



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

JUNE 7, 2007

### **CALL TO ORDER:**

Chair Charmaine Jacobs called the meeting to order at 1:11 P.M.

### **ROLL CALL:**

#### **Present:**

Chair Charmaine Jacobs

Commissioners Bruce Bartlett, John Jostes, Stella Larson, Addison S. Thompson and Harwood A. White, Jr.

#### **Absent:**

George C. Myers

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Jaime Limón, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Irma Unzueta, Project Planner

Heather Baker, Project Planner

Laurie Owens, Project Planner

Kathleen Kennedy, Associate Planner

Peter Lawson, Associate Planner

Kelly Brodison, Assistant Planner

Andrew Bermond, Assistant Planner

Kathy Goo, Alternate 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 the appeal for 561 W. Mountain Drive, previously scheduled for June 12, 2007, will now be heard on July 24, 2007. Commissioners Bartlett and Jostes will represent the Planning Commission.

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

Chair Jacobs opened the public hearing at 1:12 P.M. and, with no one wishing to speak, the hearing was closed.

II. CONTINUED ITEM:

ACTUAL TIME: 1:12 P.M.

APPLICATION OF TOM OCHSNER, ARCHITECT FOR THE HAWKES FAMILY TRUST, 1829 STATE STREET AND 11 W. PEDREGOSA STREET, 027-031-006 and 029-031-007, C-2/R-4, COMMERCIAL AND HOTEL/MOTEL/MULTIPLE RESIDENCE ZONES, GENERAL PLAN DESIGNATION: OFFICES AND GENERAL COMMERCE (MST2004-00132)

The proposed project involves the development of a three-story mixed use building on two parcels located at 1829 State Street and 11 W. Pedregosa Street. The project site is located at the southwest corner of State and Pedregosa Streets. The existing 1,180 square foot residential unit located at 11 W. Pedregosa is proposed to be removed. The proposed mixed use project would provide 2,360 net square feet of commercial space and six residential condominiums. The commercial space is proposed to be divided into five commercial units, four of which will be located on the ground floor and one on the second floor. The six residential condominiums are proposed on the second and third floor and range in size from 1,677 to 2,808 net square feet. One residential unit would front on State Street and the remaining five units would either front on Pedregosa Street or be located within the project's interior. Twenty-three parking spaces are proposed in a ground level garage, which includes six, two-car garages for the residential units and 11 parking spaces for the commercial uses. Multiple pedestrian entry points are proposed along State and Pedregosa Streets and vehicular access would be located on Pedregosa Street. The merger of APN 027-031-006 and 027-031-007 is also proposed.

The discretionary applications required for this project are:

1. Modification for front yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
2. Modification for interior yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);
3. Modification for rear yard setback encroachment in the R-4, Hotel/Motel/Multiple Residence Zone (SBMC § 28.21.060 and §28.92.110);

4. Tentative Subdivision Map to create a one-lot subdivision for five commercial and six residential condominium units (SBMC§27.07 and 27.13);
5. Conditional Use Permit to allow a driveway and parking area for non-residential uses in a residential zone (SBMC § 28.94.030.H); and
6. Development Plan Approval allow the construction of 2,360 net square feet of nonresidential development (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 15303.

Case Planner: Irma Unzueta, Project Planner  
Email: [iunzueta@SantaBarbaraCA.gov](mailto:iunzueta@SantaBarbaraCA.gov)

Irma Unzueta, Project Planner, gave the Staff presentation.

Tom Ochsner, Architect, gave the applicant presentation.

Chair Jacobs deferred the public hearing at 1:43 P.M. until after the Commissions questions were answered, and noted that no one from the public requested to speak.

Mr. Ochsner answered Planning Commission questions on changes in landscaping square footage on State Street, increases in open space, proposed public benefits, and public use of commercial restrooms. He also responded to questions on the gated access to the public paseo, garage podium height and driveway apron drainage issues; the status for closure of the site related to existing contaminated soils; and bus stop sheltering.

Staff answered Planning Commission questions on discrepancies noted between the applicant's presentation and the Staff Report statistics on square footage, bedroom count, parking spaces, plate heights, and overall building height. Also answered were questions on sidewalk width differences between State and Pedregosa Streets; Measure E allocation requirement found in the March Staff Report; clarification of 2<sup>nd</sup> and 3<sup>rd</sup> story building setbacks; status of County of Santa Barbara Fire Prevention Department's letter of closure for the site and deed notification recording with regard to soil contaminants; bus stop design recommendations from the Urban Design Guidelines and Pedestrian Master Plan Guidelines; and clarification of R-4 and R-3 zones.

Heather Baker, Project Planner, answered Commissioner's questions on Solar Ordinance Guidelines and the applicant's proposed solar system. After reviewing the project, Ms. Baker expressed concern about the project design's distance between the parapets and solar panels and gave the Commission an overview of shading impacts and their effect on solar panel efficiency.

Chair Jacobs opened the public hearing at 2:17 P.M and, with no one wishing to speak, closed the hearing.

Planning Commissioners felt that they had previously been quite clear with the applicant on moving the mass toward the middle and reducing the request for modifications; expressed concern that the project had grown in size and could not make the findings for the yard setback modifications and Tentative Subdivision Map. Commissioners stated a desire to see the project return with fewer or no modifications and smaller in size with respect to volume and bulk, unit size, and building heights. The consensus of the Commission was to move toward denial of the project.

Ms. Hubbell reviewed the project timeline and options available to the Commission, given the ninety-day extension limit set by the State Permit Streamlining Act. She added that, if the applicant returned to the Planning Commission with a revision, they would be subject to paying revised project fees.

Troy White, Dudek and Associates, addressed the Commission with regard to understanding the applicant's options and preferred a waiver or sixty-day extension.

Scott Vincent, Assistant City Attorney, stated that the applicant could choose to waive the provisions of an extension limit. Mr. Vincent recapped the options as being: 1) Denial of the project with the applicant free to exercise an appeal; or 2) Offering an extension with conditions. Since a revised project will require additional Staff review, and not just a change in architectural design, the application of the City's Fee schedule would apply.

Chair Jacobs called for a break at 2:42 P.M., to allow the applicant time to review the options, and reconvened the meeting at 2:58 P.M.

Following the break, Mr. Vincent reviewed the Permit Streamlining Act and the statute in question, noting that it did not allow for additional extensions beyond the ninety-day period. Recommended the Commission make a decision to approve or deny the project. If a motion for denial is made, suggested incorporating provisions in the motion giving an explanation for the denial.

**MOTION: White/Jostes**

**Assigned Resolution No. 024-07**

Deny the project because the findings for the Tentative Subdivision Map and Setback Modifications cannot be made for the following reasons: 1) Volume and bulk of the project are inappropriate and excessive relative to the site; 2) Project is not physically suitable for the proposed site; 3) Proposed use is not consistent with the General Plan's vision of this neighborhood; and 4) The modifications are not necessary to make an appropriate improvement on the site. In addition, the Conditional Use Permit finding #3 related to adequate setbacks of the project from the property line could not be made.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Thompson) Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

Commission discussion was held on what would be appropriate on the site development and what the site is physically able to handle. If this project were to return to the Planning Commission at a future date, the following recommendations were made by the Commission: 1) Substantially reduce or eliminate the modification requests 2) Reduce unit sizes; 2) Reduce volume and bulk of the overall structure. 3) Gates are to be open during business hours; and 4) Work on Built Green elements, such as solar.

**III. NEW ITEMS:**

**ACTUAL TIME: 3:14 P.M.**

**A. APPLICATION OF KIRK GRADIN FOR GRAND AVENUE LLC, 1759 GRAND AVENUE, 027-141-006, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12UNITS/AC (MST2006-00746)**

The proposed project involves construction of three new single-family dwellings with attached garages and a tentative subdivision map to create three condominiums. The project site is a vacant lot that was once developed with three single-family dwellings, but were demolished in 2005 due to the substandard conditions of the units. As proposed the houses would range in size from 1900 square feet to 2,600 square feet and each would have an attached garage. Unit A would be 2,585 net square feet with a 636 net square foot garage. Unit B would be 1,994 square feet with a 563 square foot garage. Unit C would be 2,163 square feet with a 446 square foot garage. The approximate height of the units would be 30 feet. Access to Units A and B would be from Prospect Avenue and access to Unit C would be from Grand Avenue.

Two Modifications are being requested. Each Modification would be for development of retaining walls along both side yard property boundaries, beginning at the intersection of the front lot line at Grand Avenue and ending approximately at the mid-point of the lot. Each of the Modifications would allow a portion of retaining walls to exceed the required three and one half-foot height in the front yard setback, as well as the required eight-foot height in the side yard setback.

The discretionary applications required for this project are:

1. A Modification (western property line) to allow walls greater than 8 feet in the side yard setback and 3 ½ feet in the front yard setback (SBMC §28.92.026.A);
2. A Modification (eastern property line) to allow walls greater than 8 feet in the side yard setback and 3 ½ feet in the front yard setback (SBMC §28.92.026.A);
3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

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

Case Planner: Peter Lawson, Associate Planner  
Email: Plawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation and revisions to the Conditions of Approval.

Mr. Gradin, Applicant, gave the applicant presentation.

Staff answered Planning Commission questions on clarification of prior granting of the setback modification on the Grand Avenue frontage end and expiration; impacts of driveway fill to drainage on adjacent property on the north-west corner; absence of modification request for the oversized garages; design review process after Planning Commission hearing; Neighborhood Preservation Guidelines; R-2 zone setbacks; and the deletion of a street light in the conditions of approval.

Mr. Gradin answered Planning Commission questions on drainage; unit size considerations; need for the setback modification request; utilities on the west side of property; and on-site back flow preventers.

Chair Jacobs opened the public hearing at 4:04 P.M.

Jeanne McCrea, neighbor, spoke in opposition to the project expressing concern with obstruction of view suggested by story poles and project's incompatibility with neighborhood.

Stephanie Christoff, neighbor, spoke in support of the project but with concerns about depicting the heights correctly on the plans, the preservation of both oak trees, and keeping the current street light. She also submitted a letter to the Commission.

Chair Jacobs referenced receipt of letter of opposition from Charles Mugler that included a picture. With no one else wishing to speak, the public hearing was closed at 4:12 P.M.

**MOTION: Jostes/Thompson**

**Assigned Resolution No. 025-07**

Approved the project, making the findings for the modifications and Tentative Subdivision Map in the Staff Report with the following conditions: 1) Existing streetlight on Grand Avenue shall be changed to a City approved dome light. 2) Applicant shall continue to work with neighborhood on minimizing view impacts.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

**ACTUAL TIME: 4:26 P.M.**

B. **APPLICATION OF OWEN THOMAS, AGENT FOR THE CITY OF SANTA BARBARA, 601 NORMAN FIRESTONE ROAD, 073-045-003, A-A-O, A-F, S-D-3, AIRCRAFT APPROACH AND OPERATIONS, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2007-00158, CDP2007-00005)**

The proposed project involves the continued maintenance and grading of approximately 123 acres of infield safety area, and the maintenance and grading of approximately 30 acres of new infield safety area created as part of the Airfield Safety Projects in 2006 and 2007 at the Santa Barbara Airport. The discretionary application required for this project is a Coastal Development Permit to maintain and regrade existing Runway and Taxiway Safety Areas as necessary in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has completed an addendum to the Mitigated Negative Declaration for the Existing Runway and Taxiway Safety Area Grading Project. The addendum concluded that no significant impacts to the environment are anticipated to result from the proposed maintenance project.

Case Planner: Andrew Bermond, Assistant Planner  
Email: Abermond@SantaBarbaraCA.gov

**MOTION: Jostes/Thompson**

Waive the Staff Report.

This motion carried by the following vote:

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

The applicant declined the opportunity for a presentation.

Chair Jacobs opened the public hearing at 4:27 P.M. and with no one wishing to speak, closed the public hearing.

**MOTION: Thompson/White**

**Assigned Resolution No. 026-07**

Approved the Coastal Development Permit, making the findings in the Staff Report.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

**ACTUAL TIME: 4:30 P.M.**

C. **APPLICATION OF BOB PRICE, AGENT FOR LEON F. LUNT AND JOYCE M. LUNT, 3427 SEA LEDGE LANE, APN: 047-082-009, A-1/SD-3 ONE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 1 UNIT PER ACRE (MST2006-00092)**

The proposal consists of the demolition of the existing 460 square foot attached two-car garage and 1,218 square feet of the existing residence in preparation for a remodel and two-story addition including 2,368 square feet for the first floor, 1,262 square feet for the second floor, a new 455 square foot basement and a new 656 square foot attached two-car garage for a net increase of 3,063 square feet all on a 32,189 square foot A-1/SD-3 zoned lot in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. The project site is currently developed with a 2,954 square foot one-story single-family residence with an attached 460 square foot two-car garage. The proposal also includes replacing the existing 565 square foot deck, replacement of a retaining wall and the replacement of the existing septic system and drywells. When the project is complete, the development on the site will consist of a 6,477 square foot three-story residence which includes the 455 square foot basement and a 656 square foot attached two-car garage.

The discretionary applications required for this project are:

1. A Modification to allow an “as-built” portion of an existing deck to encroach into the 15’ required interior yard setback in the A-1 Zone (SBMC §28.15.060);
2. A Modification to allow a two-story portion of the addition to encroach into the 15’ required interior yard setback in the A-1 Zone (SBMC §28.15.060);
3. A Coastal Development Permit (CDP2006-00003) to allow the proposed development in the Appealable Jurisdiction of the City’s Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15315 [Minor Land Divisions] and 15303 [New Construction].

Case Planner: Jaime Limón, Senior Planner and Kelly Brodison, Assistant Planner

Emails: Jlimon@SantaBarbaraCA.gov; Kbrodison@SantaBarbaraCA.gov

Jaime Limon, Senior Planner, gave the Staff presentation.

Trish Allen, Suzanne Elledge Planning and Permitting, gave the applicant presentation joined by the project team of Bob Price, Architect; Dr. William Anikouchine, Geologist; and Joyce Lunt, Owner.

Mr. Limon answered Planning Commission questions on access to the abandoned stairway and possible bluff remediation; Floor Area Ratio (FAR) calculations and the exclusion of upper level decks; and remaining open yard space.

Chair Jacobs opened the public hearing at 5:12 P.M.

The following people spoke in support of the project

1. Jay Gerlach, neighbor,
2. Art Bosse, neighbor
3. Joan Brooks, neighbor
4. Eleanore Weinstock, neighbor
5. Paula Nelson, neighbor

The following people spoke in opposition to the project:

1. David Neubauer, neighbor, concerned with setback and size precedents and high FAR's proposed.

Chair Jacobs also noted a letter of opposition to the project received from Frank Cuykendall, Attorney, representing Edward Vernon, neighbor.

With no one else wishing to speak, the public hearing was closed at 5:21 P.M.

Commissioners appreciated the project's architecture, but expressed concern about inability to make the necessary findings and the lack of open space. Commissioners expressed concern about parking availability, neighborhood compatibility, need for additional parking, size of house relative to size of lot, and setting precedents for house size and neighborhood compatibility as the updated Neighborhood Preservation Ordinance (NPO) goes into effect.

**MOTION: Jostes/Bartlett**

**Assigned Resolution No. 027-07**

Denied the project due to inability to make the findings to approve the modifications and Coastal Development Permit for the following reasons: 1) Modifications are not necessary to secure appropriate development of the site; 2) The project, as proposed, is not compatible with the neighborhood because the proposed home is twice the size of the 20 closest homes; and 3) The Floor Area Ratio (FAR) sustainability exceeds the 100 percent FAR Guidelines under the Neighborhood Preservation Ordinance and the Single Family Design Guidelines for large lots.

Ms. Allen asked the Commission for the opportunity to return with a revised design and clarification of the Single Family Design Guidelines related to Floor Area Ratios.

Commissioner White asked if a returning project would be able to meet the Guidelines.

Mr. Vincent clarified the calculation for FAR's in section SBMC §28.15.083 as referring to enclosed space only, not including loggias or covered areas.

As discussion continued to digress on the Guidelines, Mr. Vincent reminded the Commission that there was a motion still on the floor.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

Ms. Allen was perplexed at the finality of the motion and inquired on remaining options.

During review of the Administrative Agenda, Commissioner White expressed concern about the outcome of the motion to deny the project at 3427 Sea Ledge Lane and a desire to have continued the decision. Mr. Vincent stated that his only intent was to bring the Commission back to the motion on the floor, not push a denial. If any Commissioner would like to reconsider, and a majority is supportive, the item could be reconsidered. A motion to reconsider would mean that there is no final action and the applicant would not need to initiate an appeal.

**MOTION: White/Larson**

Reconsider the decision on 3427 Sea Ledge Lane and place on the June 21, 2007 agenda.

This motion carried by the following vote:

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

**IV. ADMINISTRATIVE AGENDA**

**A. Committee and Liaison Reports.**

1. Commissioner Larson reported on Plan Santa Barbara Outreach and the volunteer tours offered by the Contractors Association.

2. Commissioner Jacobs reported on recently speaking to the Non-Profit Support Center as part of Plan Santa Barbara's outreach and their eagerness to participate.
3. Ms. Hubbell reported on having attended an outreach meeting for Plan Santa Barbara at the Santa Barbara Association of Realtors with the Mayor and the comments received. Both received a plaque from the Association of Realtors.
4. Commissioner Thompson reported on the Airport Terminal Design Subcommittee. They will have one more meeting on interior design in three weeks before presenting changes to the Architectural Board of Review. Commissioner Bartlett attended for Commissioner Jacobs and discussed the updates on the interior décor.
5. Commissioners Bartlett and Jacobs reported on the Housing Policy Steering Committee and the lowering of thresholds for inclusionary housing. The Planning Commission will discuss the proposed changes on June 21, 2007 and recommendations will be forwarded to City Council.

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

Commissioner White reported on two Staff Hearing Officer meetings he had attended.

1. One trash enclosure was denied in a front yard setback, other modifications approved.
2. One four unit condominium project on upper Castillo Street was approved.

Ms. Hubbell reported that the 518 State Street Staff Hearing Officer approval has been appealed to the Planning Commission, but may be resolved beforehand.

C. Review and consideration of the following draft minutes and resolutions:

- a. Draft Minutes of April 5, 2007
- b. Resolution 015-07  
1722 State Street
- c. Draft Minutes of April 19, 2007
- d. Resolution 017-07  
2108 Los Canoas Road
- e. Resolution 018-07  
128-138 E. Canon Perdido Street and 825-833 Santa Barbara Street

**MOTION: Thompson/Larson**

Approved the draft minutes and resolutions with as corrected.  
This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (Jostes) Absent: 1 (Myers)

**VII. ADJOURNMENT**

**MOTION: Jostes/Larson**

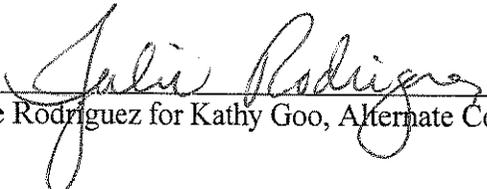
Adjourn the meeting of June 7, 2007

This motion carried by the following vote:

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

Chair Jacobs adjourned the meeting at 6:10 P.M.

Submitted by,

  
\_\_\_\_\_  
Julie Rodriguez for Kathy Goo, Alternate Commission Secretary