



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

April 21, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:03 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:

Beatriz Gularte, Senior Planner
N. Scott Vincent, Assistant City Attorney
Adam Nares, Geographic Information Systems Technician
George Johnson, Creeks Supervisor
Tony Boughman, Assistant Planner
Julie Rodriguez, Planning 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's decision on 251 S. Hope Avenue has been appealed to City Council and will be heard on May 3, 2016.
 2. The Planning Commission's decision on 118 N. Milpas Street has been appealed to City Council and will be heard on May 10, 2016.
- C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:
1. April 7, 2016

2. PC Resolution No. 012-16
350-352 Hitchcock Way

MOTION: Thompson/Lodge

Approve the minutes and resolution.

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.

Chair Campanella opened the public hearing at 1:05 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:07 P.M.

A. ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE

The Planning Commission will decide whether to allocate 10,642 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2015 to the Small Addition category or to the Community Benefit category for future development.

Unused or expired Small Additions are to be 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, extension 4553

Adam Nares, Geographic Information Systems Technician, gave the Staff presentation.

Chair Campanella opened the public hearing at 1:10 P.M., and with no one wishing to speak, closed the hearing.

MOTION: Lodge/Thompson

Assigned Resolution No. 013-16

Approved to allocate 10,642 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2015 to the Community Benefit category for future development.

This motion carried by the following vote:

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

ACTUAL TIME: 1:12 P.M.

B. APPLICATION OF LAUREL PEREZ, APPLICANT FOR UNKNOWN DREAM LLC, 801 CLIFF DRIVE, APN 045-250-008, R-2 ZONE, LOCAL COASTAL PLAN DESIGNATION: MEDIUM RESIDENTIAL/BUFFER (MST2014-00586)

The project addresses violations in enforcement case ENF2014-00616 for work done without required City review, approval, and permits at the 97 unit apartment complex located on a 6.72 acre parcel in the Coastal Zone. The violations include tree and other vegetation removal in an environmentally sensitive habitat area (ESHA) along a portion of Honda Valley Creek (including an established Monarch Butterfly overwintering site), as well as unpermitted remodeling of existing buildings, site work, and other landscaping alterations. The current project proposes to abate/correct these violations. While a large part of the site is in the non-appealable jurisdiction of the Coastal Zone, the Honda Valley Creek drainage is within the appealable jurisdiction, and removal or placement of vegetation in this environmentally sensitive habitat area triggers the requirement for a Coastal Development Permit for the project.

The unpermitted work proposed to be permitted consists of the removal of 32 mature Eucalyptus trees which provided Monarch butterfly overwintering habitat, removal of canopy trees and planting of palm trees in areas around buildings, other landscaping alterations, replacement of irrigation system, and various exterior building changes, outdoor amenities, bike racks, and parking lot improvements and reconfiguration with 25 additional spaces.

The unpermitted work proposed to be removed consists of a concrete slab and seat wall, concrete pads with gym equipment, non-compliant exterior lighting, prohibited banner signs, entry pilasters with lighting, non-permitted stairs near street intersection, and eight Mexican Fan Palms planted along driveway near the restoration area.

Proposed new improvements include restoration of Monarch butterfly and riparian habitat, a Monarch Butterfly and riparian habitat maintenance and monitoring program, drainage improvements in the restoration area, tree mitigation planting, removal of Palm trees near Loma Alta, and planting of Cypress trees adjacent to buildings as well as other minor miscellaneous exterior improvements.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2015-00012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
2. Two Front Setback Modifications to allow as-built and proposed encroachments into the required 30-foot front setback along Cliff Drive and into the required 30-foot front setback along Loma Alta Drive (SBMC §28.92.110.2);

3. Two Fence Height Modifications to allow the as-built fencing to exceed 3 ½ feet in height within 10 feet of the front lot line along Cliff Drive and within 10 feet of the front lot line along Loma Alta Drive (SBMC §28.92.110.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section CEQA Guidelines Section 15333, Small Habitat Restoration Projects not exceeding five acres, and Section 15301 for miscellaneous minor alterations to Existing Facilities.

Contact: Tony Boughman, Assistant Planner

Email: TBoughman@SantaBarbaraCA.gov

Phone: (805) 564-5470, extension 4539

Tony Boughman, Assistant Planner, gave the Staff presentation.

Staff acknowledged public comment letters were received from Tom Ochsner; Eddie Harris, Santa Barbara Urban Creeks Council; Jeanne Surber; Ronald Godar; Beebe Longstreet; Frank Surber; Bruce Peterson, and Mary Turley.

Laurel Perez, SEPPS, gave the Applicant presentation, joined by Maruja Clensay. Lawrence Hunt, Consulting Biologist; Daniel Meade, PH.D., Biologist; Charles McClure, Landscape Architect, and Mike Hamilton, Engineer, were available to answer any of the Commission's questions.

Chair Campanella opened the public hearing at 1:58 P.M.

The following people spoke in support of the project:

1. Robert Coles was in support of potential high-density student housing as this is an ideal location.
2. Carl Schmidt, resident of project site, supported the removal of the Eucalyptus trees stating that they are explosive in a fire and that there is still wildlife in existence. Appreciates the improvements made by the property owner to the complex.
3. Annette Ashley, resident of project site, spoke to the improvements made by the property owner, and the safety that has resulted by the removal of homeless camps in the ravine.

