



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

May 15, 2008

#### **CALL TO ORDER:**

Chair George C. Myers called the meeting to order at 1:10 P.M.

#### **ROLL CALL:**

##### **Present:**

Chair George C. Myers

Vice-Chair Stella Larson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Addison S. Thompson and Harwood A. White, Jr.

#### **STAFF PRESENT:**

Bettie Weiss, City Planner

Jan Hubbell, Senior Planner

Steve Wiley, City Attorney

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Debra Andaloro, Senior Planner

Allison De Busk, Project Planner

Julie Rodriguez, Planning Commission Secretary

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

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

Senior Planner Jan Hubbell announced that agenda items 3-e to 3-J will be continued to May 22, 2008:

- e. Draft Minutes of February 14, 2008
- f. Draft Minutes of February 21, 2008
- g. Resolution No. 009-08  
3230 State Street
- h. Draft Minutes of April 17, 2008 Special Meeting

- i. Draft Minutes of April 17, 2008
- j. Resolution No. 013-08  
210 W. Carrillo Street

B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The 565 Yankee Farm Road appeal is scheduled to be heard by City Council on June 17, 2008. Commissioner Jacobs will represent the Planning Commission.
2. The 1236 San Andres appeal by the Architectural Board of Review will go before City Council on July 22, 2008.
3. The Planning Commission's decision on 3455 Marina Drive, made on May 8, 2008, has been appealed to the City Council.

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

Chair Myers opened the public hearing at 1:12 P.M.

Mark Harris requested clarification of the Planning Commission motion made on May 8, 2008, regarding 528 Anacapa Street, since the draft minutes would not be ready and the appeal period closes on Monday, May 19, 2008.

With no one else wishing to speak, the public hearing was closed at 1:14 P.M.

**II. ENVIRONMENTAL ITEM:**

**The following item was continued from May 8, 2008:**

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

**APPLICATION OF PEAK LAS POSITAS PARTNERS, 900-1100 BLOCK OF LAS POSITAS ROAD (VERONICA MEADOWS SPECIFIC PLAN); APNs: 047-010-011, 047-010-016, 047-010-056 (A PORTION), 047-010-026; CURRENT COUNTY ZONING: 8-R-1 SINGLE-FAMILY RESIDENTIAL (8,000 SQ. FT. MIN. LOT SIZE), AND RR-20 RURAL RESIDENTIAL (20-ACRE MIN. LOT SIZE); CURRENT COUNTY COMPREHENSIVE PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE AND RESIDENTIAL RANCHETTE. ONE UNIT PER 20 ACRES ZONES. (MST99-00608)**

The proposed project involves the annexation of approximately 50 acres to the City of Santa Barbara, located between Campanil Hill and Las Positas Road, and a 31-lot subdivision. Approximately 35.7 acres would be dedicated open space and 14.8 acres would be developed for residential uses, a public road, and public passive recreation and open space. Twenty-five (25) residential lots would be created, ranging in size from approximately 5,000 to 9,600 square feet. The remaining six lots would be comprised of common open

space areas and public roads. Site access to all but three lots would be provided via a proposed concrete bridge over Arroyo Burro Creek that would intersect with Las Positas Road. A public loop road on the west side of the creek would serve 19 of the homes; a private drive would provide access to three home sites from the public loop road. The remaining three homes would be accessed from the end of Alan Road. A public pedestrian path is proposed along the western edge of the creek to provide access from the end of Alan Road to Las Positas Road.

The project includes a creek stabilization and restoration plan on both banks of Arroyo Burro Creek, for a length of approximately 1,800 feet, and would provide a 100-foot buffer between the proposed residences and the top of bank of Arroyo Burro Creek. A portion of the proposed public road and private driveway would be located within the 100-foot creek setback.

Cast-in-ground concrete caissons are proposed on-site to stabilize the hillside to the west. Geologic stabilization of the hill would result in approximately 61,500 cubic yards (cy) of cut and 61,500 cy of fill. Total estimated grading for the project improvements (building pads, roads, etc.) would be about 15,539 cy of cut and 11,232 cy of fill (not including soil recompaction); grading for the creek stabilization/restoration work would involve approximately 14,000 cy of cut.

A Final Environmental Impact Report (EIR) has been prepared and the Planning Commission will consider action to certify the Final EIR (including the Final Revised EIR) pursuant to the California Environmental Quality Act Guidelines Section 15091.

Case Planner: Allison De Busk, Project Planner  
Email: [adebusk@SantaBarbaraCA.gov](mailto:adebusk@SantaBarbaraCA.gov)

**RECUSALS:** To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

Commissioner Jacobs recused herself due to the applicant being represented by someone from her husband's law firm.

Commissioner Jostes recused himself due to owning property within 500 feet of the proposed project.

