page 4.3-18, Policy 4.3-27, Public Scenic Views and Scenic Resources Identification, Commissioner Jordan requested that the definition of scenic view corridors be included and explained in the document.

COASTAL HAZARDS & ADAPTATION

A discussion was held and no Commission comments with regard to changes or requests for this section were made.

PUBLIC SERVICES AND FACILITIES

- ***Chapter 6.1: Public Works & Energy Facilities***
- ***Chapter 6.2: Highway 101***

Commissioner comments:

On page 6.2-6, Highway 101 Policy Goals, Commissioner Schwartz commented that before the next iteration of the highway design, it is important that some aesthetics be incorporated by designers and engineers, or representatives as part of the subcommittee, as there is no value of maintaining the language "Maintain the historic aspects of the original Montecito Parkway (Highway 101 from Ortega Hill to Milpas Street)," when it is a fiction at this point and we are past any historic aspects regarding a view corridor of Highway 101.

On Page 6.2-9, Policy 6.2-16, Preserve Historic Appearance of Highway 101, Commissioner Lodge requested that the phrase "**and/or restore**" be added to the sentence as follows: "In order to preserve **and/or restore** the historic appearance of Highway 101, exemplary bridges, structures, and other architectural features along the highway shall be preserved **and/or restored** to the maximum extent feasible."

General Commissioner Comments:

Commissioner Higgins suggested that additional noticing be done for owners with parcels in the bluff/creek buffers that may become nonconforming, so as to clearly identify what will be affecting them with regard to their properties.

Commissioner Lodge stated that she will provide staff with language regarding the history of the Douglas Family Preserve.

MOTION: Jordan/Lodge**Assigned Resolution No. 006-18**

Forward to City Council the Planning Commission's recommendation for adoption of the General Plan Map Amendment bifurcating the adopted General Plan Map at the Coastal Zone boundary, except in the Airport Area; a Local Coastal Program (LCP) Amendment comprised of an updated Coastal Land Use Plan (LUP); and the General Plan Land Use Map for the Coastal Zone, with identified changes to Coastal LUP as outlined in the Staff Report Addendum dated February 28, 2018, to Policy 2.1-16 (d) and (e) as requested by Mr. Lyons, and the recommended changes as follows:

1. Page 1.2-3, clarify the City College process and relationship of the City's LUP and City College's LRDP.
2. Page 1.3-8, clarify the bluff erosion "highly episodic" language.
3. Page 2.1-16, Policy 2.1-16e, correct typographical error by replacing "is" with "if."
4. Figure 3.1-1 Transportation, insert the pedestrian paseo network map, if it can be located, into the Coastal LUP, showing both existing and future paseos.
5. Page 3.1-14, strike the language referencing the Funk Zone.
6. Page 4.3-18, Chapter 4.3 Scenic Resources, define "public scenic view corridors" and add the word "corridors" to Policy 4.3-27, defining the resources.
7. Page 6.2-9, Policy 6.2-16, add the words "and/or restore."
8. Page 6.2-5, restudy the text that refers to elements that currently contribute to the overall character of Highway 101.

This motion carried by the following vote:

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

Commission Higgins could not support the motion because he preferred to review a final draft of the Coastal LUP in two weeks.

Additional comments:

Chair Wiscomb and Commissioner Schwartz thanked staff for all their hard work during the past four years and a superb job, emphasizing the great value of this document.

Commissioner Jordan expressed interest in a possible lunch meeting on the Lower Cost Overnight Accommodation study.

III. ADMINISTRATIVE AGENDA**ACTUAL TIME: 6:05 P.M.****A. Committee and Liaison Reports:****1. Staff Hearing Officer Liaison Report**

Commissioner Higgins reported on the Staff Hearing Officer meetings of February 14 and February 28, 2018.

