



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

May 19, 2005

### **CALL TO ORDER:**

Chair Jonathan Maguire called the meeting to order at 1:13 p.m.

### **ROLL CALL:**

#### **Present:**

Vice-Chair John Jostes

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

Chair Jonathan Maguire

#### **Absent:**

None.

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Kathleen Kennedy, Assistant Planner

Victoria Johnson, Project Engineer

Rob Dayton, Supervising Transportation Planner

Cathy Taylor, Supervising Engineer

Renee Brooke, Assistant Planner

Jim Austin, Fire Inspector II

Michael Berman, Environmental Analyst

N. Scott Vincent, Assistant City Attorney

Stephen Wiley, City Attorney

Liz N. Ruiz, Senior Recording Secretary

## **II. PRELIMINARY MATTERS:**

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

There were no requests.

B. Announcements and appeals.

Ms. Hubbell announced David Sullivan, Planning Technician, is leaving the City and Debbie Hughey, Engineering Technician, will be joining the Planning Division as a Planning Technician this week.

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

The public hearing was opened at 1:14 p.m., and the following person addressed the Planning Commission:

Paul Hernadi stated he attended the Citizen's Planning Association South Coast Land Use Committee meeting on May 16, 2005, and gave a brief overview of the meeting.

With no one else wishing to speak, the public hearing was closed at 1:19 p.m.

### **III. NEW ITEM:**

#### **ACTUAL TIME: 1:19 P.M.**

#### **APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR PROPERTY OWNER, ANAPAMU PROPERTIES LLC, 737 E. ANAPAMU STREET, APN 029-150-019, R-3: LIMITED MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS/ACRE (MST2003-00636)**

The project consists of a proposal for six residential condominium units and twelve parking spaces (nine covered, three uncovered) at the corner of Anapamu Street and Nopal Street. The project includes the demolition of the existing 4,112 square foot, single-story, 14-bedroom residential care facility.

The discretionary applications required for this project are:

1. Modification to allow the encroachment of Unit 1 into the front yard setback on Anapamu Street (SBMC§28.21.060);
2. Modification to allow the encroachment of the garage for Unit 5 into the rear yard setback (SBMC§28.21.060);
3. Modification to allow the encroachment of Unit 6, all garages, all uncovered parking spaces, and a trash enclosure into the front yard setback along Nopal Street (SBMC§28.21.060 & 28.90.001);
4. Modification to allow less than the required 15' distance between buildings (SBMC§28.21.070);
5. Modification to allow the private outdoor living areas for Units 1 and 2 to have less than the required minimum dimensions (SBMC§28.21.081);
6. Modification to allow a six-foot high wall and gate and a four-foot high fence atop an existing two-foot high wall within the front yard setback along Anapamu Street (SBMC§28.87.170); and

7. Tentative Subdivision Map (TSM) for a one-lot subdivision for six residential condominiums (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (new construction of small structures).

Kathleen Kennedy, Assistant Planner, gave the staff presentation.

Brian Cearnal, Applicant, gave a presentation of the project.

Commissioners' comments and questions:

1. Asked about the serpentine wall, how the common courtyard would be used, and what would be the capacity of the roof decks.
2. Asked about how the current project compares to the previous proposal in terms of volume and square footage. Asked about why the affordable units were removed from the project.
3. Asked about the conversations the applicant had with the neighbors. Asked about the reasoning for the two units in front being angled.. Asked if the Architectural Board of Review was satisfied with the mass of the third unit.
4. Asked if there have been discussions regarding the bus stop in front.
5. Asked if below grade parking was discussed, and how many parking spaces would be removed from Nopal Street
6. Asked how wide Nopal Street is and presently how many existing garage doors open up onto Nopal St.
7. Asked if there is a reason why the buildings are not closer to the property line along Nopal Street
8. Asked, without the modifications, what is the baseline density for this property.
9. Pointed out that there is a "no parking at any time" sign on the street.
10. Asked if there is legal parking on both sides of the street.
11. Asked Public Works staff about having four or five feet of the 27 foot street right-of-way in enhanced paving for pedestrians.
12. Asked how the drainage will be handled.
13. Commented that if they took the concrete swale and made it enhanced concrete it would feel like a sidewalk where the pedestrians could walk up the middle of the street. Asked where they propose a swale? If the swale is moved to the side it would feel more like a sidewalk, and feels we should pursue this.
14. Stated that there is a nice bus shelter on Hitchcock Avenue, and something more elaborate could be proposed for this bus stop.
15. Stated his proposal was that the first floor-to-floor height would be ten feet (which they have now), and would like to get that into the conditions so it stays that way. The second floor would have an eight-foot plate instead of nine feet.

