



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

May 22, 2008

### **CALL TO ORDER:**

Chair George C. Myers called the meeting to order at 1:05 P.M.

### **ROLL CALL:**

#### **Present:**

Chair George C. Myers

Vice-Chair Stella Larson

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

Commissioner Charmaine Jacobs arrived at 1:16 P.M.

#### **Absent:**

Commissioner John Jostes

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Steve Foley, Supervising Transportation Planner

Melissa Hetrick, Environmental Analyst

Debra Andaloro, Senior Planner

Kathleen Kennedy, Associate Planner

Chelsey Swanson, Assistant Transportation Planner

Suzanne Johnston, Assistant 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 the following changes to the agenda:

1. Agenda Item I.B.3.a- f, the Draft Minutes and Resolutions of March 6, 2008, March 13, 2008, and March 20, 2008, be rescheduled to June 12, 2008.

**MOTION: Thompson/White**

Continue the Draft Minutes and Resolutions of March 6, 13, and 20, 2008 until June 12, 2008.

This motion carried by the following vote:

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

2. Staff has requested a continuance to June 12, 2008 for Item III.D., 800 Santa Barbara Street.

B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The Planning Commission approval on May 8, 2008 on 528 Anacapa Street has been appealed to City Council.
2. Danny Kato has been appointed to succeed Jan Hubbell as Senior Planner upon her retirement at the end of September.

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

Chair Myers opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

II. **NEW ITEMS:**

**ACTUAL TIME: 1:07 P.M.**

A. **APPLICATION OF VADIM M. HSU, ARCHITECT, FOR KATHERINE DRISCOLL-ROCHE AND KEYT, 730 MIRAMONTE DRIVE, 035-050-060, A-1/E-1, SINGLE FAMILY, ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS/ACRE (MST2006-00234)**

The project consists of the abatement and permitting of the following as-built conditions: two ground-mounted satellite dishes, removal of vinyl fencing surrounding existing satellite dish farm, two air conditioner units used for the approved Verizon equipment building, the replacement HVAC rooftop equipment, removal of two pole lights, removal of a ramp, and security lighting. In addition, the project includes the installation of a wooden fence surrounding the satellite dish farm and changes to the existing landscape plan, which is in compliance with all Zoning and Fire Code requirements. The applicant is also requesting permission for periodic small-scale events.

The discretionary application required for this project is a Conditional Use Permit Amendment to allow the as-built installation of two additional satellite dishes (SBMC§28.94.20).

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

Case Planner: Suzanne Johnston, Assistant Planner  
Email: [sjohnston@santabarbaraca.gov](mailto:sjohnston@santabarbaraca.gov).

Suzanne Johnston, Assistant Planner, gave the Staff presentation.

Vadim M. Hsu, Architect, gave the applicant presentation.

David Williams, KEYT (Local Television station, Channel 3) Chief Engineer, answered questions by the Commission regarding the purpose of the decorative pole on the site, which is being used for stringing Holiday lights. KEYT will consider removing it. Mr. Williams also responded KEYT will consider looking into the 'doghouse' structure on the roof that houses the antennas, but recalls that it was initially built at the request of the City to hide the antennas. He also responded to the state of technology being used and reported that the size of antennas has not changed over time. He also stated that all the satellite dishes are receiving only and do not transmit. A 6' high fence would not interfere with the satellite dishes as long as they are a few feet away.

Mr. Hsu responded to the Commission's questions about the HVAC screen material details; considerations for mitigation of the appearance of the rooftop 'doghouse' structure (a permitted structure which is not a code violation); providing an accessible entry ramp to comply with Title 24 accessibility requirements (not a part of proposal); identification of any drop off areas in the parking lot that affect drainage; considerations given for dish frequencies and potential for penetrating materials receiving dishes.

Staff responded that KEYT is not making any structural changes so upgrading the drainage is not required.

Chair Myers opened the public hearing at 1:30 P.M and, with no one wishing to speak, closed the hearing.

Commissioner's comments:

1. Conditional Use Permits are intended for uses not allowed in the zone; therefore, the appearance of the "doghouse" should be mitigated and incorporated into the screening of the rooftop mechanical equipment.