2. Other Committee and Liaison Reports

- a. Commissioner Schwartz reported on the interviews of consulting firms for Long Range Planning.
- b. Commissioner Campanella reported on the February 12, 2018 meeting of the Architectural Board of Review.
- c. Commissioner Wiscomb reported on the February 28, 2018 meeting of the Parks and Recreation Commission.

IV. ADJOURNMENT

Chair Wiscomb adjourned the meeting at 6:13 p.m.

Submitted by,

Kathleen Goo, Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 005-18

CITYWIDE

ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE

MARCH 1, 2018

ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE

The Planning Commission decided whether to allocate 12,316 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2017 to the Small Addition category or to the Community Benefit category for future development.

Unused or expired Small Additions are reallocated by Planning Commission on an annual basis per the Growth Management Plan passed by Council Resolution on March 5, 2013.

WHEREAS, the Planning Commission has held the required public hearing on the above decision.

WHEREAS, no one appeared to speak in favor or in opposition thereto, and the following exhibits were presented for the record: Staff Report with Attachments, February 22, 2018

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission approved allocating 12,316 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2017 to the Community Benefit category for future development.

This motion was passed and adopted on the 1st day of March, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Kathleen Goo, Planning Commission Secretary

Date

PLEASE BE ADVISED:

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



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-18

RECOMMENDATIONS TO CITY COUNCIL FOR GENERAL PLAN MAP AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT MARCH 1, 2018

RECOMMENDATION TO CITY COUNCIL FOR AMENDMENTS TO GENERAL PLAN MAP AND LOCAL COASTAL PROGRAM

The Planning Commission recommendations to the City Council:

1. A General Plan Map Amendment (MST2018-00070, Applicant: City of Santa Barbara) bifurcating the adopted General Plan Map at the Coastal Zone boundary, except in the Airport Area, to create a General Plan Land Use Map for the Inland and Airport Areas (no other changes proposed) and a General Plan Land Use Map for the Coastal Zone with minor land use designation name changes.
2. Local Coastal Program Amendment (MST2018-00070, Applicant: City of Santa Barbara) comprised of:
 - a. An update to the Coastal Land Use Plan (LUP) to modernize the 1981 Coastal LUP to 1) document criteria and interpretations already being used today for the review and approval of Coastal Development Permits; 2) clarify development standards for complicated topics such as development near coastal bluffs and creeks; and 3) address new and emerging issues for the City, such as sea level rise; and
 - b. A General Plan Land Use Map for the Coastal Zone.

Following Planning Commission recommendation, the General Plan Map Amendment and LCP Amendment will be forwarded to the City Council for adoption, and the LCP Amendment onto the California Coastal Commission for certification.

WHEREAS, the Planning Commission has held the required public hearing on the above application.

WHEREAS, 3 people appeared to speak in favor of the application, and 6 people appeared to speak in opposition or with concerns thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, February 15, 2018
2. Addendum to the Staff Report, February 28, 2018
3. Correspondence received in support of the amendments:
 - a. Steve Welton and Patricia Allen,, Santa Barbara, CA
4. Correspondence received with concerns with the amendments
 - a. Suzanne Elledge, Santa Barbara, CA
 - b. Stephen P. Henry, U.S. Department of the Interior, Fish and Wildlife Service
 - c. Graham M. Lyons, Santa Barbara, CA
5. Correspondence received in opposition to the amendments :