The following people spoke in opposition to the project or with concerns:

1. Sue Mellor, neighbor, appreciated the strong zoning laws that Santa Barbara has in effect and the work of the Planning Commission. She was concerned with developer's intent for the requested modifications.
2. Mary Turley commented on the Habitat Restoration and Enhancement Plan. Time was yielded to her by Lincoln Thomas, Maggie Day, Elaine Kaufman, and Tony Ripazetti. She referenced Dr. Daniel Meade's review of the

restoration plan and stated that Monarch butterflies may increase if habitat in the Honda Valley Monarch Butterfly Aggregation Site is not disturbed, and advocated for habitat restoration sensitivity.

3. Al Meskimen, Mesa resident, expressed concern that the project requires the completion of an EIR and is not exempt from further review under CEQA.
4. Jeanne Surber, Mesa resident, stated that the proposed milkweed is not a native plant in the coastal zone and could interrupt the Monarch butterfly's natural breeding cycle, and is not recommended by the Xerces Society.
5. Steve Owens, Loma Alta neighbor, was concerned with property line setback encroachments stating that the property is large and does not need the requested modification. Recommended removal of the setbacks from where they are now. He also advocated against removal of the Eucalyptus trees stating that most Monarch butterfly colonies are found in Eucalyptus trees.
6. Diane Greenwood, Mesa resident, opposes a restoration plan that will require significant amounts of water during a drought.
7. Frank Surber, Mesa resident, was concerned with the requested modifications and disagrees with Staff's recommendation for approval after-the-fact. Asks that the Planning Commission request the removal of all unpermitted changes.
8. Darrell Hayes asked that the Planning Commission deny the setback modifications and disapproves of any approval of unpermitted modifications. The 'build now, permit later' mentality sets a dangerous precedent.
9. Gary Unruh, Arroyo Springs resident, stated that given the choice of migrating between Oaks and Eucalyptus trees, the Monarch butterflies will choose Eucalyptus trees. There are other types of wildlife: foxes, skunks, owls, etc. that enjoy this environment. Myrna Epstein deferred her speaking time to Mr. Unruh.
10. Beebe Longstreet, Mesa resident, voiced that the proposed landscaping cannot mitigate the damage done to the habitat for 20 to 25 years. Asked that the Commission not allow this to serve as a precedent.
11. Cathie McCammon, Mesa Neighborhood Association/Allied Neighborhoods Association, stated that the applicant should follow laws to be a good neighbor. Monarch butterflies are given more respect in Mexico, than in Santa Barbara. The Management Plan is not clear on how it will work and whether there will be more disruption to the habitat with the proposed activity and maintenance. More environmental review needs to be done. Requested the removal of unpermitted work and that fines be adequate.

Mr. Meskimen, retired firefighter, returned to the podium to offer his background as a fire behavior analyst and commented on the Eucalyptus trees as being highly flammable but in the setting they are at, this danger is relatively minimal. The proposed planting plan of oaks and milkweed create a fuel ladder and represents a greater fire hazard to the structures and people than the large eucalyptus trees.

Faraz Homayouri, Laurie Marx, Karen Quinn, and Richard Kaufmann had requested speaking time, but were unable to stay for the duration of the meeting.

With no one else wishing to speak, the public hearing was closed at 2:55 P.M.

Commissioner Campanella called for a recess at 2:55 P.M., and reconvened the meeting at 3.12 P.M.

Commissioner's comments:

Commissioner Higgins:

- Can support a lighting plan that does not cast additional lighting on the habitat.
- Would like it if the wooden staircase near the street intersection could stay.
- Fine with setback modification requests, residents served and the high demand for on-site amenities.
- Comfortable with improvements made in the setbacks.

Commissioner Lodge:

- Can make the findings for the Coastal Development Permit and Zoning Modifications with the addition to the first sentence on page 2 of the Conditions of Approval, *Landscape Plan Compliance*, to include "with the addition of a minimum of 20 Canopy trees on Cliff Drive and Loma Alta Drive".

Commissioner Pujo:

- Focused on the destruction of the butterfly habitat in the ESHA for her comments.
- Looked for how to make the findings for the Coastal Development Permit and be consistent with the Local Coastal Plan Policy on the preservation of the habitats of rare and endangered species and Coastal Policy 30240, both found in Exhibit E of the Staff Report, dated April 14, 2016.
- Need a good habitat restoration plan in place because that is the closest we can get to right the wrongs.
- We can and should do the very best job we can do to prevent any further impact that would significantly degrade that area, for its riparian habit, and for the monarch over-wintering site.
- Stated that Conditions of Approval B.3 and B.4 regarding the *Habitat Restoration and Enhancement Plan*, need to be reworked to include Monitoring Plan in the title and be consistent with the Coastal Act and be more robust than what is in the report.
- Criteria that should be included:
 - The Monitoring Plan in Condition 3 should be prepared by a qualified restoration biologist qualified in monarch habitats.

- Five years is a good monitoring plan, but there needs to be an automatic extension clause. If the criteria is not met in the five years, it needs to keep going until we get there.
- The Manager of the Restoration and Monitoring Plan needs to be one of the qualified biologist in monarch habitats. Not enough to have a contractor do.
- The Monitoring Plan and criteria that is established needs to be approved by the City before it is effective and before any contracts are approved and before any work starts. City approval should include a provision in the Monitoring Plan that there should be a City monitor that will coordinate and review the plan as it moves along.
- All the costs, including the estimated cost for the City monitor, needs to be absorbed by the Applicant.
- Within the Conditions of Approval, there needs to be a deed restriction that includes the restoration and delineation of the habitat area.
- Also missing in the Monitoring Plan are quarterly meetings and quarterly reporting. Signing and education needs to be included at the apartment complex and limited access to the habitat area. Restriction of lighting or amplified music that would disturb the habitat, especially during the winter breeding season needs to also be included.

Commissioner Jordan:

- Can support the modifications and agrees with Commissioner Lodge's suggestion for more canopy trees, as well as the recommendations made by Commissioner Pujo for more robust habitat monitoring.
- Suggested that the Monitoring Plan and Conditions of Approval return for Planning Commission review.
- Under *Additional Habitat Restoration and Maintenance Requirements*, Condition B.5.c., would like to see the word 'avoided' replaced with 'prohibited' during the time period listed.
- Supports landscape plan to include 10 canopy trees on Cliff Drive, 10 trees on Loma Alta, and 7 interior trees.
- Supports identifying and maintaining the edge from the foot opening to where the edge ends, as a condition of the approved landscape plan.
- Cannot support a Coastal Development Permit. Cannot make the finding that work that has been done or is going to be done will not be a significant disruption of habitat values. The proposal is more like a landscaping plan with no measurement at the end that says 'build it and they will come' without considering the consequence of what happens if the monarchs don't come.
- There has been a loss of mutual good faith going forward. To see the before and after of the project site is obscene.

- Would like to send five comments to the Architectural Board of Review (ABR):
 - Look at how the hedge next to the driveway works for line of site for cars exiting the parking lot.
 - Bathroom windows: sheet rock or tile has been put over three windows.
 - Storage being put in the under-parking area where the school bus is parked. This should not be continued.
 - The three elevator towers that face north should not look like the extended plywood, painted over, that has been done on the rest of the building. Look at treating with metal siding or horizontal metal slats that offset window openings, consistent with the new architectural detailing.
 - Multiple unfinished boarded up prior understory parking spaces at building near where the school bus is parked.
- Given that the modifications cannot be made without approval of the Coastal Development Plan, he cannot support any approval.

Commissioner Schwartz:

- Any disruption to the habitat with restoration activity would be a travesty.
- Does not approve of approving something on a forgiveness, versus permission basis.
- Inclined to follow Commissioner Jordan in not supporting a Coastal Development Permit.
- Can support Commissioner Pujo's list of recommendations on the Monitoring Plan, except the deed restriction as she does not know enough about the legalities to agree with it.
- There are inadequacies in the Maintenance and Monitoring Plan that need a lot of work.
- Can support the removal of all unpermitted work.
- Will not support the concrete ping pong tables. The noise bounces in the neighborhood on the Mesa.
- The Monitoring Plan is key going forward.
- Strongly in support of Pujo's point of "a very robust, sound, and sustainable Monitoring Plan, and that related costs need to be borne by the property owner." Will not support one more layer of work that would have staff being the monitor of the plan.

Commissioner Thompson

- Does not like how we got here today. Lots of extra work has been expended by the property owner and his team, and City staff over 18 months that could have been less onerous. What staff has proposed needs to be done to move forward and rectify the situation.

Commissioner Campanella:

- Wondered if it was possible in the monitoring to have the City more involved in the restoration plan, where the City has a right to step in if noncompliant. City legal review can take care of the plan, if the applicant does not.

Assistant Attorney Scott Vincent stated that the Administrative Citation process is on hold awaiting results of the Planning Commission's deliberation. Staff is looking at restoring more than fining the property owner.

Straw Poll:

Would you recommend removing the as-built ping pong tables?

Ayes: 1 Noes: 6 (Higgins, Jordan, Lodge, Campanella, Pujo, Thompson)
Abstain: 0 Absent: 0

MOTION: Thompson/Higgins

Continued the project indefinitely to have applicant and staff review all comments made and refine the habitat restoration plan.

This motion carried by the following vote:

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

Scott Vincent left Council Chambers at 6:30 P.M. and did not return.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:31 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

None was given.

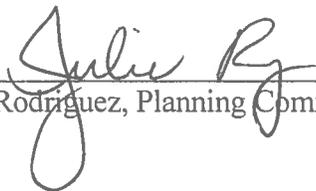
2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of April 20, 2016.
- b. Commissioner Schwartz reported on the Water Commission meeting held earlier in the day.

V. ADJOURNMENT

Chair Campanella adjourned the meeting at 6:34 P.M. to May 5, 2016.

Submitted by,



Julie Rodriguez, Planning Commission Secretary