2. This property, specifically the large uncovered parking area, has an adverse effect on the watershed. Some Commissioners felt that as a good management practice the project should consider addressing the drainage by filtration or bioswale, but acknowledged that it is not the focus of this hearing. The consensus of Commissioners would like the drainage issues to be addressed in any future development or changes to parking lot on this site.
3. Acknowledges that this is an old facility and hopes that one day it can be improved.
4. Most Commissioners would like to see the Architectural Board of Review (ABR) address removal of the decorative pole and review for accessibility improvements to meet Title 24 accessibility requirements. The 'doghouse' should also be included in the mitigation effort.
5. Some Commissioners felt that redoing the parking lot without looking at updating the ADA use of the ramp should be reconsidered.

**MOTION: White/Thompson**

**Assigned Resolution No. 019-08**

Approve the amended Conditional Use Permit, making the findings in the Staff report, and with the Conditions of Approval amended to include: 1) Architectural Board of Review shall review a redesign of the large boxed structure on the roof, identified as 'the doghouse' that reduces its visibility and improves its appearance; 2) Review to assure that the parking lot ramp is compliant with Title 24 accessibility requirements; and 3) All unnecessary rooftop structures shall be removed.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

**ACTUAL TIME: 1:39 P.M.**

**B. APPLICATION OF BRENT DANIELS, AGENT FOR HERB BARTHEL'S, 1837 ½ EL CAMINO DE LA LUZ, APN 045-100-065, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS/ACRE (MST2002-00214/CDP2002-00008)**

The proposed project involves construction of an approximately 1,505 square foot, two-story single family residence with an attached approximately 429 square foot garage, retaining walls, paved driveway, and drainage elements on a 23,885 square foot vacant bluff-top lot. Grading quantities total approximately 288 cubic yards of cut and 21 cubic yards of fill. Access to the site would be provided along private easements on an existing driveway extending south from the terminus of the paved public road (El Camino de la Luz).

The discretionary applications required for this project are:

1. A Coastal Development Permit for the construction of a new residence in the Appeals Jurisdiction of the Coastal Zone (SBMC Chapter 28.44); and
2. A Modification to allow construction of a new residence on a lot without the required 60-feet of frontage on a public street (SBMC § 28.15.080 and § 28.92.110).

A Final Environmental Impact Report (EIR) has been prepared, and prior to an action on the project, the Planning Commission will consider certification of the EIR, and must make findings pursuant to the California Environmental Quality Act Guidelines Section 15091.

Case Planner: Dan Gullett, Associate Planner  
Email: dgullett@santabarbaraca.gov

Dan Gullett, Associate Planner, gave the Staff presentation and introduced Steve Rodriguez, EIR Preparer; Dr. William Anikouchine, Geologist; Debra Andaloro, Senior Planner; and Melissa Hetrick, Environmental Analyst, as available for answering any questions.

Chair Myers asked Scott Vincent, Assistant City Attorney, to review the Planning Commission's purview. Mr. Vincent stated that the purview would include whether or not to certify the EIR, the Coastal Development Permit and Street Frontage Modification.

One Commissioner asked for clarification on the processing and arbitration rights relating to whether or not legal access rights exist, as stated in a 1997 letter from Steve Wiley, City Attorney. Mr. Vincent, without seeing the letter, stated that legal access rights would not make any difference in the decision to process the project.

One Commissioner questioned why we are processing a project when the access has not been adjudicated by the courts. Mr. Vincent stated that not moving forward, in effect, makes the determination that the access is not adequate. The Planning Commission can consider if the proposed access results in sufficient access to this lot.

Staff answered Planning Commission's questions about the street frontage modification and the requirement for a 60' frontage on a public street; clarification of the narrowest access point as 7.5' wide and 7.14' long; and the underground utilities easement to the site.

Brent Daniels, L & P Consultants, gave the applicant presentation along with Detlev Peikert, Peikert Group

Mr. Daniels answered the Planning Commission's questions about the Morgan, Barthels and Peterson parcels as being the parcels affected by the 7.5' 'pinch point';

and the 22% slope average on the building envelope. Mr. Peikert responded to maintaining the green roof as a potential condition of approval.