- a. Bryce Anderson, Santa Barbara, CA
- b. Tiffany Haller, Santa Barbara, CA

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

- I. Forward to City Council the Planning Commission's recommendation for adoption of the General Plan Map Amendment bifurcating the adopted General Plan Map at the Coastal Zone boundary, except in the Airport Area; a Local Coastal Program (LCP) Amendment comprised of an updated Coastal Land Use Plan (LUP); and the General Plan Land Use Map for the Coastal Zone, with identified changes to Coastal LUP as outlined in the Staff Report Addendum dated February 28, 2018, and the recommended changes as follows:
- 1. Page 1.2-3, clarify the City College process and relationship of the City's LUP and City College's LRDP.
 - 2. Page 1.3-8, clarify the bluff erosion "highly episodic" language.
 - 3. Page 2.1-16, Policy 2.1-16e, correct typographical error by replacing "is" with "if."
 - 4. Figure 3.1-1 Transportation, insert the pedestrian paseo network map, if it can be located, into the Coastal LUP, showing both existing and future paseos.
 - 5. Page 3.1-14, strike the language referencing the Funk Zone.
 - 6. Page 4.3-18, Chapter 4.3 Scenic Resources, define "public scenic view corridors" and add the word "corridors" to Policy 4.3-27, defining the resources.
 - 7. Page 6.2-9, Policy 6.2-16, add the words "and/or restore."
 - 8. Page 6.2-5, restudy the text that refers to elements that currently contribute to the overall character of Highway 101.

This motion was passed and adopted on the 1st day of March, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Kathleen Goo, Planning Commission Secretary

Date



City of Santa Barbara
PLANNING COMMISSION
MINUTES
MARCH 8, 2018

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

COMMISSION MEMBERS:

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

STAFF:

N. Scott Vincent, Assistant City Attorney
 Beatriz Gularte, Senior Planner
 Krystal M. Vaughn, Commission Secretary

CALL TO ORDER

Chair Wiscomb called the meeting to order at 1:00 p.m.

I. ROLL CALL

Chair Lesley Wiscomb, Vice Chair Sheila Lodge, Commissioners Jay D. Higgins, Deborah L. Schwartz, and Addison Thompson

Absent: Commissioners John P. Campanella and Mike Jordan

STAFF PRESENT

N. Scott Vincent, Assistant City Attorney
 Andrew Stuffer, Chief Building Official
 Beatriz Gularte, Senior Planner
 Curtis Harrison, Senior Plans Examiner
 Tony Boughman, Assistant Planner
 Krystal M. Vaughn, 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 the Planning Commission meeting of March 15 is cancelled, and the next Commission meeting will be on April 5, 2018.

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

No public comment.

III. **APPEAL ITEM**

ACTUAL TIME: 1:01 P.M.

APPEAL OF JARRETT GORIN, AGENT FOR NICK FOSTER, PROPERTY OWNER, OF THE CHIEF BUILDING OFFICIAL'S DECISION RELATIVE TO A BUILDING PERMIT WITHIN A SPECIAL FLOOD HAZARD AREA, 536 BATH STREET, APN 037-161-001, R-MH ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL/PRIORITY HOUSING (MST2017-00806 & BLD2017-00883)

This project was previously noticed for February 15, 2018 and was postponed to March 8, 2018. A Zoning Information Report in 2017 discovered unpermitted construction was done to the existing house, and a building permit was submitted for the unpermitted work, and for additional improvements. The 4,832 square foot subject site is developed with a one-story single residential unit with a basement, front porch, and rear landing. The Chief Building Official requested data from the applicant to determine if the project valuation constitutes a "Substantial Improvement" to the structure, which would require additional standards for flood hazard reduction, including elevating the lowest floor of the house above the base flood elevation. The Chief Building Official's decision to require additional Substantial Improvement data was appealed to the Planning Commission pursuant to Santa Barbara Municipal Code §22.24.140.B.

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

Contact: Andrew Stuffer, Chief Building Official

Email: ASTuffer@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5553

Tony Boughman, Assistant Planner, gave the Staff presentation, and was joined by Andrew Stuffer, Chief Building Official and Curtis Harrison, Senior Plans Examiner.

Jarret Gorin, Agent, gave the Appellant presentation.

Public comment opened at 1:34 p.m.

Rhonda Wheatley explained that she is the current owner of the property and has a vested interest in keeping her property safe. She stated that depending on the outcome of this hearing, she would like the opportunity to seek her own legal counsel as this conflict has become more of an issue than expected.

Public comment closed at 1:36 p.m.

