



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

April 20, 2006

### **CALL TO ORDER:**

Chair John Jostes called the meeting to order at 1:03 P.M.

### **ROLL CALL:**

#### **Present:**

Chair John Jostes

Vice-Chair Charmaine Jacobs

Commissioners, Stella Larson, Bill Mahan, George C. Myers, and Addison S. Thompson

#### **Absent:**

Harwood A. White, Jr.

For the record, Mr. White was present for lunch meeting and abstained from Item II.

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Chelsey Swanson, Assistant Planner

N. Scott Vincent, Assistant City Attorney

Julie Rodriguez, Planning Commission Secretary

### **I. PRELIMINARY MATTERS:**

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

None.

- B. Announcements and appeals.

Ms. Hubbell announced that 1464 La Cima has been appealed with no date set at this time.

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

Chair Jostes opened the public hearing at 1:04 P.M. With no one wishing to speak, the public hearing was closed at 1:04 P.M.

**II. NEW ITEM:**

**ACTUAL TIME: 1:04 P.M.**

**APPLICATION OF MR. JOSEPH WATERS, AGENT FOR MARIAN ROBINSON, TIMOTHY AND ELAINE STEVENSON, JAY AND JUDY ALLEN, PHILIP AND JESSICA WARRING, MICHAEL AND RACHEL RAUVER, PROPERTY OWNERS, 406, 410, 414, 418, 420 PASEO DEL DESCANSO, APNs 053-101-031, 053-205-002, -003, -004, -005, E-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2005-00684)**

The project consists of a proposal to re-subdivide five existing developed residential lots to correct a surveying error, which resulted in four houses and one garage encroaching over interior lot lines. The project also requires approval for modifications to interior yard setbacks on all five lots and modification of the street frontage requirement for Parcel 2.

The discretionary applications required for this project are:

1. Six Modifications to allow encroachments into the interior yard setbacks for Parcels 1, 2, 3, 4, and 5 (SBMC §28.15.060);
2. A Modification of the street frontage requirement for Parcel 2 (SBMC §28.15.080); and
3. A Tentative Subdivision Map to re-subdivide five lots (SBMChapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301, Existing Facilities and Section 15305, Minor Alterations in Land Use Limitations.

Case Planner: Chelsey Swanson, Assistant Planner

Email: CSwanson@SantaBarbaraCA.gov

Ms. Hubbell prefaced the report by stating that the project could have been on the consent calendar. However, this is the first time in the City that the Subdivision Map Act required for a Tentative Subdivision Map for lot line adjustments involves more than four parcels have been applied. In addition, guidance from the Commission was requested on what items would be considered appropriate for the consent calendar and what ones would not be.

Chelsey Swanson, Assistant Planner, gave the Staff report.

Joe Waters, agent for the applicant, gave the applicant presentation. He requested a Planning Commission directive be issued to the Planning and Building and Safety Division to allow the issuance of a building permit for 418 Paseo del Descanso after the final map has gone through its initial map check review rather than wait 4-5 months until after the final map is recorded.

Chair Jostes opened the public hearing at 1:11 P.M. With no one wishing to speak, the public hearing was closed at 1:11 P.M.

Commissioner's comments and questions:

1. Applauded the efforts of a neighborhood all working together.
2. Thanked Staff for clear report. The applicant's request meets the intent of the Zoning Ordinance and the General Plan. Believes that this type of project would be appropriate for a consent calendar.
3. Supports making the findings for the Tentative Map. Recognizes there is no change to existing physical site conditions and that fences, hedges, etc., will generally be where lot lines fall. On that basis, okay as consent item.
4. Would like to see this type of item on a non-consent calendar and allow for more time to review.
5. Would like to explore applicant's request to proceed with the house on a permit standpoint before recording.
6. Consensus of Commission feels that this item would be appropriate for a consent calendar. An additional reason being that there are no alternatives to this proposal.
7. Supports less than ten lots involving no grading and no increase in development potential revisions going on consent. Supports expediting issuance of the building permit after the final map is submitted for plan check and before the final map recordation, because of unique circumstances associated with this project.
8. Asked if there are assurances that could be added in the conditions of approval that could prevent the project being completed before a parcel map is finalized.
9. Asked if there could be a condition of approval added that the certificate of occupancy would not be issued if the final map were not recorded. Believes that this condition could be tied to the power supply and so the utility company does not turn on the power until the building inspector has signed off.

Ms. Hubbell responded that this item would not go to the Staff Hearing Officer because it involves more than four parcels. If it is four or fewer parcels, it is a lot line adjustment, and goes before the Staff Hearing Officer. This item involves five parcels and goes before the Planning Commission, raising the question on whether or not it should go on the consent calendar.

Mr. Vincent gave the Commission an explanation on the purpose of the requirement for the parcel map being recorded before the issuance of the building permit. The Subdivision Map Act is a requirement for having a legal lot and being able to transfer the ownership of the lots and part of the process in acquiring a building permit. This is a tracking mechanism that assures that the process is completed because of the inherent incentive for the applicant to follow through. Mr. Vincent suggested the applicant respond to what assurances would be given for the final map being recorded.

Ms. Hubbell replied that a condition could be added; however, enforcement is the challenge. A residential building does not get a certificate of occupancy; it gets a final inspection.

Mr. Waters stated that a final map will be submitted before the end of the month. This map will be recorded long before any certificate of occupancy. The request made was only to facilitate the applicant obtaining a permit and beginning construction without a long delay.

**MOTION: Mahan/Larson**

**Assigned Resolution No. 017-06**

Approve the project, making the findings outlined in the Staff report with amended conditions of approval to include: 1) The Building and Safety Division shall not issue a final inspection until the final map is recorded; and 2) The final map shall complete its first map check with the Public Works Department prior to issuance of a building permit.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

**III. ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

Commissioner Mahan reported on the 101 Design Review Committee. The Committee is winding down and all is going well. Looked at sidewalk on Old Coast Highway. Caltrans has been very supportive, yet there was debate held on where exit numbers would be placed on proposed off ramp signs.

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

None were requested.

C. Action on the review and consideration of the items listed in I.B.2. of this Agenda.

Planning Commission minutes of March 2, 2006

**MOTION: Jacobs/Myers**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 0

**VII. ADJOURNMENT**

Commissioner Jostes asked the Staff Attorney if the meeting should be adjourned if many of the Commissioners will be attending the Upper State Street Vision Meeting.

Mr. Vincent replied that there is no need to adjourn to the Upper State Street Vision meeting. There is an exception to the Brown Act in attending other public meetings as long as the majority of the Commission does not discuss City business, except as part of the meeting.

Chair Jostes adjourned the meeting at 1:39 P.M.

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Submitted by,

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Julie Rodriguez, Planning Commission Secretary