Chair Myers opened the public hearing at 2:39 P.M.

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

1. Joanne Thompson Adams, neighbor, noted past landslides in the area and expressed concern for development on what she feels is an unstable shale area that would not support development. The instability of the land is very hazardous and the project and surrounding area could be harmed by a future landslide.
2. Ray Franco spoke on behalf of six people who were in attendance at the hearing and shared the history of the easement adjudication; the concern for protecting the public view from La Mesa Park, a public park; and a review of landslides on the bluff area. He shared five different options for Planning Commission consideration.

With no one else wishing to speak, the public hearing was closed at 2:59 P.M.

Debra Andaloro, Senior Planner, provided the Planning Commission with the California Environmental Quality Act (CEQA) position with regard to using varied methodologies for reviewing geologic reports. She introduced Dr. William Anikouchine, and Melissa Hetrick, Environmental Analyst, formerly with the California Coastal Commission, to address the top of bluff and stability of the site. CEQA only requires analyzing reasonable alternatives that mitigate any Class I impacts. She also noted that the current proposal reduces less than significant impacts even further, which does not require that additional information be included in the EIR.

Staff answered additional Planning Commission questions about the Conditional Certificate of Compliance as approved, and as now exists, with Fire Department and Transportation requirements on acceptable access; and cited a recent project on the corner of Mission and State Streets as a current example of a recent project using an eight foot wide access.

Mr. Vincent responded to the Commission's query on the project's legal use of the access easement and explained that the City is not the body that determines legal access, only the project access. Also, the Commission needs to look at the particular case to determine if the proposed access would be adequate. As conditioned, if the applicant does not have legal access, the project will not be built.

Commissioner's comments:

1. Commissioners thanked the applicant for the presentation and appreciated the project design. Commented on the natural topography being changed and indicated concern that the proposed house would unnecessarily impact the public view from La Mesa Park. The house could be smaller and set into the site more.
2. The proposed building exceeds the building envelope.
3. The Planning Commission has the discretion to choose from expert reports, or ask for an additional report.
4. One Commissioner could not support the project given the geologically sensitive parcel with its slope and limited access. Does not find an existing right for development.
5. One Commissioner spoke to the number of parcels taking access off an easement and expressed concern given the City's position on fire safety.
6. The EIR states that potential problems should be mitigated and two Commissioners do not see that the studies have dealt sufficiently with the difference of opinion among experts. Cannot support the EIR. If the City can support the geological studies then it is acceptable, but does not see that a geological study has been accepted.
7. One Commissioner acknowledged the reduction in size of the project along with the tight access.
8. One Commissioner asked for clarification on whether there was any validity to the opponents not allowing the hired consultant to access their properties for a conclusive study.

Staff confirmed that the access was physically blocked at the time of the study.

9. Two Commissioners felt that this design is not in compliance with the Hillside Design Guidelines and should consider alternatives for the garage.
10. On Commissioner stated that this parcel can be developed. Can support with conditions.
11. One Commissioner was concerned with the design and cantilevering as related to the stability of the slope. Recalled an earlier landslide, and loss of one of the homes, in that area. Suggested that a light footprint of an 800 - 1000 square foot home be considered. Reluctant to approve the project as presented due to safety concerns.
12. One Commissioner expressed concern about living in a home on the property, but deferred to the geologists that say it is safe. Engineers can determine what kind of house can be built and stabilized.
13. One Commissioner stated that the issue in the EIR is an aesthetic one and has been addressed well by the Peikert Group. Even with the maturation of any landscaping on the parcel, the ocean view will not be impacted on La Mesa Park. Can support certification of the EIR.

Mr. Vincent stated that the building envelope in the EIR is to be used as an evaluating tool. The existence of a disagreement among experts does not make the EIR inadequate. The EIR should summarize the disagreements and provide full disclosure.

Ms. Hubbell addressed the expert testimony and stated that Mr. Franco's initial concerns were not with timeline for the additional on-site study, but with the City's consultant, Dr. Anikouchine. Staff would have adjusted the timeline had that been the actual concern presented.

