



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2018

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Approval Of A Coastal Development Permit For Landscape Changes At 1909 El Camino De La Luz

RECOMMENDATION:

That Council refer the application for the Coastal Development Permit at 1909 El Camino De La Luz back to the Planning Commission for further review of the expanded scope of work, including consideration of the previously unpermitted private beach access facilities and drainage improvements on the bluff face.

DISCUSSION:

On November 16, 2017, the Planning Commission approved a Coastal Development Permit (CDP) to cut down 17 trees and plant 55 shrubs on a 0.86-acre bluff-top parcel located at 1909 El Camino de la Luz , zoned E-3/S-D-3 (One-Family Residence/Coastal Overlay). This project originated from an enforcement case derived from a citizen complaint.

The project approval was appealed by Norbert Dall on behalf of Emprise Trust due to concerns that: 1) the project approval was inconsistent with the Local Coastal Program (LCP), 2) that the existing, unpermitted private beach access facilities on the bluff face were not included in the scope of the CDP, and 3) that the use of a categorical exemption as the environmental determination was inappropriate. Refer to the prior Council Agenda Report (attached) for a complete explanation and analysis of the appeal issues.

City Council consideration of this appeal was originally scheduled for February 27, 2018, as noted in the attachment. A Council site visit was held on February 26, 2018; however, the item was pulled from the February 27, 2018 meeting agenda at the request of the City Administrator due to information regarding the beach access facilities that was received just prior to the hearing.

Following up on the information received, staff researched additional aerial photos, reviewed Coastal Commission archive files, and reviewed City Council minutes from

February 14, 1978, through March 27, 1979. This research did not produce any evidence that permits were received for the private beach access facilities at 1909 El Camino de la Luz. Evidence indicates that although private beach access facilities existed prior to the February 14, 1978 landslide in this area of El Camino de la Luz, the landslide reshaped this bluff and destroyed any path that existed previously. The current beach access facilities appear to have been installed sometime after 1979, which means they do not pre-date the California Coastal Act, and they did not receive the required CDP or building permit. Additionally, private drainage improvements, which were a recommendation of the geology report prepared immediately after the landslide, appear to have been installed at this same time and also would have required review for consistency with coastal policies and a building permit. Therefore, CDP approval by the Planning Commission is required to either maintain or remove the existing beach access facilities and drainage pipes. Additional environmental review, including analysis by a geologist, will be required as part of the expanded scope of work for the CDP. Therefore, this expanded project scope should be returned to the Planning Commission for further study and action.

ATTACHMENT: Council Agenda Report Dated February 27, 2018

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office