



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

August 11, 2005

CALL TO ORDER:

Vice-Chair Jostes called the meeting to order at 9:05 a.m.

ROLL CALL:

Present:

Vice-Chair John Jostes

Commissioners, Charmaine Jacobs (arrived at 9:21 a.m.), Stella Larson, Bill Mahan, George C. Myers and Harwood A. White, Jr.

Absent:

Chair Jonathan Maguire

STAFF PRESENT:

Bettie Weiss, City Planner

John Ledbetter, Principal Planner

Liz Limón, Project Planner

Beatriz E. Ramírez, Project Planner

Marisela G. Salinas, Associate Planner

Chris Hansen, Building Inspector/Plan Check Supervisor

Irma Unzueta, Project Planner

N. Scott Vincent, Assistant City Attorney

Liz N. Ruiz, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Weiss announced the appeal for the lot split at 2530 Mesa School Lane to the City Council on August 16, 2005. Commissioner White will attend this meeting on behalf of the commission. It was announced that the August 18, 2005 Planning Commission meeting has been cancelled, and the

Joint Meeting with the City Council to discuss utility undergrounding has been changed from August 24, 2005 tentatively to September 12, 2005 from 1:30 – 3:30 p.m.

Announced an invitation from the Mayor and City Council has been extended to the Commission for August 24th to thank them for the work that they do. The Planning Commission's regular meeting is on August 25th, 2005. The first September meeting will be on September 8, 2005. The meeting will be a joint work session with the City Council to discuss the Semi-annual Planning Division Work Program Update, and will start at 8:30 a.m. Lastly, Commissioner Mahan announced he would not be able to attend the site visit on September 6, 2005.

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

None.

III. DISCUSSION ITEM:

ACTUAL TIME: 9:09 A.M.

GENERAL PLAN UPDATE 2030 - CONDITIONS, TRENDS AND ISSUES (CTI) REPORT WRAP-UP AND NEXT STEPS

The Planning Commission will hear a summary presentation of the CTI reports and a brief outline of the next steps in the General Plan Update process.

Mr. Ledbetter gave a brief overview of the Condition, Trends and Issues Report which will be presented today.

Ms. Limon gave a presentation in regard to housing and policy considerations.

Mr. Ledbetter provided baseline information for the next two phases.

Commissioner Jacobs arrived at 9:20 a.m.

With no one wishing to speak, the public hearing was opened and closed at 10:02 a.m.

Commissioners' had the following comments and questions:

1. Commended Staff on their presentation and report; pointed out a few errors that should be corrected, and placed emphasis on the "green" aspect. Asked if entertainment district can end-up away from residential mixed use housing. Not convinced noise contours map is accurate and gave examples of Laguna and Riviera areas.
2. Asked if the slide that was shown on Common Themes and Inter-relationships was part of the report, and since it was not, mentioned it would be valuable to include in the report.
3. Asked for comparison to "sister cities" or sibling cities as decision making aid. Asked if it was fair for person who is first there, to be impacted by contemplated growth. Commented

on how the historic context will be useful in the future. Feels granny flats will be a “hot button” issue. With regard to sewer and water, finds both charts on pipe age as being vague on how many old vs. new pipes exist. Noted the importance of Cachuma and Gibraltar as irreplaceable reservoir resources. Feels that watershed management is one the key forces to lengthen the lives of reservoirs. Feels the fire flow inadequacy needs more highlighting in the report. Implementation in the Fire Plan and the need for public participation is “not on charts” and needs to be included in next increment of growth. Asked if PC can be included in contemplating revenue sources.

4. Agrees with fellow commissioner’s comments. Feels perhaps there is a need for an advisory election to find out what people are willing to do. Sees need for a real estate transfer tax and would like to know how fellow citizens feel about whether City should be partaking in the wealth being made on transfers. GP is visionary document and needs to expand on meaning and be more cognizant. Asked why perception exists that things are changing. Document needs to include the intensification of activity and change and be more up-front so that it can be addressed down through elements of GPU. Changes need to be identified beyond statistical information. Feels Modifications have become a double-edged sword adding to intensification of neighborhood and should be looked at. Document needs to include the recognition that development is driven by interest rates that are not within our control. Document needs to talk about the fact that we are in a world market and that it is what drives the cost of housing. Document needs to identify transportation as a problem in the future that needs to be addressed.
5. Appreciates document; likes staff’s focus and the fact that they work at a high level to anticipate problems as well as solutions. Asked if City monitors or measures Electro Magnetic Fields (EMF) in the City. In noise component; feels we are leaving out upper State Street. Need to include enforcement. Asks if there will be a mandatory program for the sewer lateral inspection. Need to look at build environment that we create now; it will persist for a hundred years. We need to plan carefully because things will change in use and in style. Emphasis on EMF; feels things you cannot see will put you at risk.
6. Feels Executive Summary does a good job in describing trends and issues. Would like to see rental housing, as in owner occupied/renter occupied units, specified in land use. In regard to “Last one in”, feels that we should not unduly hamper planning process by trying to anticipate developer’s needs. Developers make their choice to develop during whatever rules and policies exist. In search for good policy and good framework, those will become new rules for developers and will be left up to developer as to whether or not they want to enter into their projects. In parks map; does not show private parks i.e., Elings Park, and would like to see that included. Would like to see public and private partnerships specified, such as Park’s Department has done with baseball management and golf course. On fiscal discussion and revenues, would like to look at upper State Street and possible traffic mitigation fees. Under traffic, did not see MTD mentioned and would like a dialogue with MTD included. Also, the same with schools and dialogue with Superintendent. Red flag with over Tajiguas Landfill.
7. Again, feels staff has done an excellent job and that in Housing Element and Circulation Element, we are now actually getting the projects that were envisioned in the last two GPU’s. This is rewarding and scary at the same time. Scary because it shows the importance of the update process. As projects are viewed by PC weekly, the public is

making connection between projects and Charter section 1507, living within our resources. Hence the PC has an important responsibility as we enter Phase Two in terms of community visioning. Document is good start but can do better in Executive Summary (ES). Need to bring the fourteen separate and distinct reports together in a way that makes sense. ES will be read by City Council and be the first effort of community outreach. We need to do better job to frame issues in manner that motivates a public dialogue. Feels the summary can be taken to another level. Maybe put together an ad hoc committee to help finalize document. This document will impact the public participation process, hence we want to be able to get the essence of what matters to the community today and into the future.

8. Commissioner Jacobs is in support of the ad hoc committee and would like to serve on the committee.
9. Commissioner White feels supports an amendment to the Executive Summary and the Vice Chair's suggestion.
10. Commissioner Myers is also in support of the ad hoc committee and would like to serve, but he would also like input from staff on how to accomplish this.

Ms. Weiss noted that Mr. Ledbetter had planned to include the Planning Commission in the ES transition of Phase 1 to Phase 2. In Phase 2, they plan on hiring expert consultants to assist in initiating dialogue and community outreach. They would like ES to be a transition between the phases and providing a foundation in data and issues, but Phase 1 will need to end, so that Phase 2 can begin. Would welcome input from a smaller Ad hoc committee.

Mr. Ledbetter commented that the update process will take on more meaning as the outreach and public participation phase begins and is encouraged that the Planning Commission is anxious to participate in the process. Noted that the commissions' comments fit well with the staff's approach.

Ms. Limon referred to a document in 1988 that included a marketing piece delivered to every household in City. The proposed consultant contract has this component, too. A public piece is in the works for this document and additional input and discussion on September 8th would be invaluable.

Convene next Thursday with Commissioners Jacobs, Commissioner Myers, and Vice-Chair Jostes to meet as an ad hoc committee.

IV. PUBLIC HEARING:

ACTUAL TIME: 10:50 A.M.

A PROPOSAL TO AMEND SECTIONS OF THE SANTA BARBARA MUNICIPAL CODE INCLUDING PORTIONS OF TITLE 28, THE ZONING ORDINANCE, TO PERMIT REASONABLE ACCOMMODATION REQUESTS (MST2005-00317)

The City of Santa Barbara is considering amendments to the Santa Barbara Municipal Code to provide a mechanism specifically for individuals with disabilities to request relief from zoning standards and land use regulations in order to improve access to housing. The amendments would implement Housing Element strategy 1.1.5 that requires amendments to the Municipal Code to

provide persons with disabilities seeking equal access to housing the ability to request reasonable accommodation in the application of City zoning laws.

The purpose of the hearing is for the Planning Commission to initiate the following amendments and to receive comments from both the Planning Commission and the public. After the hearing, Staff will prepare the ordinance language and forward with the Planning Commission's recommendations to the City Council Ordinance Committee for consideration.

1. Amend Chapter 28.90 of the Municipal Code, Automobile Parking Requirements, so that the administrative practice of allowing for replacement of required parking spaces with accessible parking spaces or an access aisle is permitted without additional approvals.
2. Amend Chapter 28.87, General Provisions, Section 28.87.062, Yard Encroachments, to permit encroachment into any required interior or front yard for retrofitting an existing unit for handicap accessibility.
3. Amend Chapter 28.92.026, Modifications, to add a modification finding specific to a reasonable accommodation request for relief of required zoning standards to allow for other improvements not covered by proposed amendments 1 and 2 above but that would provide individuals with disabilities reasonable accommodation.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305, Minor Alterations in Land Use Limitations.

Ms. Ramírez gave a brief overview of staff's recommendation to initiate amendments to the zoning ordinance.

With no one wishing to speak, the public hearing was opened and closed at 10:59 a.m.

Commissioners' commented that it would be great to offer free Architectural Board of Review consultation on the consent calendar for review of proposed changes.

MOTION: Mahan/White

Assigned Resolution No. 055-05

Initiate the ordinance amendments with recommendations to the Ordinance Committee with the inclusion of free consultation at ABR consent review.

This motion carried by the following vote:

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

The Planning Commission moved forward and addressed the Administrative Agenda at 11:02 a.m.

*****RECESSED FOR LUNCH AT 11:21 A.M. AND RECONVENED AT 1:02 P.M.*****

V. CONSENT ITEM:

ACTUAL TIME: 1:02 P.M.

APPLICATION OF JEFF SHELTON, ARCHITECT, FOR NEIL AND SUE ABLITT, PROPERTY OWNERS, 13 WEST HALEY STREET, APN 037-211-004, C-M LIGHT MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2003-00001)

The proposed project involves the construction of a 699 square foot four story residence with an attached 259 square foot one car garage and a 134 square foot roof deck on a 400 square foot vacant lot. The project site is located on a private alley, off of West Haley Street. This project was previously approved by the City Council on appeal on April 13, 2004; however, the approval has expired. The project received final approval from the Historic Landmarks Commission on October 27, 2004.

The discretionary applications required for the proposed project are:

1. A Modification to not provide the required ten-foot (10') setback from all interior lot lines (SBMC §28.69.060);
2. A Modification to provide one (1) covered parking space instead of the required two (2) covered parking spaces (SBMC §28.90.100);
3. A Modification to allow parking to be located in the required interior yard setback (off the private alley) (SBMC §28.90.001.8); and,
4. A Modification to not provide the ten percent required open yard area (SBMC §28.21.080.6).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

Ms. Salinas gave a brief overview of the project.

Public comment opened at 1:04 p.m. and hearing none, public comment was closed.

Jeff Shelton, Architect and Applicant, stated he his presence to answer questions.

Commissioners' comments and questions:

1. Asked for Mr. Shelton's vision regarding the construction process and if there will be a need for scaffolding.
2. Asked if holes will be drilled from the site or if it will be necessary to sit out into the alley.
3. Asked if permission has been granted to erect scaffolding on two sides and front and if stucco will be an option if south side access is not available.
4. Asked if the building will be painted.
5. Asked if windows, except those facing the alley, are fixed.
6. Asked how the transparent walls (windows) will be washed.

7. Asked where steel and building supplies will be stored.
8. Asked if construction workers will park in the remote lots.
9. Questioned the current and future location of the large trash containers of adjacent tenants, and asked if they will be monitored, and/or removed; and if these issues will be addressed by the corresponding property owners.
10. Asked if the alley is private and the liability issue regarding curious onlookers.

In response to the Commission's inquires, Mr. Shelton gave a detailed explanation of the three different phases of construction and included discussion of proposed stucco procedures, transparent walls, storage lots, lighting and future plans for the alley.

Ms. Salinas explained the maintenance of the private alley is the responsibility of the private owners.

Public comment was re-opened at 1:15 p.m.

Kay Morter, General Manager, Holiday Inn Express, stated the Holiday Inn Express is an owner of part of the alley and requested the survey be reviewed to avoid conflict over the use of the space.

Trevor Martinson, Architect, stated his opposition to the turning radius and the height of the building and the number of stories as a violation of the zoning ordinance.

Tom Williams,

The following person spoke in favor of the project:

Tom Williams

Ms. Salinas addressed the rooftop elements, and stated that Mr. Hansen was in attendance to answer any questions they might have regarding the building code definition of square footage and a penthouse or fifth story.

Commissioners' comments and questions:

1. Stated that typically speaking there is not enough back up space for turning; however, he recognizing that from time to time allowances have been made assuming this will be a two-manuever back out.
2. Asked staff about some additional conditions. Is there verbiage that says the applicant will keep the alley free of construction materials and construction activity as is reasonable?
3. Stated he would like the conditions enhanced in ways that will protect the neighbors. Would like to see verbiage about keeping the alley as clear of construction activities as is reasonable.
4. Referring to conditions where it says, "during construction free parking spaces for construction workers shall be provided on site." Feels we should strike out "on site" as the applicant has already agreed that they are going to park off site somewhere.

5. Feels we should add a condition that requires the applicant to keep the adjacent property clean of all debris.
6. Stated he would like commissioners' and staff to consider a statement in the conditions that states, "this approval does not establish any view rights across any neighboring properties."

Ms. Weiss stated Transportation Staff has reviewed the design with its templates and the standard use of the template doesn't meet this exactly, but given the added width of the garage, they feel it can be done with one maneuver. Part of maneuvering will take place in the garage.

Mr. Vincent stated that this is a private alley and the various rights of the property owners that adjoin this alley and use it are specified in the various easements that are held by the property owners. His concern is that our intrusion into establishing a new condition regarding the use of the alley starts getting inconsistent with the private property rights that already exist. If we consider some condition regarding this he asks the commission be very, very specific in its condition as to avoid the neighbors from coming back with complaints, and does not feel the City should be put in the middle of this.

Ms. Weiss noted that a condition will be added about the details to be specified on the construction plan.

Mr. Vincent recommended rather than some statement regarding rights an acknowledgment that as a part of the conditions of approval, the applicant acknowledges development may occur up to the property line within the C-2 zone, and that may disrupt any view as currently or in the future be enjoyed by the applicant.

MOTION: White/Myers

Assigned Resolution No. 056-05

Move to approve this project with amendments as have been requested and reported by staff.