**EX PARTE COMMUNICATION:**

Commissioner Bartlett disclosed an ex parte communication with the applicant regarding questions he had raised at the last hearing about the bridge.

Allison De Busk, Project Planner, gave the Staff presentation.

Steve Amerikaner, Brownstein Hyatt Farber Schreck, gave the applicant presentation and reserved 5 minutes at the end of the hearing to respond to the public's comments.

Rob Dayton, Supervising Transportation Planner, answered a Planning Commission question about the number of units that would result in no class 1 impact on Alan Road as being four homes; five homes would cause an impact.

Chair Myers opened the public hearing at 1:31 P.M.

The following people spoke in support of the project:

1. Thomas Bortolazzo, Mesa resident, uses property frequently and supports the creek enhancements. Looks forward to the project moving forward.
2. Ken Stirling is a 30+ year resident that supports the project and recommends certification of the EIR.
3. Mike Jordan felt that the EIR is adequate and supports the project. Worrysome issues to the public have been addressed. Project is being held hostage by opponents.
4. Dennis Peterson, 38-year resident of Hidden Valley, supports the project and the bridge, and is impressed with the creek restoration and maintenance.

The following people spoke in opposition to the project or with concerns:

1. Gil Barry felt that the EIR is inadequate and would like to see it address the following: provide adequate structural drawings for the bridge, as inadequate drawings were used for the EIR; the EIR should include a financial feasibility analysis; the legal issue of access over City property should be addressed; and a financial feasibility study of an Alan Road alternative with fewer homes is needed. Also, look at use of a traffic light at the Cliff/Las Positas intersection.
2. Naomi Kovacs, Citizens Planning Association, expressed concern that the Planning Commission was only certifying the EIR and that discussion of the project would be left to City Council; felt that the Planning Commission should review the entire project before certification. Requested that the City consider a lower density alternative with access via Alan Road. An economic feasibility study must be in the record. Does not feel that there is supporting evidence to certify the EIR.
3. Marc Chytilo, Attorney representing the Urban Creeks Council and the Citizens Planning Association, reviewed the Planning Commission's prior approval that was rescinded by law and stated that the Planning Commission is obligated to consider the project as a whole, not just certification. Noted that the EIR does not make a final determination on feasibility. Mr. Chytilo submitted a letter at 4:58 P.M. the day before that was not distributed to the applicant or the Planning Commission.
4. Eddie Harris, President, Santa Barbara Urban Creeks Council, believes that the EIR needs to be revised to include an economic analysis of a scaled down alternative. The EIR needs to provide analysis of upstream conditions and hazards, particularly Campanil Hill; information on trail alternatives; and channelization alternatives.

With no one else wishing to speak, the public hearing was closed at 1:49 P.M.

Mr. Vincent addressed the Commission's question about the legality of certifying the EIR without a decision on the project itself, and explained the City is complying with the order of the court by recertifying the EIR.

Staff responded to Planning Commission's questions about responding to all public comments received during the public comment period; changes in water supply and demand on the Gibraltar and Cachuma Reservoirs; the impact of additional water supply needed for additional residential housing revealed by Plan Santa Barbara that will be addressed by a study and conservation. Staff validated that, if annexation were not approved, the County would maintain responsibility for providing water to the project.

Ms. Hubbell reminded the Commission that the last time a decision on the project was before the Planning Commission; the Commission was deadlocked on a decision and referred the project's decision to City Council. Steve Wiley, City Attorney, responded to the Commission's questions about nullification, stating that the lawsuit was over the City Council's decision and the court decision nullified the Council's actions.

Commissioner's comments:

1. Two Commissioners did not feel that the EIR was adequate and could not support the EIR for the following reasons: 1) needs an alternative that has no Class 1 impacts; 2) disagrees with the EIR's analysis of the County's unincorporated alternative, as zoning is only the first step for development approval; 3) concerned about the City's ability to provide water, sewer and traffic capacity for current and future development. A policy discussion of consistency with City Charter Section 1507 should be in the EIR.
2. Three Commissioners felt that the EIR was adequate and compliant with the mandates of CEQA. Recommend certification of the EIR.
3. Two Commissioners felt that the Class 1 biological impact relative to the bridge is overly-conservative, but defer to Staff's position. One Commissioner felt that the bridge was the preferred option.

**MOTION: Thompson/Bartlett**

**Assigned Resolution No. 018-08**

Certify the Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) making the findings in the Staff Report.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Larson, White) Abstain: 0 Absent: 2 (Jacobs, Jostes)

Chair Myers announced the ten calendar day appeal period.

Chair Myers called a recess at 2:15 P.M. and reconvened the meeting at 2:29 P.M.