Mr. Cearnal, Architect, stated that the applicant decided to reduce the number of units and the number of stories after holding a number of meetings with the neighbors.

Mr. Dayton addressed the Planning Commission regarding garage location and street width issues.

The public hearing was opened at 2:12 p.m., and the following person spoke in favor of the project:

James Celmayster

With no one else wishing to speak, the public hearing was closed at 2:15 p.m.

Commissioners' comments:

1. Thanked the applicant for working with the neighbors. When the neighbors talk to one another (hence the Good Neighbor Guidelines) the whole process works much better. Commented that it is a pretty dense project on a relatively small lot, but likes the thinking and the layout that has gone into it. However, one refinement would be since they are pushing the development right up to the sidewalk and putting a large, tall, blank wall against the sidewalk, there should be some consideration given to the bus stop area. There should be some detail put into the wall that faces the street.
2. Nopal Street should have a "no parking" sign since it is less than 27 feet from the sidewalk curb to the property line in question. As the garages are configured now with the 8 foot wide doorways, they cannot come closer to property line than the way they are presently designed and feels they should be tilted slightly so as you enter you have a little more than a 90° turn in. Supports narrower doors as they are charming and in keeping with the neighborhood. Generally speaking, the project is compatible with the neighborhood in terms of its density and architectural style. The buildings are a little tall; looking at elevations, the rear building scales a 10-foot plate height. For second story space, a nine foot floor-to-floor is acceptable. Can support and understands all the reasons for the modifications, and the only problem is the size of roof decks being too big. Feels they can be used in ways that are detrimental to the neighbors. Would like to see the roof deck to the north reduced in size, and feels a two hundred square feet deck is reasonable. It is a delightful project and will be an asset to the neighborhood.
3. Noted that roof decks are not encouraged in the Single Family Design Guidelines. Would encourage permeable paving; not in favor of bringing garages towards the street any further, and is concerned about safety because of the high school being nearby. Appreciated neighborhood turn-out when this project was presented to the Architectural Board of Review; and did drive the area, and feels it is very special. Feels this will create a quiet entrance to a special place versus an alley condition. Commented that it is mentioned somewhere in the CC&R's or some other way that the trash cans are put away.
4. Stated there is a problem with the comparison to the Meridian Studios. Feels it would be great if this project becomes a son of Meridian, as it has a smaller type feel. The lot size, the restrictions they have, and the buildings are a bit too close in a number of cases. Likes the two story element, orientation of garages on Nopal Street; neighborhood outreach approach and concurs with the design, and the Anapamu Street frontage.
5. Commended architect for a sweet project and feels a lot of thought has gone into this project, and has come a long way in looking like something that is unique and special. Feels

the garages should remain the same. A concern is the three bedroom unit, which seems too large, and feels reducing the deck size and bringing it down a little bit helps its position to the neighbors. Likes the way the project steps up the hill; the two front units as they open up, and the modifications being requested because of their position. Likes the notion of a six foot wall, but would incorporate a bench into the wall so it does not look too short or too long.

6. Based on the number of modifications, the project is too big. Sees that they will not be losing any parking, and feels some of the modifications are not necessary; i.e., the southerly unit requesting the Anapamu setback and the two front units that are asking for less than their private outdoor yard. Concerned that the three-bedroom unit is too large as well as the two-bedroom units, and feels the bulk of that takes up too much space and should be reduced. The views and the elevation depict a beautiful project, but the roof decks are of concern. All in all, the process was superlative and the project is almost perfect.
7. Stated a strong liking for this project, but disagrees with most of the Planning Commission today because of a liking for roof decks and hopes they remain. Supports the one-foot reduction in plate heights, and permeable paving is important. Expressed concerns that they will be losing the pedestrian feel as they totally remove the cars on the stretch of Nopal Street. Would like to bump the garages out a little bit closer to achieve some narrowing, and feels Mulberry Avenue works well because it has a driveway apron. If they were to measure that street and conclude that there would be no parking on Mulberry Avenue, all those cars would go away and nobody would be in the street anymore because everyone would be barreling down to get to the other side, so for this reason he cannot support this project. Feels if they could get an apron driveway there that would signal to drivers that they are in a different kind of place, or instead of moving the garages, perhaps extend the enhanced pavement to visibly narrow the street. Likes the angle orientation, and would like to retain that, but believes the orientation of the front door needs to be more focused on Anapamu Street as right now it enters the center of the front of the building.

Mr. Dayton and Ms. Johnson addressed enhanced paving, trees, the bus stop, drainage, and a concrete swale.

Mr. Cearnal spoke regarding the commission's concerns and changes that can be made.

**MOTION: Mahan/Jacobs**

**Assigned Resolution No. 039-05**

To approve the project and the modifications as outlined in the staff report; with the following additions to the conditions:

- Tentative subdivision map and the residential condominium development show the first floor to floor dimension will not exceed ten feet
- Second floor plate heights will be eight feet
- Extend roofs on units 3 and 4 so that there will be no deck against the edge of the building.
- Enhanced sidewalk type paving will extend up Nopal Street as is feasible and approvable by Public Works
- Provide a driveway apron across Nopal Street at Anapamu Street so that pedestrians don't have a curb there.
- Provide an enhanced bus stop as, subject to approval by the Architectural Board of Review

- Trees will be moved out into the right-of-way as is feasible and acceptable to Public Works
- Southeast corner of unit 1 be curved to reflect the stairs.
- CC&Rs will include a requirement that trash will be kept in the trash enclosure except on trash days.
- Paving within the courtyard and private outdoor areas shall be permeable.

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

Chair Maguire announced the ten calendar day appeal period.

Recessed at 3:20 p.m., and reconvened at 3:30 p.m.

**IV. CONTINUED ITEM:**

**ACTUAL TIME: 3:30 P.M.**

**APPLICATION OF BRENT DANIELS, L&P CONSULTANTS, AGENT FOR HERB BARTHELMS (PROPERTY OWNER), 1837 ½ 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)

Renee Brooke, Associate Planner, gave an overview of the project.

Commissioners' comments and questions:

1. Commented that on the site visit, noted a staircase that goes from this property down to the beach and is wondering if staff has included any analysis of the use of that staircase.
2. Asked if the drainage that will occur from the drive above the project was included in this study, and is the proposed drainage system adequate to handle the drainage that will come down that drive.
3. Commented that one of the issues on this project that is a make or break is the access. What is the context of this work; is the issue settled or not?
4. Commented on the issue of access as it relates to hazard mitigation and the mitigation monitoring program; could not find any requirement for a demonstration of this minimum access width as a mitigation measure in the mitigation monitoring framework.
5. Requested that Mitigation Measure T-1 be duplicated as a hazard mitigation, and a fire protection mitigation in two additional locations within the MMRP to make it very clear that this is an action that solves multiple problems.
6. Asked for clarification of the difference between the creek setback and the bluff retreat setback.
7. Asked a hypothetical question, suppose a commissioner felt like a particular impact was not in fact mitigatable or that the proposed mitigation would not mitigate the impact to less than significant; what would be the appropriate course of action for that commissioner to take?
8. Asked, in respect to the bluff trail/stair access, if it was ever a public facility. Do people think they can escape from danger that way, or do we just not know that information? Also asked what is the cut-off date for the trail in terms of the Coastal Act?
9. Noted that the current geotechnical report disagrees with the prior report, in that massive failure of cliff and not just erosion would occur. Is that a better or worse condition? Also asked if either one of these conditions favor catastrophic failure or would they resist some sort of massive slide that occurred west of the property?
10. Questioned what looked like a chimney on the elevations, since a mitigation measure prohibits a wood-burning fireplace.

Steve Wiley, City Attorney, feels the access issue should be addressed to Fire, Public Works and possibly Planning Staff. His advice to the Planning Commission is that it really isn't particularly relevant to them because the City should do the right thing, from a land use perspective here, and it has very little to do with the legal history. This parcel was not properly validated when it was first approved in the 1950's. At the time, apparently the City ordinance required a transfer to a different party within a year of the approval in order to confirm the validity of a lot split like this, and that did not occur. The City did issue a Conditional Certificate of Compliance a few years ago, and so this is an existing valid parcel at this point, with the ability to go through the City process; in this case, to request a Coastal Development Permit. His advice is that the Commission, staff, and, if necessary, the City Council make what they feel is the right land use decision with respect to this property. There are many concerns that need to be addressed, and should be addressed in a way that the Commission is comfortable in making its decision. To this day, the City does not know what access

they have; however, appropriate steps are being taken to find out. Lastly, he stated that if the adjoining neighbors feel they have some rights that are being infringed upon they might have to take legal action, and that's the only way we will find out what is what here.

Ms. Hubbell stated Commissioner White's question regarding fire should be addressed here today. She also explained the creek and bluff setbacks.

Jim Austin, Fire Inspector, stated what they have already done in this particular situation. It is built into the ordinance that a property located outside the high fire area that includes a residential sprinkler system can get a bonus of 100 feet of access, which takes you to 250 feet from the furthest exterior wall.

Ms. Brooke and Ms. Hubbell addressed mitigation concerns, Chair Maguire's hypothetical question, and the bluff trail/stairs, which Mr. Wiley also commented on.

William Anikouchine, Ph.D., Geologist, stated that there is a bedding plane fracture, but does not believe that it would lead to a catastrophic failure.

Brent Daniels, L & P Consultants, Agent, gave a presentation of the project.

Detlev Peikert, Peikert Group Architects, talked about the architecture involved in this project.

Richard Monk, Hollister & Brace, presented a legal opinion regarding legal access from El Camino de la Luz to the Barthel property.

The public hearing was opened at 4:35p.m., and the following persons spoke:

Peter Miller is a neighbor of the project and noted that there have been a number of slides in the last year. He is concerned that Dr. Anikouchine stated that it was only his opinion. He is concerned that digging a new foundation for the proposed house could affect his house and the bluff.

The following person spoke in opposition to the project:

Ray Franco, representing Bruce and Grace Peterson, Joanna Morgan, Stan Krome, Tom and Tena Sloan, and Skeets and Jerilou Wright, stated the following:

- The bluff trail has been in place since the 1950s, although the location has shifted as the bluff has changed.
- The opponents do not contest the legality of the parcel, but do contest the buildability of the Barthels' lot.
- Agree that there is a 10-foot access easement for most of the distance, with the exception of the area reduced to nine feet along the Morgan's property.
- The Barthels' quitclaimed the entire 7 ½ feet on the parcel immediately to the north to the Petersons.
- The project would result in a significant unavoidable impact on views. What makes Santa Barbara is its geography, parks and landscape. Existing houses step back from each other to protect each ones private views. The house cannot be made small enough or pushed far enough west, to mitigate its effects.

- The geologist reviewing the reports still concludes that there is not enough data to assure the stability of the bluff. Mr. Franco presented photos of surficial slides in 1995 and 2005.
- Expressed concern that frogs in Lighthouse Creek might be red-legged frogs. Also concerned about the impact of the project on the red fox. Stated that the habitat is not entirely urban as the biological resources report states.

With no one else wishing to speak, the public hearing was closed at 4:58 p.m.

Commissioner White left at 4:55 p.m.

Vice-Chair Jostes left at 4:58 p.m.

Commissioner Jacobs left at 5:00 p.m.

**MOTION: Mahan/Larson**

Move to continue this item to June 16, 2005.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Jostes & White)

**V. ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

Commissioner Larson reported on the Street Light Sub-committee, stating that their meetings are still pending.

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

There were none.

**VI. ADJOURNMENT**

The meeting was adjourned at 5:04 p.m.

Submitted by,

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