Ms. Andaloro responded to the Commission's query on geologic issues and said they were included in the EIR. She clarified what is being asked for in the Mitigation Measure. CEQA does not require that every alternative be explored, but that reasonable mitigation measures are included. Use of caissons or alternative foundation cannot be determined until the time when building permits are submitted that include final engineering reports.

**MOTION: Bartlett /White**

Certify the EIR, with the findings as outlined in the Staff Report, and approve the Coastal Development Permit and Street Frontage Modification, along with the condition that the applicant reduces the scale and mass of the upper level to comply with Hillside Design Guidelines.

This motion failed by the following vote:

Ayes: 3 Noes: 3 (Jacobs, Larson, Thompson) Abstain: 0 Absent: 1 (Jostes)

The Motion failed for lack of majority.

Discussion was held on certifying only the EIR with the findings as outlined in the Staff Report. One Commissioner took issue with the safety issues and not having reconciled geological studies and could not certify the EIR.

Staff responded about Dr. Anikouchine's report and the reason the most conservative case was not taken. Staff was satisfied with Dr. Anikouchine's review of the 17 prior reports on the site and he did do a slope analysis that led to his opinion of the site being stable. Staff chose to respond to the opponent's independent review, but were not required by CEQA to do so.

Mr. Vincent spoke to mitigation measures in an EIR and that they are only required on impacts that are deemed significant. The City incorporates recommended mitigation measures for impacts that are less than significant. Staff confirmed that both conditions E.6 and E.7 on Page 6 of the Conditions of Approval were required as they are both mitigations identified in the EIR for Class II impacts.

Staff added that it is usually not possible to have complete geological information for up front for projects due to the excessive expense involved. CEQA requires that the studies be sufficiently detailed to determine if it would be feasible to carry out the project in a safe manner that does not result in significant unavoidable impacts. More detailed stability analyses are required when building permit applications are filed.

One Commissioner remained concerned with the historic landslide activity in that area and could not certify the EIR.

Staff suggested the next step would be doing an onsite geological analysis and returning with a revised Final EIR with definition of the scope of the study. Access issues must be resolved first among neighbors before any study can be done.

One Commissioner stated that all three study steps must be done and then mitigation measures can be determined. If access is denied, it involves Police Department action.

Mr. Franco requested that the house be redesigned as 800-1000 square feet to be reviewed. Will allow access, but remains concerned with any heavy equipment to go through the easement. Mr. Franco offered to pay for a geological report to be done by an independent geologist.

Chair Myers called for a recess at 4 P.M. to allow Staff to meet with the applicant, and resumed the meeting at 4:25 P.M.

Ms. Andaloro gave the Commission a summary of what Dr. Anikouchine would be able to do if allowed access to the property and polled the Commission for desired action. Dr. Anikouchine had previously been prepared to go out with a back hoe, or similar equipment and trench an area 8-12 feet deep to extend from the cabana area to the paved parking area to determine the presence or absence of the potential geologic feature.

The Commission asked Staff how the three issues in the EIR would be mitigated. Staff stated that if the study determined that there were stability issues, building permits would not be issued. While an engineer can find a way to build anything, it would become a question of economic feasibility.

One Commissioner requested that Dr. Anikouchine be allowed to obtain the information necessary. One Commissioner referenced a discrepancy regarding the slope stability analysis with what was stated by Staff and what the EIR says.

**MOTION: Jacobs /Larson**

Continue certification of the EIR indefinitely and request that supplemental slope stability evaluation be prepared to evaluate post-development conditions and, if necessary, building and grading plans be revised to reduce potential slope stability impacts.

Mr. Vincent asked that before a vote is taken, the neighbors express their feelings.

Mr. Franco, speaking for the neighbors, expressed concern that the trenching may contribute to erosion and instability to the other neighbors and still not get to the bedrock.

Mr. Franco stated that he would not be willing to allow access to Dr. Anikouchine for the work described. Mr. Franco stated that Dr. Barthels does not have an access easement. The Commission is at an impasse and looked to further discussion to resolve.

Dr. William Anikouchine, Geologist, spoke to the 17 studies conducted not having addressed the stability of the slope and only giving conclusions. In order to evaluate the findings of the several reports, it must be determined if the slope is stable and the reports are adequate. Dr. Anikouchine responded to the Commission's question about the work proposed and minimizing any impact to slope stability by saying that the scope of work proposed includes trenching, using strike-and-hit technique. Trenching will not make the slope unstable.

The Motion was withdrawn.

**MOTION: Thompson/Larson**

Continue the project to allow Staff and the Applicant to do whatever testing is necessary.

This motion carried by the following vote:

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

**ACTUAL TIME: 4:51 P.M.**

**C. APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR  
SCHAAR HOMES, 101 E. VICTORIA STREET, APN 029-071-013, C-2,  
COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICE AND  
MAJOR PUBLIC/INSTITUTIONAL (MST2006-00758)**

The project consists of a proposal to demolish an existing two-story 11,900 square foot commercial office building and construct a new three-story 17,607 square foot commercial building comprised of 50 condominium office units on a 19,725 square foot parcel. A total of forty-five parking spaces would be provided in an

underground garage, with eight reserved for the adjacent parcel located at 109 E. Victoria Street.

The discretionary applications required for this project are:

1. Modification of the parking requirements to allow less than the number of required parking spaces (SBMC§28.90);
2. Tentative Subdivision Map to create a one-lot subdivision for 50 commercial condominium units (SBMC§27.07);
3. Development Plan approval to allow 5,707 square feet of additional non-residential development (SBMC§28.87.300); and
4. Preliminary Economic Development Determination (SBMC28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (In-fill Development Project).

Case Planner: Kathleen Kennedy, Associate Planner  
Email: [kkennedy@SantaBarbaraCA.gov](mailto:kkennedy@SantaBarbaraCA.gov)

**RECUSALS:** To avoid any actual or perceived conflict of interest Commissioner Charmaine Jacobs recused herself due to her husband working at the same firm as the Applicant's representative.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and stated that five letters had been received for the project and was joined by Rob Dayton, Principal Transportation Planner; and Tom Rejzek, Geologist, Santa Barbara County Fire Department LUFT Program.

Mr. Rejzek responded to the Commission's questions about the contamination under Victoria Street being identified as groundwater contamination only, not soil.

Mr. Dayton answered Planning Commission's questions about the history of the delineated area of the Central Business District (CBD); determination of parking demand for the proposed square footage; how the lift system relates to parking, and valet parking.

Brian Cearnal, Cearnal Andrulaitis, LLP, gave the applicant presentation and introduced his team of Joe Andrulaitis, Architect; Susan Van Atta, Landscape Architect; Eva Turenchalk, Planner; and Peter Brown, Attorney, both of Brownstein Hyatt Farber Schreck.

Mr. Cearnal answered the Planning Commission's questions about the area being too narrow to provide garage access located on the east side of 109 E. Victoria; positioning of solar panels; and clarification about the parking driveway easement between 109 E. Victoria Street and 101 E. Victoria Street.

Ms. Hubbell added that there is nothing in the Zoning Ordinance that prohibits the use of the parking reduction for office buildings over certain sizes in the Commercial Business District or any place else in the City.

Chair Myers opened the public hearing at 5:51 P.M.

The following people spoke in support of the project:

1. Mark Mattingly, a Commercial Realtor, supports this project as the first of its kind in the City and said that the small office vacancy rate is below 1% in the small business market. People are buying small houses and converting them to offices that then result in a loss to the housing market.

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

1. Kellum de Forest expressed concern about the number of parking spaces as related to the number of office units; also concerned with the driveway entrance on Anacapa Street.
2. Len Kaplan, adjoining neighbor at Arlington Court, is concerned with the project height in relationship to his property and the close visual proximity to the conference room windows next door. Also concerned about the increase in pedestrian traffic with a new corner cupcake business and the concern for pedestrian safety, especially children.
3. Claudia Lapin, Arlington Court, stated that her kitchen will directly face the conference room and is concerned that, with individual ownership, she will not be able to complain to anyone. Requests that there be noise insulation from people and parking lifts; concerned with occupants being present 24/7. Asks for less density in the rear. It is not true that everyone uses a bicycle and asks for consideration of actual parking concerns.
4. Bob Chyla, Arlington Court, shares the concern about the loss of privacy and potential uses of the conference room by the future owners of the units. Concerned with the addition of a second story patio that would allow users to look into their yard.
5. Jessica Cesaroni, President, Arlington Court Owners Association, was concerned with parking of 45 parking spaces for 50 units. Asks that the square footage be reduced by 3, 250 square feet to meet City Code for parking. The project will have a significant adverse impact on the neighborhood. She was also concerned with the view from the second floor conference room, and the impact on their privacy. Concerned with impacts to traffic and soil contamination issues.
6. Claudia Chyla, Arlington Court resident, is an adjoining neighbor who is concerned with the loss of privacy. Her residence looks directly into the conference room and is concerned with the potential for 24 hours of conference room use. There is concern with parking use and the potential for

more users at Arlington Court. Asks consideration for parking entry to be on Victoria Street.

With no one else wishing to speak, the public hearing was closed at 6:16 P.M.

Mr. Cearnal stated that the parking will be for owners only and will be gated. He stated that the owner would be receptive to a condition that would limit units in excess of four being combined as one unit. Would consider having a loading area striped for UPS trucks. The conference room is an amenity for owners and the applicant is receptive to a condition for hours of use. Mr. Cearnal clarified the location of bathrooms near the conference room, and the number of existing curb cuts eliminated and how the space could be striped for loading and would not reduce on-street parking.

Commissioner's comments:

1. The Commission expressed appreciation for all the public comment received and the hospitality during the site visit.
2. One Commissioner was concerned with the limited parking and the level of noise associated with the car lifts.
3. The design is pleasing and well thought out.
4. Some Commissioners shared concern with the loss of the Courthouse clock view from Arlington Court, but acknowledged that it is not a public view.
5. Commissioners suggested that the Applicant restrict the hours of use for the conference room and that light and noise pollution be considered. There is a concern with canyonization of noise.
6. One Commissioner stated that the view of the conference room is an improvement over the prior view of a crematorium.
7. Two Commissioners support the project and parking modification. The delineated parking area was arbitrary and should be addressed permanently during the General Plan Update.
8. Would like to have seen another option for the parking entry, but acknowledges that the applicant has made efforts to study. One Commissioner cannot support the driveway on Anacapa Street.
9. Likes smaller units but does not support a condition to limit the potential combining of smaller units.
10. One Commissioner expressed appreciation for the scale of the project, given the potential for more development.
11. Commissioners were concerned with the enforcement and accountability of owners to neighbors with future use of common areas as there will not be an onsite manager.
12. Two Commissioners cannot support the parking modification and find that the parking study supports a project that has never been tried and does not take into account all transportation methods.

13. One Commissioner expressed disbelief that a commercial association for units that include residential potential will not be as accountable as a Homeowners Association.
14. One Commissioner thought that the three driveway cuts within 150' along Anacapa Street were too many.
15. One Commissioner asked staff to consider selling the parking spaces separately from the units.
16. One Commissioner was intrigued with the various scenarios for power outages and the impact to use of the garage lifts, as well as the noise that any generator would bring.

Mr. Cearnal and Ms. Hubbell responded that the parking lifts are electric, thus not very noisy, and are located underground.

Mr. Cearnal addressed questions about parking by stating that there would be an indicator that would show when parking was full; there would be a commercial owners' association to address potential concerns; and there is expansion potential for more parking lifts. Mr. Cearnal stated that separate parking ownership would defeat the flexibility of the parking lot use.

**MOTION: Bartlett/Larson**

Approve the parking Modification, Tentative Subdivision Map, Development Plan, and the Preliminary Economic Development, making the findings in the Staff Report, with the added conditions that 1) The applicant is to consider loading space and other on-street parking south of driveway on Anacapa Street; and 2) Consider a bulb-out on the Anacapa Street side of the intersection with the goal of adding additional landscape to act as a buffer to the restaurant across the street.

Some Commissioners remained concerned with the unrestricted use of the conference room; the lack of a parking space for each unit; and the lack of contact information for neighbors.

Ms. Hubbell spoke to Staff's consideration for not placing restrictions on the conference room and the associated enforcement issues that arise.

One Commissioner suggested that contact information be provided to neighbors.

This motion failed by the following vote:

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

The Commission gave the applicant the opportunity to reconsider his request to remove the parking modification from the project.

Mr. Cearnal asked for five minutes to deliberate with his team, while the Commissioners continued with the Administrative Agenda.

Mr. Cearnal addressed the Commission and expressed disappointment that the Planning Commission states that it wants to be "green", yet will not take action to reduce parking. Applicant can agree to put in additional parking lifts and not ask for the parking modification.

**Straw Poll:**

Dig pits for 13 additional parking lifts, but not install the lifts unless it is determined that they would be needed.

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

Two Commissioners remained concerned with the parking availability to units and preferred one space per unit.

Mr. Dayton suggested that a condition be added to restrict the sale of parking spaces to other off-site users.

**MOTION: Bartlett/Larson**

**Assigned Resolution No. 020-08**

Approve the Modification, Tentative Subdivision Map, Development Plan, and the Economic Development, making the findings in the Staff Report, subject to the conditions of approval with the added conditions: 1) Consider providing loading spaces and other parking spaces south of the Anacapa driveway; 2) Consider a pedestrian bulb-out at the intersection of Victoria and Anacapa Streets; 3) Provide Condominium Association contact information to neighbors; and 4) Make allowances in construction for 13 additional parking lifts (in addition to the 3 lifts proposed by the applicant), monitor parking demand by independent monitor, subject to review by City Staff, and install additional parking lifts as necessary to meet demand.

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

Chair Myers announced the ten calendar day appeal period.

**THE FOLLOWING PROJECT HAS BEEN CONTINUED TO JUNE 12, 2008**

- D. **APPLICATION OF TRISH ALLEN, AGENT FOR 800 SANTA BARBARA STREET LLC, PROPERTY OWNER OF 800 SANTA BARBARA STREET, APN: 031-012-028, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC & INSTITUTIONAL/OFFICES (MST2006-00129)**

The proposed project involves the demolition of the existing 1,965 square foot one-story commercial building and the construction of a 14,747 square foot, two and

three-story mixed-use building containing six residential condominium units and ten commercial condominiums totaling 4,838 square feet. The residential mix includes three three-bedroom units and one two-bedroom unit, ranging in size from 1,316 square feet to 2,249 square feet. The ten proposed commercial condominiums would be range in size from 400 net square feet to 478 net square feet. Twenty-seven parking spaces are proposed in an underground parking structure, with eleven of those spaces provided per a lease agreement with 223 E. De la Guerra Street.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create eight residential condominium units and ten commercial units (SBMC Chapters 27.07 and 27.13); and
2. A Development Plan Approval to allow 2,878 square feet of net new non-residential use (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 15332, which allows infill development within urbanized areas.

Case Planner: Irma Unzueta, Project Planner  
Email: iunzueta@santabarbaraca.gov

### **III. ADMINISTRATIVE AGENDA**

- A. Committee and Liaison Reports.
  1. Commissioner Thompson reported on the Airport Commission and the new terminal construction activity that begins in July with the relocation of the T-hangars.
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Four Modifications were reviewed.
- C. Action on the review and consideration of the draft minutes and resolutions continued from May 15, 2008.
  - a. Draft minutes of February 14, 2008
  - b. Draft Minutes of February 21, 2008
  - c. Resolution 009-08  
3230 State Street
  - d. Draft Minutes of April 17, 2008 Special Meeting
  - e. Draft minutes of April 17, 2008
  - f. Resolution 013-08

210 W. Carrillo Street

**MOTION: Thompson/Larson**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

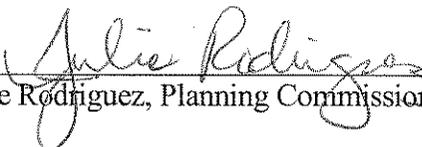
Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Jostes)

Commissioners Larson and Thompson abstained from the April 17, 2008 Special Meeting.

**VII. ADJOURNMENT**

Chair Myers adjourned the meeting at 7:15 P.M.

Submitted by,

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