**III. ENVIRONMENTAL ITEM:**

**ACTUAL TIME: 2:29 P.M.**

**APPLICATION OF APRIL VERBANAC AND KEN MARSHALL, DUDEK FOR REGENCY CENTERS, 3757-3771 STATE STREET; APNs: 051-040-046, 051-040-049, 051-040-052, 051-040-053; C-P/S-D-2 RESTRICTED COMMERCIAL/SPECIAL DISTRICT 2 AND C-2/S-D-2 COMMERCIAL/SPECIAL DISTRICT 2 ZONES; GENERAL PLAN DESIGNATION: GENERAL COMMERCE, OFFICE, AND BUFFER/STREAM, (MST2005-00156)**

The project consists of the demolition of all site improvements and structures (56,545 sq. ft.) and the construction of four new buildings consisting of 72,209 square feet of commercial/retail space, 15 residential units (13 market rate, 2 moderate-income affordable) comprising approximately 30,356 square feet of living space, and 303 parking spaces. The project site is comprised of four parcels, of which three would be merged, resulting in two parcels.

**ENVIRONMENTAL HEARING:** The purpose of this environmental hearing is to take public comments on the Draft Mitigated Negative Declaration that was prepared for this project, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. The public review ends on Wednesday, **June 4, 2008**.

**No formal action on the development proposal will be taken at this hearing.**

Case Planner: Allison De Busk, Project Planner  
Email: [adebusk@SantaBarbaraCA.gov](mailto:adebusk@SantaBarbaraCA.gov)

Allison De Busk, Project Planner, gave the Staff presentation.

Erwin Bucy, Regency Centers, did not give an applicant presentation, but remained available for any questions.

Chair Myers opened the public hearing at 2:37 P.M.

The following people spoke in support of the project:

1. Janice Brown supports the creek restoration and believes the project will be a welcome addition to the community.
2. Melody Myer supports Whole Foods and feels that the public deserves to have choices in shopping.
3. Steve Cushman, Santa Barbara Region Chamber of Commerce, believes that this is a good project and encourages the Commission to support the MND. He would like to see the project move forward.
4. Steve Byrd was not able to stay, but left comment in support of the project.

5. Melissa Marsted supports project and acknowledged Whole Foods' community involvement, commitment to local produce, and contributions to local non-profits.
6. Hank Hurst, adjacent property owner, supports the addition of Whole Foods. Feels that his tenants would not drive, but walk over to the new market.
7. Jo Saxon supports the project.

The following people spoke in opposition to the project or with concerns:

1. Naomi Kovacs, Citizens Planning Association, submitted a letter and voiced four concerns about neighborhood compatibility, creek setbacks, traffic, and parking. The size, bulk, and scale are not compatible with the adjacent land uses, nor are the unprecedented roof top parking of 119 vehicles. The large increase in commercial space, and associated modification and TEDR requests, as well as the number of three-bedroom units are evidence of the overdevelopment of the site and loss of open space. Number of service workers is increased, yet the project only provides 2 affordable housing units. Creek setbacks should be greater to provide improved water quality.
2. Paul Hernadi, Citizens Planning Association, feels that traffic impacts and vehicle circulation are not completely analyzed and the proposed mitigating measures are inadequate. Cited large truck access on Hitchcock Way as a change in the type of traffic.
3. Patricia Hiles, Citizens Planning Association, feels that there is inadequate parking, especially for the 3 bedroom units. One space per unit is not enough. Additional residential parking will impact the commercial parking, which could then overflow into the YMCA parking lot. Project requires an EIR.

With no one else wishing to speak, the public hearing was closed at 2:53 P.M. Chair Myers acknowledged that numerous letters were received: 34 in support of the project; 4 with concerns with the environmental review process.

Commissioner's comments:

1. Even though this is not a concept review, two Commissioners stated that the residential units are too large.
2. Three Commissioners felt that the Mitigated Negative Declaration (MND) is appropriate based on information from the Initial Study. Would like to see more in-depth study given to the two creeks, making sure that they are rehabilitated and sustained.
3. Some Commissioners felt that, with all the major traffic problems on Upper State Street, would like to see that project has done everything to mitigate and meet traffic and parking demands.
4. The proposal is underparked. Would like to see proposed and potential future uses investigated to condition prohibition of any uses that would overpark the area.

5. Asked that Staff include any issues in the public correspondence into the MND. Acknowledged letters received from the public, many of whom could not wait for Whole Foods to come to Santa Barbara.
6. The limitations of the site prohibit meeting the parking and traffic zoning requirements. The parking demand and zoning requirements are driven by the use of the commercial space in contrast to residential square footage. Noted that the square footage of the commercial space did not decrease from the initial presentation, but increased. Would like to see the traffic and parking studied in more detail.
7. An EIR is not needed, but want to make sure that traffic and parking were closely and accurately studied.
8. Even though the project is a green building, the project will result in increased greenhouse gas emissions. While the list of public benefits is long, the traffic and parking issues do not go away and need to be addressed.
9. Need a plans and policy discussion in the MND that better includes City policies: consistency with the Upper State Street Study (USSS) recommendations and maps, Charter Section 1507, and the S-D-2 Zone.
10. Would like to see how the bus stop on Hitchcock interacts with the loading dock.
11. One Commissioner supports a focused EIR to address the traffic in this location. This project will draw people from all over town and out of town.
12. Remained concerned with roof-top parking and aesthetics.
13. Design and layout of the project will have positive or negative effects on implementing the USSS, depending on how it looks based on a block by block study.
14. Would like to see the creek setback at 25' as a minimum and addressed in the environmental review. Creekside buffers and setbacks need to be addressed.
15. Would like to see more detail in the cumulative traffic section; it is presently too short. The trend study shows that there is future growth potential on State Street and needs to be acknowledged as something that has to be treated in the long term.
16. Suggests looking beyond the parcel for parking. As a mitigation measure, it makes sense to have the bridge go to Hope Avenue to where there is parking.
17. There will be a change in the visual character with the removal of eucalyptus trees and MND should include mitigation of the biological and visual issues.
18. One Commissioner recalled that this is the third redevelopment of this property and looks forward to this project rectifying the past mistakes.
19. Looks forward to the traffic model to be up and running before the project returns so that scenarios can be tested when residential and commercial variables are changed.
20. Would like to acknowledge the existing linkages between this property and other area features by indicating to those on State Street that there are creeks; perhaps pedestrian paving following the creek line across State Street.
21. Underground parking is restricted by the diagonal sewer. Would urge environmental review to include options to addressing the sewer so that alternative parking design/location can be considered.
22. This project represents a very new, very green sustainable project. Need to look closely at whole area with the mapping of USSS.

23. Commission would like to see a concept review before the final project; input would speed things up in the long run.

Ms. Andalaro reviewed points discussed that included the constraint of the development by the two converging creeks and the struggle with the Flood Control District regarding how the easement is vegetated and agrees that some visual analysis is needed with the removal of trees. The creek setback issue remains; the fact that there are no standard requirements for a creek setback makes it tough and puts reliance on the biological analysis and level of impact. The applicant is willing to make improvements to stabilization of the slope, but agencies do not want to see disturbance to the slopes; do not want oak trees touched. Staff is balancing what is normally appropriate in a rural environment with this project in an urban environment. ATE, the USSS, and a comprehensive traffic study conclude that traffic impacts will be less than significant with the improvements proposed at the two intersections. This is not to say that conditions may not change, or worsen, but they will not cross the threshold and be in the area of a significant traffic impact. There is always the question of how much policy analysis to include in an MND, but she did review and will include in the staff report.

Mr. Dayton addressed the scrutiny applied to the trip generation rates; Whole Foods is different in its larger market attraction, as compared to a store like Albertsons which draws a more local consumer. The issues are mitigated, hence the use of an MND. The City's Parking Ordinance requires a very unrealistic number of 5 parking spaces per thousand square feet; applies more to a Thanksgiving sale, than what is the typical demand.

#### **IV. ADMINISTRATIVE AGENDA**

- A. Committee and Liaison Reports.
  1. None were given.
- 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 draft minutes and resolutions listed in I.B.3. of this Agenda.
  - a. Draft Minutes of February 7, 2008
  - b. Resolution No. 004-08  
130 Garden Street
  - c. Resolution No. 005-08  
222 West Alamar Avenue

- d. Resolution No. 006-08  
Medical Marijuana Dispensary Permanent Ordinance  
Recommendations to City Council
- e. Draft Minutes of February 14, 2008
- f. Draft Minutes of February 21, 2008
- g. Resolution No. 009-08  
3230 State Street
- h. Draft Minutes of April 17, 2008 Special Meeting
- i. Draft Minutes of April 17, 2008
- j. Resolution No. 013-08  
210 W. Carrillo Street
- k. Draft Minutes of April 24, 2008
- l. Resolution No. 014-08  
3339 Cliff Drive

**MOTION: Thompson/Larson** Approve the minutes and resolutions of February 7, 2008 and April 24, 2008 as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: As noted. Absent: 0

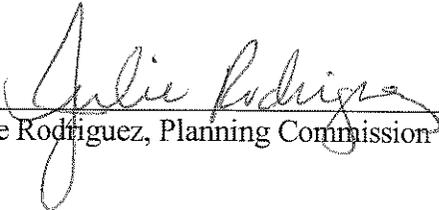
Commissioner Jostes abstained from the February 7, 2008 minutes and resolutions.

Commissioners Myers, Larson, and White abstained from April 24, 2008 minutes and resolution.

## VII. ADJOURNMENT

Chair Myers adjourned the meeting at 3:45 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary