



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

May 12, 2005

### **CALL TO ORDER:**

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

### **ROLL CALL:**

#### **Present:**

Vice-Chair John Jostes

Commissioners, Charmaine Jacobs, Bill Mahan, George C. Myers, and Harwood A. White, Jr.

Chair Jonathan Maguire

#### **Absent:**

Commissioner Stella Larson

Commissioner John Jostes arrived at 1:08 p.m.

Commissioner Charmaine Jacobs arrived at 1:19 p.m.

### **STAFF PRESENT:**

Bettie Weiss, City Planner

Jan Hubbell, Senior Planner

Kathleen Kennedy, Assistant Planner

Mitch Vaughn, Acting Fire Chief

Christopher Hansen, Building Plan Check Supervisor

Susan McLaughlin, Assistant Transportation Planner

Rob Dayton, Supervising Transportation Planner

Tully Clifford, Supervising Transportation Engineer

Paul Casey, Community Development Director

N. Scott Vincent, Assistant City Attorney

Liz N. Ruiz, Senior Recording Secretary

## **II. PRELIMINARY MATTERS:**

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

Senior Planner Jan Hubbell announced that the final item 1837 ½ El Camino de la Luz is continued to May 19, 2005.

B. Announcements and appeals.

None.

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

No one wished to speak.

### **III. NEW ITEM**

#### **ACTUAL TIME: 1:08 P.M.**

#### **APPLICATION OF TYNAN GROUP, INC., AGENTS FOR PROPERTY OWNER, ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST99-00305)**

On December 9, 2004, the Planning Commission approved a proposal for a Master Plan for the El Encanto Hotel and Garden Villas located at 1900 Lasuen Road. An appeal was filed in opposition to the conditions of approval requiring the installation of parkway and sidewalk along Alvarado Place and sidewalk along Lasuen Road. Alternatives to the approved sidewalk design will be reviewed. The discretionary application required for this project is a Substantial Conformance Determination, which will be subject to Staff decision, based on input from the Planning Commission and the public.

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.

To avoid the appearance of a conflict of interest, Vice-Chair Jostes stepped down at 1:08 p.m.

Kathleen Kennedy, Assistant Planner, gave a brief overview of the project.

Commissioners' comments and questions:

1. Asked the Fire Department why an at-grade or 2-inch curb is not acceptable. Asked for clarification as to their position in that even a designated area for people to walk is not acceptable to the Fire Department.
2. Would like to propose alternate 3C for Alvarado Place. The sidewalk that was approved can no longer be supported. Agree with Transportation staff that a mid-block crossing on Alvarado Place is not appropriate. There is no real goal to provide sidewalks in the Riviera, but to provide a sidewalk for hotel guests. Consider putting a sidewalk at the top of the wall on Lasuen and additional path from main hotel building.
3. Noted that this area of the Riviera is not the same as the rest of the Riviera. It is more pedestrian in nature and a pedestrian destination.
4. Like the Riviera Association alternative, but agree with Transportation regarding the mid-block crossing.

Ms. Hubbell and Ms. Kennedy addressed the commissioners' above-mentioned questions.

Mitch Vaughn, Acting Fire Chief, stated that pedestrians will rely on the sidewalk and will not look for fire trucks, which is why no sidewalk will work in this area.

N. Scott Vincent, Assistant City Attorney, stated his understanding of when Americans with Disabilities Act (ADA) applies, if you are not in the right-of-way, it has to meet ADA standards. If the sidewalk is within the right-of-way and incidental to the street, it is exempted from the standards applicable to private development regarding ADA access. In using the term, "if feasible" you should expand on that because the Commission cannot act inconsistent with the ADA.

Christopher Hansen, Building Plan Check Supervisor, spoke in regard to the stairway, new sidewalks, and meeting ADA requirements.

The public hearing was opened at 1:44 p.m., and the following people spoke in opposition to the sidewalk being proposed for this project:

Caren Rager, Historic Landmarks Commission  
Philip Suding, Historic Landmarks Commission  
Paul Cashman, The Riviera Association  
Henry Lenny  
Brigitte Forssell  
Dianne Channing  
Marianne Gordin, Fire Safe Council  
Bob Miles  
Frank Hotchkiss  
Muriel Ridland

With no one else wishing to speak, the public hearing was closed at 2:10 p.m.

Mr. Carey, Applicant, spoke about sidewalks leading from El Encanto/Lasuen to the bus stop.

Planning Commission had the following questions and comments:

1. Supports not narrowing streets in the Riviera. Does not support, generally speaking, sidewalks in the Riviera. Supports the "No Sidewalk" alternative. El Encanto should have a goal of providing accessible connection to the bus stop.
2. Health and safety issues always take the primary position. Supports the idea of a sidewalk near the sidewalk on Lasuen as a way for staff to get to work from the bus stop.
2. Asked the City Attorney if the Planning Commission didn't make any requirement with respect to the site itself; just require the sidewalk to extend up to the stairway, would that trigger any accessibility issues? Also, can somebody verify where the right-of-way begins and ends?
3. Stated they are taking a new position because they have new information, and feels fellow Commissioners' idea is worth reiterating with a pathway/stairway heading east for staff to make work. Sees no substantial conformance to this and the vision is that the Riviera Association drops their appeal and provides access for staff.
4. Stated there are three elements that need looking at: fire safety, pedestrian safety, and neighborhood preservation. While you can't ignore the pedestrian safety element; would like to see a pedestrian crossing at El Encanto driveway; a path employees can use to get to bus stop, and is okay with having no sidewalk on Lasuen. Consider moving the bus stop 30 feet west.

5. Asked Riviera Association representative what he thought of the Lasuen alternative.
6. Leaning towards Alternative #2 together with disabled access. Agrees with fellow commissioner that sidewalks at grade are not a safety issue. The existing condition is not safe. Lots of potential for a nice walk from the hotel for guests to the Mission and other important historic and cultural areas. Riviera is walkable for residents but not to the rest of the city. Consider employees by providing a bus stop.
7. Asked staff what the feasibility of moving the bus stop is, and what is the policy of walking behind parked cars?
8. Asked staff if they need to discuss closing off a certain part of the road in the triangle. Feels since the Fire Department is present, it is worth looking at.
9. Stated when they initially approved this project it was agreed to have some of the historic eucalyptus trees cut down and the landscaping changed. Also, the pedestrian crossings should be addressed.

Mr. Lenny stated that there are many good ideas at hand, and they will be explored.

Mr. Cashman stated the Lasuen alternative raises concerns regarding removal of substantial vegetation, including a historic hedge.

Susan McLaughlin, Assistant Transportation Planner, informed the Commission that they have not asked Metropolitan Transit District to move their bus stop, as that line has limited ridership and noted the difference between ADA requirements and Circulation Element policy issues.

Tully Clifford, Transportation Operations, spoke about reconfiguring Lasuen and Alvarado.

**MOTION: White/Jacobs**

**Assigned Resolution No. 037-05**

Recommend staff consider Option #2 with existing road width on both streets and crosswalk from hotel; if feasible as determined by the Community Development Department, and study the east west leg of sidewalk along Lasuen providing access to the El Encanto Hotel. Feasibility includes the following elements: no narrowing of Lasuen, no historic impacts, meeting ADA requirements, right-of-way is available, and the Fire Department approves the changes.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jostes & Larson)

Chair Maguire announced this decision is not appealable as this is a recommendation to staff.

Rob Dayton, Supervising Transportation Planner, announced that today is Susan McLaughlin's, Assistant Transportation Planner, last day.

**IV. DISCUSSION ITEM:**

**ACTUAL TIME: 3:01 P.M.**

**COMMUNITY DEVELOPMENT BUDGET DISCUSSION**

Presentation and brief discussion of the proposed Two-Year Financial Plan for Fiscal Years 2006 & 2007 and the Recommended Operating and Capital Budget for Fiscal Year 2006, including proposed new fees.

Bettie Weiss, City Planner, addressed the Planning Commission, explaining the budget proposal.

With no one wishing to speak, the public hearing was opened and closed at 3:14 p.m.

Commissioners' comments and questions:

1. Pointed out that the Staff Hearing Officer is not included in some areas; i.e., appeals and fees, should it be included or not? Also, the three positions, are they to replace part-time staff? And by adding and eliminating positions; how does it all balance out and why did you do that?
2. Asked if, in addition to the use of reserves, is the negative number further deducted from the General Plan and is it a fiscal number? Also, the fees being charged for different services seem to fluctuate dramatically; explain the reason for this?
3. Asked if other departments share in the staff cost for environmental review?
4. Suggested that a three strikes policy or a cost recovery policy be implemented.
5. Likes the document in that the goal of obtaining 30% recovery is commendable. Suggested that condominium conversion fees might have stepped increments. Would like an update on Staff Hearing Officer fee costs. Asked how the fee for the creation of a Specific Plan is developed, and what happened to the fee for public use of the right-of-way for large construction projects.
6. In defense of the Architectural Board of Review (ABR), the costs of Santa Barbara residences are among the highest in the country, and people with great wealth choose Santa Barbara. Feels ABR has been doing a great job. Sometimes it is not efficient, but the bottom line is that it has been successful. Out of that has come a community that is beautiful and wonderful. Does not feel the three strikes suggestion to charge for the third review will work; however, does feel fees should be increased.
7. Stated he will not support a three strikes type scenario. Feels concept reviews are very valuable and the more discussion the higher the quality, and would not like to discourage them.
8. Stated at many Commission meetings, we have transportation planning staff present and they are providing a review service to those applicants, and asked if the fees go through public works.

9. Feels that Transportation planners should be in the Community Development Department, especially for long range planning and for larger projects. Public Works is not very successful in implementing alternative transportation policies from the Circulation element.

Ms. Weiss clarified questions regarding the request for additional staff, departmental fees, and reimbursement for services from other departments.

Paul Casey, Community Development Director, explained that the budget shows a department total summary. He also noted that an analysis is still being done on the fee for public use of the right-of-way.

**V. NEW ITEM:**

**ACTUAL TIME: 3:57 P.M.**

**APPLICATION OF JOHN JOHNSON, AGENT FOR JOHN M. AND C. BARBARA JOHNSON, TRUSTEES AND WILLIAM W. AND SOLVEIG O. BERTKA, TRUSTEES, PROPERTY OWNERS, 3649 CAMPANIL DRIVE, APN 047-102-032 & APN 047-010-046, A-1: ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, MAJOR HILLSIDE (MST2004-00094)**

The project consists of a lot line adjustment between APN 047-102-032, a 0.408-acre lot and APN 047-010-046, a 52.10-acre lot, located in the Campanil neighborhood. The proposed lot sizes would be 3.2 acres and 49.19 acres respectively. No development is proposed as part of this project.

The discretionary applications required for this project are:

1. Lot Line Adjustment to change the property line between APN 047-102-032 and APN 047-010-046 (Gov. Code §66412);
2. Modification to allow APN 047-010-046 to have no street frontage instead of the required 100 feet (SBMC§28.15.080); and
3. Waiver of the requirement that APN 047-010-046 front upon a public street (SBMC§22.60.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305 (minor lot line adjustments).

Kathleen Kennedy, Assistant Planner, gave a brief overview of the project.

Commissioners' comments and questions:

1. Asked for clarification regarding the new lot configuration, how steep the lots are, whether there is a residence on the large lot, and whether there is a building envelope for the larger lot.
2. Provided history of previous subdivision in the area.
3. Asked for more information regarding the creation of the non-conforming parcel and if it currently is a buildable lot.

4. Commented that the nearby Lee project wraps around Campanil Hill and a public access easement is proposed as part of that project.

The public hearing was opened at 4:19 p.m., and the following person spoke with concerns in regards to the project:

James Sweeney, Attorney, Allen and Kimball, representing neighbor Michael Bollag, expressed concerns about whether there is a City right of way in front of the smaller parcel, about a sewer easement and requested a continuance so that these issues can be investigated.

John Johnson, applicant, stated in response, that the access to Lot 1 can change so that it can come directly from the cul-de-sac.

William Bertka, applicant, stated that he brought copies of the City Resolution approving the extension of Campanil Drive.

With no one else wishing to speak, the public hearing was closed at 4:22 p.m.

The Commissioners had the following questions and comments:

1. Stated that the project is supportable because of the slope density ordinance; however, would like to see development envelopes on both parcels and a complete project proposal.
2. Commented that it appears there are four possible building sites on Lot 2; however, access to the lower portion of the site would create significant tree removal issues. Stated that the location of the single-family residence on Lot 1 is supportable, but Lot 2 may be undevelopable; therefore, cannot support the proposal.
3. Commented that a survey prepared by a licensed engineer would have been preferable.
4. Asked why an access easement across Lot 1 to Lot 2 was not proposed.
5. Asked whether the owner of Lot 2 would be willing to grant a trail easement across the lower portion of the parcel.
6. Expressed concern regarding development on the ridgeline and would like a height restriction.

Mr. Vincent described how the smaller lot was created by the City extending the Campanil Drive right-of-way. He stated that the certificates of compliance acknowledge the legality of the creation of the lots, but do not entitle the applicant to develop the lots. He stated that this is a Lot Line Adjustment application and not a subdivision. Plans do not have to be prepared by a licensed surveyor until the deed is recorded. He commented that, if the Planning Commission has concerns regarding whether or not, based on Mr. Sweeney's comments, Lot 1 fronts a public street, they can make their approval conditional upon the determination that the road that Lot 1 fronts on, is a public street.

Ms. Hubbell stated that the Planning Commission could consider approval, and before the lot line adjustment is recorded she would go back and double check one more time with Mr. Sweeney, Mr. Johnson, Mr. Bertka, and city staff.

William Bertka, Applicant, stated that there is already a trail there and he has no problem formalizing this.

**MOTION: Mahan/Jacobs**

**Assigned Resolution No. 038-05**

Move to make the findings for and approve the lot frontage modification and the lot line adjustment, with amendments to the conditions of approval requiring dedication of the existing trail at 10 feet wide to be a public trail; any development on lot 1 will go to the ABR; and contingent upon determining that Lot 1 fronts a public street.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Jostes & White) Abstain: 0 Absent: 1 (Larson)

Chair Maguire announced the ten calendar day appeal period, and thanked Mr. Bertka for his concession.

**VI. ENVIRONMENTAL HEARING:**

**THIS ITEM IS BEING CONTINUED TO MAY 19, 2005**

**APPLICATION OF BRENT DANIELS, L&P CONSULTANTS, AGENT FOR HERB BARTHELS (PROPERTY OWNER), 1837 1/2 EL CAMINO DE LA LUZ, APN 045-100-065, E-3/SINGLE-FAMILY RESIDENTIAL AND SD-3/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2002-00214) (CDP2002-00008).**

The purpose of this hearing is to receive public comments on the Draft Mitigated Negative Declaration prepared for this project. The proposal consists of the construction of a 1,499 square foot, 2-story single family residence with an attached 443 square foot garage, on a 23,885 square foot vacant bluff-top lot. Access to the site would be provided by private easements extending south from the end of the paved public road (El Camino de la Luz).

**DRAFT ENVIRONMENTAL DOCUMENT:** A Draft Mitigated Negative Declaration (Draft MND) that evaluates environmental effects of the project has been prepared and is available for review and comment. The analysis identifies potentially significant, but mitigable environmental effects in the following issue areas: aesthetics, biological resources, geophysical conditions, fire hazard, transportation/circulation, and water environment. Also evaluated in the document as less than significant impacts are air quality, cultural resources, noise, population and housing, public services, and recreation issues. Mitigation measures are identified to reduce potentially significant impacts to insignificant levels, and to minimize less than significant impacts.

**DOCUMENT AVAILABILITY:** The Draft MND is available for review at the Planning Division, 630 Garden Street between 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., at the Public Library at 40 E. Anapamu Street during hours of operation, and on the City's website, at [www.SantaBarbaraCa.gov](http://www.SantaBarbaraCa.gov)

**PUBLIC COMMENT PERIOD:** The City of Santa Barbara encourages the public to provide written comment on this and other projects. The public review period of the Draft MND began on April 6, 2005 and has been extended to May 13, 2005. Comments on the Draft MND must be submitted by **Friday, May 13, 2005, at 4:30 p.m.** Please send your comments to: **City of Santa Barbara,**

**Planning Division, Attn: Renee Brooke, Associate Planner, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to [rbrooke@santabarbaraca.gov](mailto:rbrooke@santabarbaraca.gov)**

**VII. ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

Commissioner Mahan reported on the Historic Landmarks Commission.

Commissioner White reported on the Water Commission. The Water Commission approved another increment of water main on Mountain Drive, moving closer to a loop system.

B. Review of the decisions of the Modification Hearing Officer in accordance with SBMC §28.92.026.

None.

C. Review and consideration of the following Planning Commission Minutes and Resolutions:

1. Minutes of December 2, 2004
2. Resolution No. 054-04
3. Resolution No. 055-04
4. Minutes of December 9, 2004
5. Resolution No. 056-04
6. Resolution No. 057-04

**MOTION: Jostes/Mahan:**

Approve the minutes and resolutions.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 1 (Myers) Absent: 2 (Jacobs & Larson)

**VIII. ADJOURNMENT**

Chair Maguire adjourned the meeting at 5:02 P.M.

Submitted by,

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Deana Rae McMillion, Admin/Clerical Supervisor for Liz N. Ruiz, Senior Recording Secretary