Commissioner comments:

The majority of the Commission agreed that the additional information provided by the Appellant today in his presentation is sufficient and should be provided to the Building and Safety Division so that the Chief Building Official can render an informed and defensible decision.

Commissioner Wiscomb:

- The Commission was presented with new material by the appellant at the hearing that they are not in a position to evaluate. That evaluation should occur by the Chief Building Official and not by the Planning Commission.

Commissioner Lodge:

- The information presented in the Appellant's presentation is not sufficient, and it should be up to the Chief Building Official to make that determination.

MOTION: Higgins/Thompson**Assigned Resolution No. 007-18**

Uphold the appeal and deny the Chief Building Official's decision to require additional valuation information to determine whether the project is a Substantial Improvement in a Special Flood Hazard Area with the comment that the Building and Safety Department is to utilize the expense information presented on the Appellant's slide titled "Substantial Improvement Determination" to make a Substantial Improvement determination.

The motion passed by the following vote:

Ayes: 3 Noes: 2 (Lodge, Wiscomb) Abstain: 0 Absent: 2 (Campanella, Jordan)

The ten calendar day appeal period was announced.

Chair Wiscomb and Commissioner Lodge could not support the motion because they did not agree that the Commission was in a position to decide on the adequacy of the information submitted by the appellant for concluding if a substantial improvement. They expressed that it should be up to the Chief Building Official to make that determination.

IV. ADMINISTRATIVE AGENDA**ACTUAL TIME: 2:56 P.M.**

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report

No report.

2. Other Committee and Liaison Reports

Commissioner Thompson reported on the the Historic Landmarks Commission meeting of March 7, 2018.

V. ADJOURNMENT

Chair Wiscomb adjourned the meeting at 2:58 p.m.

Submitted by,

Krystal M. Vaughn, Commission Secretary

DRAFT



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 007-18

536 BATH STREET

APPEAL FOR SUBSTANTIAL IMPROVEMENT DATA

MARCH 8, 2018

APPEAL OF JARRETT GORIN, AGENT FOR NICK FOSTER, PROPERTY OWNER, OF THE CHIEF BUILDING OFFICIAL'S DECISION RELATIVE TO A BUILDING PERMIT WITHIN A SPECIAL FLOOD HAZARD AREA, 536 BATH STREET, APN 037-161-001, R-MH ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL/PRIORITY HOUSING (MST2017-00806 & BLD2017-00883)

This project was previously noticed for February 15, 2018 and was postponed to March 8, 2018. A Zoning Information Report in 2017 discovered unpermitted construction was done to the existing house, and a building permit was submitted for the unpermitted work, and for additional improvements. The 4,832 square foot subject site is developed with a one-story single residential unit with a basement, front porch, and rear landing. The Chief Building Official requested data from the applicant to determine if the project valuation constitutes a "Substantial Improvement" to the structure, which would require additional standards for flood hazard reduction, including elevating the floor of the house above the base flood elevation. The Chief Building Official's decision to require additional Substantial Improvement data was appealed to the Planning Commission pursuant to Santa Barbara Municipal Code §22.24.140.B.

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

WHEREAS, the Planning Commission has held the required public hearing on the above appeal, and the Appellant was present.

WHEREAS, one person appeared to speak with concerns of the appeal proceedings, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 1, 2018
2. Past Zoning Information Reports for the Property

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission upheld the appeal of the Chief Building Official's decision to require additional valuation information to determine whether the project is a Substantial Improvement in a Special Flood Hazard Area. The valuation information thus far provided by the Appellant, along with the financial information presented by the Appellant at the hearing, as referenced on the Appellant's slide titled "Substantial Improvement Determination" is sufficient for the Chief Building Official to make a determination of Substantial Improvement.

This motion was passed and adopted on the 8th day of March, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 ABSTAIN: 0 ABSENT: 2

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Krystal M. Vaughn, Commission Secretary

Date

PLEASE BE ADVISED:

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

DRAFT