Comments to the motion:

Commissioner Mahan, as well as Commissioner White, and Vice-Chair Jostes noted that the last time this item was before them they voted No. Respecting City Council's previous approval of the project, Commissioner Mahan and Vice-Chair Jostes are changing their vote this time around by support for the project.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (White) Absent: 1 (Maguire)

VI. PUBLIC HEARING:

ACTUAL TIME: 1:39 P.M.

PROPOSAL TO AMEND SANTA BARBARA MUNICIPAL CODE TITLE 28, THE ZONING ORDINANCE, TO ADD TENANT DISPLACEMENT ASSISTANCE PROVISIONS (MST2005-00401)

The City of Santa Barbara is considering amendments to the Santa Barbara Municipal Code, Title 28, The Zoning Ordinance, to assist tenants that will be displaced when their rental units are demolished, rebuilt as condominiums, or changed to a non residential use. The City currently has an ordinance that provides tenant assistance when existing rental units are converted to condominiums (Condominium Conversion Ordinance); however, there are currently no tenant assistance provisions when a rental unit is removed from the rental market by demolition or conversion to non-residential uses. The recommended ordinance would implement Housing Element Strategy 2.2.3.

The purpose of the hearing is to receive comments from the Planning Commission and the public regarding the provisions for a Tenant Displacement Assistance Ordinance (TDAO). Staff will forward the Planning Commission and Public's recommendations to the City Council Ordinance Committee for consideration and further direction. Staff will then prepare the final ordinance language incorporating the Ordinance Committee's direction.

The following provisions will be discussed at the Planning Commission hearing:

- **Target Tenants:** Would apply to any target tenant of a residential unit that is demolished or changed in use.
- **Applicable Projects:** Any existing rental units, including non-permitted units, proposed for demolition or change of use exempting any unit proposed to be occupied by existing owner or immediate family member and those units lost in natural disasters.
- **Notice and Disclosure to Tenants:** Evidence that existing or last tenants were notified of provisions of Tenants Displacement Assistance Ordinance will be required prior to issuance of demolition permit or building permit
- **Lease Termination:** Tenant's would have the right to terminate their existing lease early, without cause, once informed of demolition.
- **Relocation Fee:** An applicant would be required to pay the displaced tenant a one-time relocation fee (currently three months rent or three months of the "going rate" rent). applicable to each unit and not each tenant. Evidence would be required prior to issuance of permits.
- **Moving Expenses:** Applicants would be required to pay displaced tenants moving expenses based on typical average moving expenses per unit size within the South Coast area (Gaviota to Rincon).
- **First Right of Refusal:** If new units are proposed, tenants would have the first right of refusal, with burden on tenant to assert this provision
- **Retroactive Protections:** If property is vacant at the time of application, the protections would apply to the last tenants that lived in the unit within the past six months. Target tenants could exercise their rights within 30 days from issuance of permit.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301, and 15303.

Ms. Ramírez stated Stefanie Diaz, Consultant on this project, was in attendance to answer any questions. She went on to give a brief overview of staff's recommendation outlining key provisions for a Tenant Displacement Assistance Ordinance thus forwarding recommendations to the City Council Ordinance Committee for further direction.

Commissioners' comments and questions:

1. Asked for meaning of "relocate to comparable" as a mitigation in the residential tenants matrix.
2. Asked if regardless of the money they get; if there is some intervention or activity that takes place to make sure that they get to a physical facility that is similar to the one they left.
3. Asked if there is more current data than the 2000 census data that shows 4% as the vacancy rate. There is 2005 census available as 3.97% but that includes all units with no breakdown.
4. Asked about special case tenants and commented on exhibit D, that according to the Ellis Act, an additional six months for special case tenants would not be applicable to the general tenant displacement ordinance. Asked if we are able to make that distinction.

Ms. Ramirez stated that relocate to comparable meant that if a tenant was occupying a three bedroom apartment unit, they would be relocated to a three bedroom apartment unit.

Mr. Vincent stated that frequently statutory schemes will offer alternative remedies, such as in-kind remedy vs. payment of relocation fee. Some communities will allow, instead of payment of the relocation fee, a landlord can place the relocating tenant in another unit that is either owned or contracted, as long as comparable. Then that community deems it sufficiently satisfying the needs of that ordinance.

Mr. Vincent stated that the six month noticing provision allowed for special needs tenants under the condominium ordinance is authorized in the Subdivision Map Act, so it actually has its own special statutory authorization. This whole TDAO ordinance is intended to operate outside the situation of a condo conversion. Where the Subdivision Map Act starts the process for condo conversion, this ordinance would address the situations that are not applicable, or do not apply, to the Condo Conversion Ordinance. The Ellis Act and State law regarding the termination of tenancy preempts the City from establishing a new notice period. No such preemption exists in the context of what kind of financial assistance the city can require. It is only a preemption regarding what procedures must be followed for a landlord to terminate a tenancy with a tenant. Exhibit D talks about the noticing required from a landlord before a landlord can terminate a tenancy. Staff is asking the PC point of view regarding the financial assistance if tenant being relocated is a special needs tenant.

The public hearing was opened at 2:00 p.m., and the following people spoke in opposition of the proposal:

Terry A. Bartlett, attorney representing the Santa Barbara Rental Property Owner's Association stated that the association feels that there are already mechanisms in place to cover the situations addressed without need for this ordinance to Municipal Code. The proposed ordinance would discourage redevelopment, increase cost of redeveloped units, and discourage infill.

Tom Sutphen, Member of Santa Barbara Rental Property Owners Association and Michael Towbes representative voiced same concerns as Ms. Bartlett on existing provisions without need for ordinance.

Betty L. Jeppesen, General Counsel for Islay Investments, concurred with Ms. Bartlett and also stated that proposed ordinance is very vague in many areas.

Leon Lunt, stated that the five communities studied have rent control, with the exception of Pasadena and that ordinance only applies to those with special needs. Noted that typically vacancy factors used are from Edison company meters and do not truly reflect actual vacancies. Believes that there is no need for this ordinance since tenants living in illegal units are already protected under State laws.

Bill Van Horn – his points were already covered.

The following person spoke in favor of the proposal:

Mary O’Gorman, Executive Director of Santa Barbara County Action Network.

With no one else wishing to speak, the public hearing was closed at 2:17 p.m.

Commissioners’ comments and questions:

1. Asked for clarification on rental units being replaced by rental units being exempt from TDAO. Asked if number of units are an issue.
2. Asked about Provision 4, Lease Termination. Asked what is a lease if you have a right to terminate early if you have cause.
3. Asked if it is the intention that the tenant will be paid cash.
4. Asked who will get the check in a multiple family unit.
5. Asked if the moving expenses would also be paid by check and clarification on Gaviota to Rincon.
6. Asked to sort out the difference between the conditions that the PC has imposed on certain tear-down situations where tenants have been compensated. If PC has ability to impose those fees, then what about tear downs that do not come to the PC. Asked staff to elaborate.
7. Asked if the PC has the ability to override the ordinance when a project comes before it.
8. Asked if there is language to protect landlord where tenant gets notice to vacate for demolition and stops paying rent.
9. Asked for clarity on rental to rental conversion. Would the reason for doing this be an incentive for landlords to keep a property as a rental property. If a landlord later converted rental to condos then this ordinance will apply.
10. Asked if any kind of provision included for functional equivalent process to add more flexibility to ordinance to be used for negotiation or creativity between landlord and tenant.

Mr. Vincent stated that the idea of this provision mimics the one that already exists in the Condo Conversion Ordinance basically allowing the tenant, once noticed that their relocation is going to occur eminently, to decide when that will occur. If a tenant has a year lease and the landlord applies for demolition of unit during the second month, this ordinance would allow the tenant at that point to terminate the lease.

Mr. Vincent stated that the payment will be made in form of a check, and the check will be made out to the resident in the unit by issuing one check.

Ms. Weiss responded to the comments made by Commissioner White in response to the issue that several speakers asserted that the existing processes provide ample opportunity for case-by-case review and conditioning. In exhibit C, the 700 Block of Chapala Street Summary, it was the applicant, independent of any City Review Process, that came forward with relocation assistance. Presently, applicant conditions have been voluntary, not staff recommended. With regard to projects that PC does not see, this ordinance is to be applied to projects that convert out of residential rental to condominium, and those projects do come before the PC.

Mr. Vincent stated the ordinance would operate independently of PC review and would apply even if a PC review did not occur. Made distinction between an applicant's voluntary offer for relocation assistance as different from PC's authority for ad hoc exactions. Ad hoc exactions are subject to a specific evaluation of proportionality and nexus. The proposed ordinance, as a legislative action, is subject to a less stringent standard. Disagrees that an ad hoc exaction is just as good as an ordinance because an ad hoc exaction can be challenged on basis of nexus and proportionality, where ordinance would not be up to the same type of challenge.

Mr. Vincent responded that the ordinance only applies in the case where there is not a 'for cause eviction'. If a landlord has to evict a tenant for failing to comply with the provisions of their rental agreement, that is a 'for cause eviction' and the tenant would not be entitled to the benefits of this ordinance. This ordinance only benefits those tenants who are removed by the landlord's action without any violation of their lease.

Mr. Ledbetter stated that PC feedback on flexibility is being sought. If PC feels that it is workable and consistent with the intent of ordinance then it would be up for discussion.

Ms. Diaz stated that Condominium Conversion Ordinance (CCO) was used as format for this ordinance; however it did not provide the flexibility being sought. Stated that CCO is set as to how compensation is done; TDAO tried to stay within a set range.

Commissioners' comments and questions:

1. Concerned that cost of ordinance would be passed down to tenants with higher rents and drive up the cost of rents. Feels that rental to rental projects should be exempt, regardless of whether new project would result in fewer rental units.
2. Concerned that assistance for tenants of illegal rental units encourages illegal units and that we should encourage people to legalize illegal units.

3. Concerned with cash payments without supervision or follow up of relocated tenants. Suggest free rent as a solution where tenant would take the free rent savings to relocate.
4. Supports moving within South Coast as defined as Gaviota to Rincon and supports staff's six month recommendation. Ultimately feels that condo conversion already does the job well, likes the flexibility that PC already has with larger projects, appreciates voluntary relocation plans, hence not supportive of this ordinance.
5. Supports Target Tenants as any residential tenant. Feels that threshold should include addition of demolition, as in the case where a unit is being torn down and an office structure is replacing it without residential units.
6. Would like see exemptions made for natural disasters and rental to rental conversion to provide incentive to keep rental units available.
7. Feels formula for relocation and mitigation fees are high.
8. Feels that a displacement or counseling plan should be included for displaced tenants, could be as minimal as an information sheet to help tenant find other apartment.
9. Supports additional fees, a small fee, for special needs displaced families, especially if fee schedule was to be scaled back
10. Feels that displaced tenant should have first right of refusal to get chance to purchase in their own established neighborhood.
11. Does not see anything in ordinance that comes to side of developer during recessive times. Suggest ordinance be worded to include option of turning on or off based on economic times.
12. Shares concern over adding bureaucracy and expressed concerns over cost to manage and enforce ordinance. Otherwise, likes the ordinance.
13. Would like to make sure that small landlord is given some slack. Asked if CCO applies to projects of 5 units or more.
14. Agrees with expressed remarks on adding bureaucracy, but likes the ordinance with changes in narrowing it. Would like to exempt rental to rental units. Would like some consideration for special needs, but recommends further discussion on defining special needs and compensation.
15. Feels retroactive provision of six months is too much. Recommends four to six months
16. Feels moving expenses should be eliminated. Rental money considerations are enough.
17. Feels that development community has been sensitive; recalls Carrillo Hotel displacement and how community rallied together to aid tenants. Would hate to see assistance scripted. Would like to see input from the development community.
18. Feels that mediation should apply to landlord and tenant, not just tenants.
19. Would like to see melding moving and relocation fees together into one fee that would be inline with CCO. Feels retroactive protection should be reduced.
20. Feels that flexibility should be built into ordinance that would ideally utilize the Rental Mediation component of Community Development Department.

Ms. Weiss clarified that the Condo Conversion Ordinance applies to projects of two or more. There is an exemption from an annual review for projects of four or less. If you are proposing to convert five or more units, you have to apply at a certain time of year. Basically, the ordinance applies to anything being converted over one unit

Mr. Ledbetter acknowledged the wide range of comments. Asked how the PC would feel about staff moving to the ordinance committee based on what has been heard, making recommendation on points where there is agreement and detailing out where there is not agreement; or does PC want to see it again.

Commissioner White feels it is a very broad spectrum of possibilities that will make it hard to get a clear sense of direction. Chair Jostes stated that there is a note of caution threaded through discussion in not wanting to over-design ordinance. Would like to receive an update memo when the item goes to the Ordinance Committee, and if there are any outstanding issues, bring back to PC. Commissioner White feels it is a very broad spectrum of possibilities that will make it hard to get a clear sense of direction.

VII. CONCEPT REVIEW:

ACTUAL TIME: 3:00 P.M.

APPLICATION OF STEVE BERKUS, AGENT FOR DEL MAR DEVELOPMENT SANTA BARBARA (PROPERTY OWNER), 222 & 224 W. YANONALI STREET, APN: 033-033-019, -020, R-4/S-D-3 HOTEL-MOTEL-MULTIPLE RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2005-00192; CDP2005-00007)

The project consists of the construction of seven residential condominiums on a 12,500 square foot site, replacing thirteen existing residential units. The new units would be located in two buildings. One of the existing units is proposed to remain and would be an affordable (upper-middle-income) unit. Eleven covered parking stalls are proposed, nine for the residential units and two for guest parking.

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.

Upon review and formal action on the application for the development proposal, the proposed project will require the following discretionary applications: a lot area Modification to provide less than the required lot area for the proposed affordable unit and to allow for a newly created lot to provide less than the required 14,000 square feet of lot area in the R-4 Zone (SBMC, §28.21.080); a Modification of the interior yard setback (SBMC §28.21.060); a Modification of the required parking (SBMC §28.90.100); a Tentative Subdivision Map (TSM) for a one-lot subdivision to create seven residential condominium units (SBMC Chapters 27.07 and 27.13); and a Coastal Development Permit to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

Ms. Weiss gave a brief overview of the project, and noted to the Planning Commission that the applicant would appreciate their feedback and direction.

Keith Rivera, B3 Architects, introduced his team and stated they are available for questions. He gave a presentation of the project.

Karen Personato, Director of Built Green Santa Barbara Program for Santa Barbara Contractors Association Education Foundation, addressed the Planning Commission on this being a “green” project.

Scott Schell, Associated Transportation Engineers, addressed parking calculations.

John Rosenfeld, B3 Architects, touched on two items 1) addition of affordability units, and 2) relocation assistance.

The public hearing was opened at 3:33 p.m., and the following person spoke in favor of the project:

Bill Van Horn

With no one else wishing to speak, the public hearing closed at 3:35 p.m.

Commissioners’ comments and questions:

1. Describe green building techniques as far as sustainability; alternative sources of energy, appliances being put in, etc.
2. Asked staff how middle income housing differs from low income housing in the Bonus Density Program.
3. Likes concept of the project. Expressed concern over affordable unit and would feel better if it was toward a lower income level. Feels three bedroom unit is small and suggest a reduction in this unit that might then support the parking shortage.
4. Asked if the property owner can rebuild the legal non-conforming units that are there and replace with new.
5. Concern over the great net loss of modest rental units. Feels applicant has taken a valid premise but struggles with having places for people to live in right now.
6. Not concerned about losing units given that these units are below Uniform Building Code minimum unit requirements. Feels this should be kept in mind when reviewing units. 15 bedrooms on site now; new project has 10. Even though losing 5 they are marginal. There are 7 stalls now for 15 bedrooms and this project will provide 10 bedrooms and increase to 11 stalls. Feels good about this project because it de-intensifies neighborhood, eliminates marginal units, and improves parking impact.
7. Feels rear unit on the west is out of scale and is too tall. The front unit fits into the neighborhood, but the rear building does not.
8. Will expect something of high quality design and construction.
9. Feels that communal green space is missing and encourages applicant to consider finding a way to include communal green space.
10. Feels applicant should maximize landscape; minimize hardscape. Appreciates saving the cottage, but shares concern over third story element (roof deck). Agrees with street presence and need for creativity for saving tree. Appreciates green building and applauds accessible

unit. Emphasizes lack of landscape; would like applicant to consider lots' of permeable paving.

11. Thanked applicant for providing booklet for walking through project. Concurs with fellow commissioner about the height, size, scale and bulk in context of Policy 5.3 of the Coastal Plan. Feels this is the operative policy for this project. Would like to see consistency with Policy 5.3. Cannot make modification of lot area requirement; project is too dense. Feels that affordable unit is in upper middle category and not as compelling in making lot area modification. Feels it should be a two story project and have a smaller volumetric perspective. Thinks it will be an approvable project that just needs some tweaking
12. Concurs with colleagues on size, scale and bulk of project. Feels if taking out rental housing, then need to satisfy aesthetics and open space elements of a project. Suggests bedroom count come down. Commended applicant in setting a great precedence in the way he has brought forth this project.

Ms. Weiss addressed Commissioner Meyers question regarding middle income housing. The applicant is using the City's Bonus Density Affordable Housing Program.. State law and the City's program allows for the Bonus Density program can be used for up to upper middle income households. The traditional affordable housing program is oriented to low and moderate income households.

Ms. Weiss was not sure about replacement of non-conforming buildings, but stated general concept for non-conforming use is that living areas cannot be expanded, but believes that there can be in-kind replacement. Mr. Vincent referenced section 2887030 of Municipal Code dealing with non-conforming structures and stated Ms. Weiss' response is correct.

Recessed at 3:56 p.m., and reconvened at 4:12 p.m.

Commissioner Jacobs recused herself from the next item and left.

VIII. NEW ITEM:

ACTUAL TIME: 4:12 P.M.

APPLICATION OF EDWIN LENVIK (ARCHITECT), AGENT FOR ARCHDIOCESE OF LOS ANGELES (PROPERTY OWNER), 4000 LA COLINA ROAD, APN: 057-020-015, E-3/S-D-2 ONE-FAMILY RESIDENTIAL AND UPPER STATE STREET AREA SPECIAL DISTRICT ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2004-00673)

The proposed project consists of adding a new 9,500 square foot practice gym to the site for use by Bishop Garcia Diego High School. The subject parcel is a 16.68-acre parcel located at La Colina Road and San Marcos Pass Road.

The discretionary applications required for this project are:

1. A Conditional Use Permit for an addition to an educational facility in a single-family zone (SBMC § 28.94.030); and
2. A Development Plan for 9,500 square feet of nonresidential construction (SBMC §28.87.300); and
3. A Recommendation to City Council for a Final Community Priority Designation of 9,432 square feet from the Community Priority Category (SBMC § 28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15314 [Minor Additions To Schools] because the proposed practice gym will be located on an existing school site and will not increase student capacity.

Ms. Unzueta gave a brief presentation of the project.

Edwin Lenvik, Architect, addressed the Planning Commission.

Father Tom Elewaut, Principal, Bishop Diego High School, addressed the Planning Commission.

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

Commissioners' comments and questions:

1. Suggested some trees be planted in the quad area for shade. Would like to see a reduction in hardscape and increase in landscape as a condition.
2. Expressed support for the project and appreciates educational community coming forward to PC with an improvement.
3. Concerned that this CUP does not incorporate previous CUP amendments thus providing the big picture for the facility. Feels a step is missing in providing a more complete look at CUP and bringing it into more modern standards.
4. Would request that ABR revisit landscaping for the school to ensure that facility is harmonious with the neighborhood.
5. Noticed the need for landscape and drainage. Would like to see ABR and designers of project pay attention to water management.
6. Expressed that the quad area needs more landscaping and trees. Suggested that onsite trees being relocated could be transferred to the quad area. Feels that new gym will be improvement to neighborhood in reduction of noise.
7. Suggested a special campus project to include students to water the tree.
8. Appreciates complications trying to take care of drainage issues. Feels that there are wonderful opportunities as applicant goes forward to work with City Creeks Division to pursue opportunities for joint projects that will help educate and create ethic of conservation. Joint partnership could help with acquiring funding.
9. Asked that next time Bishop Diego comes forward a more complete review of the CUP be brought forward to include what permits are in place, what do activities look like, etc.

Mr. Lenvik commented that the school is under local control and is no longer be under the “control” of the Archdiocese. New Board Members recognize that the quad needs improvements. Reminded PC that this is a private school in which every dollar must count in providing good education and healthy environment for students. New Board does want to make improvements to quad and will make balance in moving ahead with dollars available

MOTION: White/Mahan

Assigned Resolution No. 057-05

Approve the Conditional Use Permit for the gymnasium and Development Plan. Recommend that City Council approve the Final Community Priority Designation as recommended by staff and that ABR review the landscaping plan for the entire site and negotiate with applicant to make appropriate landscaping improvements, including reducing the hardscape and adding trees to the quad area.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs & Maguire)

Chair Maguire announced the ten calendar day appeal period.

IX. ADMINISTRATIVE AGENDA: (Addressed at 11:02 a.m., with the exception of IX.C.)

A. Committee and Liaison Reports.

Commissioner Jacobs reported on the Airport Terminal Design Sub-Committee.

Commissioner Myers reported on attending Enhanced Transportation Sub-Committee.

Commissioner Mahan reported on the Neighborhood Preservation Ordinance.

Ms. Weiss reported an NPO status report will be given at City Council on August 23rd at 6 p.m.

Ms. Weiss also reported on the Airline Terminal scheduled meetings on August 24th .

Commissioner White asked about the NPO Committee, and Ms. Weiss responded.

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

None.

C. 110-116 E. Cota Street – Request for comments from Planning Commission on potential amendment to unit mix of prior approved mixed-use condominium project.

Renee Brooke, Project Planner

Tom Meaney, Architect

Ms. Brooke gave a brief overview of what is before them regarding this project. Input requested is for a change in configuration to floor plans of units as well as a bedroom count mix of units. Previously six residential units were approved (5 one bedroom units and 1 studio). Proposed configuration is for five residential units (3 two bedroom units and 2 one bedroom units) which

would meet lot area density for site. Previously approved parking would suffice for these units. Applicant requests comments from PC. If supported, applicant will move forward with amended application.

Commissioners' comments and questions:

1. Asked if number of parking stalls remains the same with reduction of one unit.
2. Asked for change in square footage of building.

Mr. Meaney responded that previously sixteen parking spaces were configured, but now would be twelve parking spaces. The building would be a thousand feet less in square footage.

Mr. Meaney, architect, addressed the Planning Commission. Stated that prior number of units were narrow in design and would require elevators making them even narrower. If one unit was taken out, then other units would not be so narrow and have more livable space.

Commissioners' comments and questions:

1. Asked for clarification of what change would do to commercial part of project.
2. Asked for new parking count.
3. Feels that one bedroom units should be more in scale to a one bedroom. One bedroom appears oversized and to be area for three bedroom.
4. Agreement is expressed in largeness of one bedroom units. Feels that loss of one unit is improvement. Suggests that one bedroom units be made smaller, but can accept revision as submitted.
5. Feels that large one bedroom units beg the question for later being converted to two bedroom. Would like to assurances that this does not happen and that they always remain one bedroom units.

Mr. Meaney responded to Commissioner Myers that a greater percentage of project is being kept as residential. Stated that total square footage for project is about 1000 square feet less. Residential square footage is 300 feet more; office square footage is 1300 less, for a total square footage loss of 1000 square feet. The loss in commercial space made the requirement for less parking spaces. Project would not be economically feasible to further reduce square footage.

Mr. Meaney responded that in prior scheme ten parking spaces were required, but sixteen were being provided. In this scheme twelve are being provided.

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

1. Minutes of February 3, 2005
2. Resolution No. 007-05
1429 Olive Street
3. Resolution No. 008-05
223 W. Pedregosa Street
4. Resolution No. 009-05

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- 517 W. Figueroa Street
5. Minutes of February 10, 2005
6. Resolution No. 010-05
340 W. Carrillo Street
7. Resolution No. 011-05
220 E. Islay Street
8. Minutes of February 24, 2005
9. Resolution No. 003-05
711-713 Kimball Avenue
10. Resolution No. 012-05
1216 Shoreline Drive
11. Resolution No. 013-05
316 W. Ortega Street
12. Resolution No. 014-05
601 Firestone Road
13. Resolution No. 015-05
403 Alameda Padre Serra
14. Minutes of March 10, 2005
15. Resolution No. 016-05
721-739 Chapala Street
16. Resolution No. 017-05
518 Garden Street & 321 Haley Street
17. Minutes of March 17, 2005
18. Resolution No. 018-05
1237 E. Cota Street
19. Resolution No. 019-05
1655 Shoreline Drive

MOTION: White/Mahan Approve the minutes and resolutions as amended.

This motion carried by the following vote:

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

X. ADJOURNMENT:

The meeting adjourned at 4:48 p.m.

Submitted by,

Deana Rae McMillion, Admin/Clerical Supervisor for Liz N. Ruiz, Planning Commission Secretary