



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

August 30, 2007

### **CALL TO ORDER:**

Chair George Myers called the meeting to order at 1:12 P.M.

### **ROLL CALL:**

#### **Present:**

Vice-Chair George C. Myers

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

#### **Absent:**

Charmaine Jacobs, Bruce Bartlett

### **STAFF PRESENT:**

Paul Casey, Community Development Director

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Michael Berman, Environmental Analyst

Laurie Owens, Project Planner

Peter Lawson, Associate Planner

Andrew Bermond, Assistant Planner

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 made the following announcements:

1. The Staff Hearing Officer's decision on 819 Garden Street was suspended by the Planning Commission and will be heard on September 20, 2007.

2. The Staff Hearing Officer's decision on 2140 Mission Ridge Road has been appealed and is tentatively scheduled to be heard by the Planning Commission on October 4, 2007.
  3. There is a Staff Hearing Officer appeal for the modifications granted to 1596 Oramas, but the date of hearing has yet to be determined.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Myers opened the public hearing at 1:14 P.M. and, with no one wishing to speak, closed the public hearing.

## II. NEW ITEMS:

### ACTUAL TIME: 1:14 P.M.

A. APPLICATION OF RICK FOGG, AGENT FOR AMERICAN TRADITION, 103 S. CALLE CESAR CHAVEZ, 017-113-020 .OM-1/SD-3 ZONES, GENERAL PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2004-00791)

The proposed project is for the construction of a 106 stall parking lot with a 100 square foot unenclosed kiosk on a vacant lot. The parking lot would provide part of the required parking for the approved Waterfront Hotel located to the south of the site at the corner of Calle Cesar Chavez and Cabrillo Boulevard. As part of the project, a habitat restoration of the portion of the El Estero Drain located on the project site is proposed. This would include removal of non-native vegetation, an approximate twenty-five foot separation between the top of bank and the parking lot. A detention basin would be constructed to the south-west of the parking lot to capture runoff and pollutants from the parking lot. The project would also include selective soil remediation of contaminated soil in the proposed parking area only. Access to the site would be directly from Calle Cesar Chavez. The discretionary applications required for this project are:

1. A Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
2. A Conditional Use Permit to allow development other than that specifically expressed in the Ocean-Oriented Light Manufacturing Zone (SBMC §28.73.030.B).

In accordance with State CEQA Guidelines Section 15164, an addendum to the Waterfront Hotel and Park and Youth Hostel Final Environmental Impact Report (EIR) (State Clearing House # 92091038) has been prepared.

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

Peter Lawson, Associate Planner, gave the Staff presentation.

Staff answered Planning Commission's questions about any impact on the restoration plan for the area by putting photo-voltaics on the kiosk; clarification of parking lot use; the conceptual landscape plan; and the timing of the project related to permitting for the Youth Hostel.

Rick Fogg, Agent for American Tradition, responded to the Planning Commission's questions about consideration given for use of photo-voltaics and the potential for designing a different parking configuration that included a rack system; subsidizing use of parking lot energy; consideration of iron fencing on Calle Cesar Chavez; consideration for lighting that was consistent with the hotel's 5-star rating; and the timeline for construction of all projects.

Chair Myers opened the public hearing at 1:44 P.M.

Paula Westbury spoke against any development on the land citing the toxicity of the land, cautioned against any unsettling restoration, and shared the native history of the land.

With no one else wishing to speak, the public hearing was closed at 1:47 P.M.

Commissioner's comments:

1. One Commissioner struggled with the initial understanding of the hotel's perception of self-sufficiency of parking all on site and making the finding for the conditional use permit.
2. Most Commissioners were concerned with the 'sea of asphalt' created by the project.
3. The Commission supported the project's restoration plan and the development of the hotel. Asked Staff if all of the parking off site would contribute to overdevelopment of the hotel site.
4. Acknowledged homeless situation and security issues; sees the potential for pedestrian connectivity and photo-voltaics and encourages it.
5. Supports improvements to El Estero drain.
6. Commissioners suggested that a review by Architectural Board of Review (ABR) include looking at Calle Cesar Chavez fencing, lighting, landscaping, and a semi-permeable solution for the filtration of drainage on the property.
7. Some Commissioners asked that photo-voltaics be included in the project. One Commissioner found the nexus issues for requiring photo-voltaics created a discomfort level for all involved in the project. Suggested using photo-voltaics to shade the parking area to generate energy for the parking area and the hotel; desired to see a sustainable design that represented Santa Barbara.

8. Suggested a review of the parking numbers to determine if they can be reduced.
9. Suggested that, when Staff and the applicant review any Substantial Conformity determination, consideration be given to sustainable solar panels on the site.
10. One Commissioner did not feel a study was necessary to validate the need for photo-voltaics and wanted to see photo-voltaics included in the conditions outright.
11. Asked Staff if permeable paving could be used in part of the parking lot.

Ms. Hubbell responded that development of the parking lot would not contribute to any overdevelopment of the hotel since the applicant had not exceeded the habitable square footage. Ms. Hubbell reviewed for the Commission any changes in the hotel's occupancy use that related to parking. Although spaces needed for the hotel could be reduced, it might impact parking for employees.

Mr. Fogg added that a review of the ATE study would need to be done to consider the reduction of any parking spaces. If land use laws allowed for alternative use, the applicant would consider bringing back a plan for building on the site. Mr. Fogg was receptive to doing a feasibility study and collaborating with Staff on photo-voltaics.

Ms. Hubbell stated Staff would consider an added condition for inclusion of either a study of photovoltaic use or permeable paving.

Mr. Lawson explained that with the ground water being very high having a permeable parking lot would not be good due to the potential of groundwater contamination.

**MOTION: Jostes/White**

**Assigned Resolution No. 032-07**

Approve the project making the environmental findings and findings for the Conditional Use Permit and Coastal Development Permit, subject to the Conditions of Approval in Staff Report Exhibit A, with added conditions: 1) A landscaping review by the Architectural Board of Review along Calle Cesar Chavez; 2) If a Substantial Conformity Determination is needed, then applicant will provide additional information on parking supply and demand and include coming back to the Commission or to Staff with the feasibility for use of photo-voltaics on the parking lot to generate energy for the entire project; and 3) inclusion of solar panels on the kiosk to aid in the generation of electricity for lights on the project site to the extent feasible and no larger than the roof area of the kiosk.

Mr. Fogg asked the Commission for clarification of the requested solar panel system.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Bartlett)

Chair Myers announced the ten calendar day appeal period.

**ACTUAL TIME: 2:28 P.M.**

B. **APPLICATION OF LEIF REYNOLDS, AGENT FOR THE CITY OF SANTA BARBARA, 20 AND 25 DAVID LOVE PLACE, 073-080-056 AND 073-080-050, A-I-1, AIRPORT INDUSTRIAL-1 ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2006-00656)**

The proposed project involves the construction of a rental car quick-turn facility including a two-bay car wash, four fuel pumps, four maintenance bays, and five offices in 10,602 square feet of new building construction; a 12,000 gallon above-ground fuel tank; approximately 113,000 square feet of paved surface for storage of 302 rental cars; and 37 employee parking spaces.

The discretionary applications required for this project are:

1. A Development Plan to allow the construction of 10,202 net square feet of additional nonresidential development at 25 David Love Place (SBMC § 28.87.300);
2. A Development Plan to allow the removal of 7,202 square feet of existing development rights at 20 David Love Place (SBMC § 28.87.300); and
3. A Transfer of Existing Development Rights to allow the transfer of 7,202 square feet of nonresidential development rights (SBMC § 28.95.060).

The Environmental Analyst has prepared an addendum to the Airport Industrial Specific Plan Environmental Impact Report because new information, and changes in circumstances, project description, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts.

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

Andrew Bermond, Assistant Planner, gave the Staff presentation.

Leif Reynolds, Applicant, City of Santa Barbara, gave the applicant presentation.

Staff answered Planning Commission questions on the impervious lot surface and compacting.

Mr. Reynolds answered the Planning Commission's questions on the inclusion of the rental car companies in the process, and the review of the fuel storage location near the railroad with the Fire Department.

Hazel Johns, Assistant Airport Director, answered questions about the fuel sale operations; space for other rental car companies; and facility management and safety aspects.

Chair Myers opened the public hearing at 3:05 P.M.

Ken Alker, neighbor, was supportive of the project and requested that the trees not block his building's second story view of the mountains. Also suggested that trees be considered that do not tear up the asphalt.

With no one else wishing to speak, the public hearing was closed at 3:07 P.M.

Commissioner's comments:

1. Consolidation of car rental companies is a good public benefit, as are the recycling aspects of the project.
2. Commissioners commended use of photo-voltaics on the building to power the site and the potential for being an example for other projects.
3. One Commissioner remained concerned with the close proximity of the fuel storage to the railroad.
4. Interested in the independent report about solar panel vendors.
5. Suggested that determinant canopy trees be conditioned.
6. Commissioners commended the Airport Management Staff for its exemplary management.

**MOTION: Thompson/Larson**

**Assigned Resolution No. 033-07**

Approved the project making the findings in the Staff Report for the development plans and transfer of existing development rights, subject to the Conditions of Approval in Staff Report, Exhibit A.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Bartlett)

Chair Myers announced the ten calendar day appeal period.

Chair Myers announced a break at 3:14 P.M., and reconvened the hearing at 3:29 P.M.

**ENVIRONMENTAL REVIEW:**

**ACTUAL TIME: 3:29 P.M.**

**COURTESY REVIEW OF A PROPOSED DEVELOPMENT, THE SANTA BARBARA BOTANIC GARDEN DRAFT ENVIRONMENTAL IMPACT REPORT, LOCATED IN THE COUNTY OF SANTA BARBARA**

The purpose of the meeting is for the City's Planning Commission to hear a presentation on the project by the applicant, to be afforded the opportunity to ask questions, and to offer comments on the project and the Draft Environmental Impact Report (DEIR) that will be forwarded to County staff. The City's Planning Commission has no permit authority over the project and, therefore, no action on the part of the Planning Commission is required relative to this item.

Case Planner: Michael Berman, Project Planner/Environmental Analyst  
Email: MBerman@SantaBarbaraCA.gov

Michael Berman, Project Planner/Environmental Analyst, gave the Staff presentation. Additional Staff present were Cathy Taylor, Water Systems Manager, Joe Poire, Acting Fire Marshall, and Ann Marx, Wildland Fire Specialist.

Dr. Ed Schneider, President and CEO of Santa Barbara Botanic Garden, gave the applicant presentation, joined by Doug Singletary, Architect.

Dr. Schneider answered the Planning Commission's questions on interaction with the Mission Canyon Study Citizen Advisory Group; Red Flag Day public closures as declared by the County Fire Chief; the Garden's fuels management plan; the size, number, and management of special events; and traffic mitigation for events including use of shuttle program for larger events. Also answered were questions on how special events are tied into the Garden's objectives; the management of parking for events and communication with event attendees.

Joe Poire, Acting City Fire Department Marshall, answered the Planning Commission's questions about the required water flow rate required for the area, calling for 1,250 gallons per minute, which should be a mitigation measure.

Chair Myers opened the public hearing at 4:08 P.M.

The following people provided public comment:

1. Milt Roselinsky, Mission Canyon Association Board, asked that City comments on the DEIR be strengthened: Strengthen Project Description regarding events. The project should conform to the new General Plan policies. More description is

needed to avoid impact to archaeological resources. A discussion of fire safety issues and fire safety plan are needed; called for recirculation of DEIR.

2. Cornelia Corbett, Friends of Mission Canyon, spoke with concern over evacuation and a need for a fire safety plan that includes water access and water pressure. Suggested the traffic analysis include bike riders and walkers. Recommend that a roadway widening mitigation measure is evaluated. Appreciated no public access during Red Flag days. Concerned with late night events during sundowners and evacuation. Suggested that the DEIR include a modeling process of the County's evacuation pre-planning process. Suggested that historic resources be included in the DEIR.

*Scott Vincent, Assistant City Attorney, interrupted the public comment to clarify the City's purview as a responsible agency and the scope of the City's comments to the County, which should be limited to the areas of expertise of the agency or the areas where approvals would be required by the agency. It was suggested that comments outside of this scope be directed by the commenter to the County.*

3. Shems Mondell, Friends of Mission Canyon, was concerned with biking safety on Los Canoas Road and encouraged pedestrian bike lanes be considered. DEIR does not include comments on impact to City water supply.
4. Paula Westbury asked for preservation of the Gardens and no further development, citing only one way out for evacuation.
5. Tim Steele, President, Mission Canyon Association, spoke on the necessity for a fuel management plan and fire evacuation plan. The fuel management plan is inadequate and not consistent with the Garden's stated reputation for being a world class institution; cited chaparral levels as an example. The DEIR should be recirculated. The fire evacuation plan was not adopted by the Board of Supervisors and is not mitigation. Cultural Resources Protections are inadequate and have been altered by the Garden's construction of paved terraces.

With no one else wishing to speak, the public hearing was closed at 4:37 P.M.

Commissioner's comments:

1. Commissioners stated that the fuels management plan is not complete, nor detailed enough, should be top of the line in concept and implementation and implemented prior to sign off. More information should be included regarding what the Botanic Garden does now to reduce impacts. Evacuation is critical and needs to have more evaluation, including mitigation measures. Concerned that building design is not adequate for shelter in place. Evacuation evaluation inadequate; really good mitigation needed.
2. While the City's purview does not include events, event overcrowding does impact the City's streets and shuttling should be encouraged to reduce event traffic. More than one Commissioner felt that the DEIR did not adequately cover traffic and parking impacts on the City.

3. The alternatives should explore moving staff housing and classrooms offsite.
4. More than one Commissioner felt that fire safety should be a Class I environmental impact; could not see it as a Class II impact. Even with good mitigation, the project will bring more people into a high fire hazard area.
5. The absence of County representation at a hearing requesting City input was noted.
6. One Commissioner felt that the environmentally superior alternative should be refined to include special events and related special meetings should be addressed in the EIR. Stated a need for noise and traffic compatibility.
7. Expansion of mitigation measures were acknowledged and encouraged. Adaptive management techniques should be included in the mitigation measures. Suggested a shorter period for the Conditional Use Permit to manage the event use. The City's comment letter should reflect that studies are not mitigation.
8. One Commissioner requested more information on ground water extraction. Although not in the City's purview, it was encouraged that the historic infrastructure of Santa Barbara be preserved (i.e., sandstone curbs and gutters).
9. One Commissioner spoke to the analysis in the DEIR and the challenge of being in a very sensitive environmental area for potential expansion; noted that building square footage would be doubled, as well as increases in class numbers and sizes. Does not agree with mitigation being put off into the future.
10. The impacts on Mission Creek water quality and flooding were not well covered; impacts were not discussed.
11. Commissioners felt that there are enough significant issues that the DEIR needs to be recirculated.
12. Look at pedestrian and bicycle usage of the roads all around the Botanic Gardens, as well as the impact of the increased hardscape on Mission Creek.

Mr. Berman encouraged all present, and all viewing, to submit public comments to the County on the DEIR.

Dr. Schneider introduced several consultants who were available to answer questions or concerns.

The Commissioners declined the offer given the scope of the City's purview.

Mr. Vincent stated that the applicant will have the opportunity to respond to comments made today. The City's role as a responsible agency will be limited to the area of the City's responsibility. Commissioners who would like to respond beyond the scope may do so directly to the County.

### **III. ADMINISTRATIVE AGENDA**

#### **A. Committee and Liaison Reports.**

Commissioner Larson reported on the Historic Landmarks Commission and asked that the Commission review the El Pueblo Viejo Guidelines given projects that will be making their way to the Planning Commission.

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

Commissioner White deferred to Ms. Hubbell who reported that four items for modification requests were heard, with one being continued for additional work. The final item heard presented some complexity in a lot line adjustment for 226 and 232 Eucalyptus Hill Road and construction of four houses, and may make its way to the Planning Commission.

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

1. Draft Minutes of July 12, 2007
2. Resolution 027-07  
518 State Street
3. Draft Minutes of July 19, 2007
4. Resolution 030-07  
116 E. Yanonali Street

**MOTION: White/Larson**

Continue the draft minutes of July 12, 2007 and approve the draft minutes of July 19, 2007 and resolutions 027-07 and 039-07 as amended.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As noted. Absent: 2 (Jacobs, Bartlett)

Commissioners Jostes and Myers abstained from Resolution 027-07.

Mr. Vincent reviewed the State statute on how to step down when there is a potential conflict of interest. A Commissioner should step down after an item is announced and then state the reason for stepping down.

**VII. ADJOURNMENT**

Chair Myers adjourned the meeting at 5:15 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary