



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

September 18, 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, John Jostes, Addison S. Thompson and Harwood A. White, Jr.

Absent:

Commissioner John Jostes

Commissioner Jacobs arrived at 1:21 P.M.

STAFF PRESENT:

Bettie Weiss, City Planner

Jan Hubbell, Senior Planner

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Steve Foley, Supervising Transportation Planner

Michael Berman, Environmental Analyst

Debra Andaloro, Senior Planner

Allison De Busk, Project Planner

Melissa Hetrick, Project Planner

Susan Reardon, Senior Planner

Kathleen Kennedy, Associate Planner

Stacey Wilson, Associate Transportation Planner

Chelsey Swanson, Associate Transportation Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

None.

2. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. Liz Limon, Project Planner has moved from Long Range Planning to Housing and Redevelopment.
2. Irma Unzueta, Project Planner has moved from Design Review to Long Range Planning.

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

Chair Myers opened the public hearing at 1:05 P.M. and, with no one wishing to speak, closed the hearing.

II. DISCUSSION ITEM

ACTUAL TIME: 1:06 P.M.

PLANNING COMMISSION'S REVIEW OR STAFF HEARING OFFICER ACTIONS AND REVIEW OF STANDARD CONDITIONS OF APPROVAL MENU.

Staff's review of the status of the Staff Hearing Officer and proposed changes to the Planning Commission and Staff Hearing Officer Standard Conditions of Approval Menu. Proposed revisions to the Conditions of Approval are intended to provide a more efficient and concise document and respond to new issues and regulations. A discussion will be held with the Planning Commission.

Case Planner: Bettie Weiss, City Planner; Susan Reardon, Senior Planner;
Jan Hubbell, Senior Planner

Email: bweiss@SantaBarbaraCA.gov; sreardon@SantaBarbaraCA.gov;
jhubbell@SantaBarbaraCA.gov

Susan Reardon, Senior Planner, gave the Staff presentation on the Staff Hearing Officer Conditions of Approval.

Commissioners were pleased with the annual review of the Staff Hearing Officer and the positive impact in having heard over 24 cases that did not necessitate Planning Commission review. If not a Staff burden, the Commission would like to continued an annual review.

Staff answered Planning Commission's questions about the decline in applications in contrast to the increased number of modifications requested; and the effective date of September 12, 2008 for new ordinances that impact the Staff Hearing Officer.

The Commission expressed appreciation to Bettie Weiss, City Planner, for having undertaken development of the Staff Hearing Officer review process, as well as Commissioner White for being the Planning Commission Liaison.

Jan Hubbell, Senior Planner, gave the Staff presentation on the Standard Conditions of Approval.

Ms. Hubbell outlined the next steps as receiving comments and recommendations from the Commission, holding a public hearing, and incorporating changes into the menu for Staff use. She emphasized that the menu is a living document and changes as needed.

Chair Myers opened the public hearing at 1:24 P.M. and, with no one wishing to speak, closed the hearing.

Staff answered Planning Commission's questions about secondary dwelling units being listed in all three of the templates.

The Commissioners made the following comments:

1. One Commissioner suggested clarification in Exhibit A, Item 1-C, Design Review, that SHO Conditions be communicated with the HLC, ABR, or other review board and asked that the condition read that the project is subject to the review and approval of the HLC, ABR, or other review board and that body shall not grant preliminary approval of the project until the following Planning Commission Land Use conditions have been satisfied.
2. Commissioners acknowledged that conditions have improved over the years and make it easier for the Commission to review projects. Ms. Hubbell was recognized for her contributions to the development of the three conditions menus.
3. One Commissioner asked how the conditions would be verified before sign off.
4. Two Commissioners asked if there would be a condition added to the Construction conditions that included reaching a live phone contact for addressing nuisance concerns during construction. One Commissioner referenced a Santa Barbara block with three current development projects and the contact information process being varied among all three projects; consistency suggested and desired.

Regarding the first comment, Staff offered an alternative suggestion as not including preliminary approval instead stating 'prior to approval'.

Scott Vincent, Assistant City Attorney, stated that the Design Review section is most appropriate for inclusion of the conditions in discussion and include land use activity.

Preliminary approval is the time when the land use decision should be incorporated into a project's design.

Ms. Hubbell acknowledged the work done by the team of Mark Wilde, Engineering; Chris Hanson, Building and Safety; Steve Foley, Transportation; Jim Austin, Fire; Scott Vincent, Assistant City Attorney; and Danny Kato, Senior Planner.

Ms. Hubbell stated that a construction implementation ordinance would be forthcoming that would provide uniformity for all of the Boards and Commissions. Mr. Vincent added that it is a high priority that is in balance with other high priorities.

Ms. Hubbell explained the review process for the conditions of approval before any sign off is given. Mr. Kato added the building inspectors are working closely with staff planners before sign offs are made.

Mr. Kato added that the Commission's feedback on a construction contact coordinator could go into the construction implementation ordinance.

III. CONTINUED ITEM FROM SEPTEMBER 4, 2008:

ACTUAL TIME: 1:57 P.M.

APPEAL OF OROSZ ENGINEERING GROUP, INC., AGENT FOR PETER AND SYLVIA KURRELS, 810 BOND AVENUE AND 516 N. NOPAL STREET, APN 031-234-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2004-00351)

The denial of the proposed project by the Staff Hearing Officer on April 9, 2008 has been appealed by the property owner. The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments and one commercial unit to four condominium units, including an exception to the parking standards (SBMC§28.88).

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

Case Planner: Kathleen Kennedy, Associate Planner
Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

David Black, Landscape Architect, gave the applicant presentation, along with Steve Orosz, Orosz Engineering.

Mr. Orosz responded to the Commission's questions about the challenge of cutting into the concrete slab to provide additional landscaping stating that cutting at an angle was problematic but that cutting next to the edge of the slab would work.

Mr. Kato expressed concern over the change in the proposal from removing the concrete in order to provide landscaping in the ground to the installation of a concrete planter which has the potential to create drainage problems.

Mr. Orosz addressed the drainage issues by suggesting that weep holes could be installed or a gravel or sand base could be placed on top of the concrete beneath the soil. Mr. Orosz requested that Condition B.9 be revised to state that the residents shall be allowed to participate in the Residential Permit Parking Program. He also stated that the applicant was agreeable to installing the street light if the cost were not to exceed \$2,500.

Chair Myers opened the public hearing at 2:13 P.M. and, with no one wishing to speak, closed the hearing.

Mr. Orosz answered additional Planning Commission's questions about the street light stating that the Public Works Department could purchase the street light at a lower cost than could the applicant and therefore, requested that the applicant be allowed to pay for the cost of the street light and that it be installed by the Public Works Department. Ms. Hubbell conferred by telephone with Mark Wilde, Supervising Civil Engineer, and stated that while not a preferred condition, staff would find the proposed lighting condition acceptable.

The Commissioners made the following comments:

1. With regard to landscaping, one Commissioner stated that the landscaped area needs to be larger and would prefer it to be in the ground. One Commissioner stated that breaking up the concrete slab and putting it in a landfill would be counter to the sustainability objectives of the city. Most Commissioners offered suggestions such as providing large pots and a bench, as well as an area for a barbeque. Two Commissioners felt that the emphasis should be on the parkway planting instead of the onsite landscaping, which would impact parking.
2. One Commissioner expressed concern over the tension cable construction method of the concrete slab and wondered how it would be addressed if there were a sewer line break. This is not readily compatible with residential construction.

3. One Commissioner stated a difficulty in making the findings required for the Condominium Conversion Ordinance because of the parking problems.
4. With regard to the street light, most Commissioners were in support of the applicant paying, not to exceed a cost of \$2,500, with installation to be done by the city.
5. Most Commissioners stated that they were not in support of removing the Residential Permit Parking Program condition.
6. Three Commissioners felt that the condominium conversion was an improvement to the neighborhood.

Mr. Orosz stated that the applicant was receptive to adding large pots and a bench in lieu of cutting up the concrete and that each unit has a private deck that would accommodate a barbeque. He also stated that they would consider putting in parkway planting and that the parkway plantings have not been maintained by the city.

Ms. Hubbell reminded the Commission that parkway strips are to be maintained by the property owner. Mr. Black added that the city's Water Conservation Guidelines are actually directing that parkway strips not be implemented to conserve water. Mr. Vincent clarified that the ordinance applied to the prohibition of "turf" plantings only, not other plantings, in the parkway.

STRAW VOTE: White

Applicant to purchase streetlighting fixture with the city providing labor for the installation.

Ayes: 4 Noes: 2 (Myers, Thompson) Abstain: 0 Absent: 1 (Jostes)

MOTION: White/Jacobs

Assigned Resolution No. 035-08

Upheld the appeal and approved the project, making the findings for the Condominium Conversion and Tentative Subdivision Map outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report (with Condition B.9 to remain) with the following revisions to the Conditions of Approval: 1) Applicant shall fund the purchase of a City standard street light fixture at a cost not to exceed \$2,500.00, with the installation to be done by the city; 2) Applicant shall install two planters with a tree in each, on the western property line, near the uncovered parking spaces, and a raised planter and/or bench in the open space area shown on the approved plans with the final design to be determined by the ABR, except that the final design shall include a 24" box tree planted in the ground; 3) The parkway landscaping shall be reviewed by the ABR, and additional parkway landscaping may be required at their discretion, and 4) the CC&Rs shall include the maintenance of all plantings and open space.

This motion carried by the following vote:

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

Mr. Orosz stated that it is the ABR that decides the appropriate landscaping, not the applicant. Chair Myers concurred.

Chair Myers announced the ten calendar day appeal period.

Chair Myers called a recess at 2:50 P.M. and reconvened the meeting at 3:07 P.M.

IV. **NEW ITEM**

ACTUAL TIME: 3:07 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to having a project in development at 35 State Street.

APPLICATION OF THOMAS CONTI, AGENT FOR THE CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, MISSION CREEK FROM U.S. HIGHWAY 101 TO THE OCEAN, ASSESSOR'S PARCELS 033-010-014; 033-102-002, -003, -017, & - 018; 033-074-001, -005, -009, -010, -011, -012, -019, & -020; 033-042-014, -017, & -018; 033-041-012, & -013; 037-245-012; 033-120-015; 033-075-006; AND 033-074-021, P-R/S-D-3, HRC-1 & 2/S-D-3, AND C-2/S-D-3, PARK AND RECREATION, HOTEL AND RELATED COMMERCE I AND GENERAL COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: RECREATION AND OPEN SPACE, COMMERCE-HOTEL, AND RESIDENTIAL (MST2008-00360/CDP2008/00012)

The proposed project would increase the hydraulic capacity of Mission Creek. The project would result in the construction of an oxbow bypass culvert between the northern edge of U.S. Highway 101 and Chapala Street, widening of Mission Creek south of the bypass by up to 60 feet, and construction of vertical banks, and vertical banks with vegetated slopes in expanded riparian habitat areas in two areas where existing structures would be removed. The oxbow bypass would not be connected to Mission Creek north of Highway 101 as part of this permit. Total material to be excavated is estimated to be 21,000 cubic yards. The project includes construction of fish ledges, use of grout lines in sandstone walls for tidewater goby hideouts, and use of boulder clusters to improve fish habitat. Revegetation of a portion of the lagoon south of Cabrillo Boulevard, installation of riparian vegetation above the creek banks, and maintenance of the facility is also proposed.

The discretionary application required for this project is a Coastal Development Permit (CDP2008-00012) to allow the proposed development in the Appealable, Non-Appealable, and Permit Jurisdictions of the City's Coastal Zone (SBMC §28.44.060).

The proposed project is part of a larger project, the Lower Mission Creek Flood Control Project that was approved by the City Council in 2002. That approval relied upon a certified Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse #1998101061). An Addendum to the Certified Final EIS/EIR has been prepared for the project currently under consideration.

Case Planner: Michael Berman, Environmental Analyst

Email: mberman@SantaBarbaraCA.gov

Michael Berman, Environmental Analyst, gave the Staff presentation.

Chair Myers opened the public hearing at 3:20 P.M.

Brian Trautwein was not able to remain for the hearing but submitted a speaker slip indicating support for the project.

Chair Myers read a letter into the record received from Erik and Alex Funke expressing concerns regarding alternatives considered, public benefit versus costs, and illegal use of the creek area,

With no one else wishing to speak, the public hearing was closed at 3:22 P.M.

Ms. Hubbell responded to the concerns raised by Erik and Alex Funke by stating that alternatives including upstream catch basins had been looked at and were found to be expensive, not environmentally sound, and do not achieve the project flood protection objectives associated with the project. Illegal use of the area is an existing condition that project design and review would address. She also responded to the Commission's query of her involvement with the project, which spanned over 25 years, and provided a summary of the project's history which did include the study of public views.

The Commissioners made the following comments:

1. Commissioners commented on their involvement with the project and felt that it contributed significant improvements to health and safety as well as bringing people to the Creek and providing education. One Commissioner felt that the benefit of being able to walk around the creek was significant. Still another Commissioner felt that the benefits went beyond flood control.
2. One Commissioner was concerned with funding and the potential for the reduction of funding over time.
3. One Commissioner would have liked this project to include park space. Noted that the mitigations for construction conditions called for the creation of habitat expansion zones with recreational value and asked Staff to elaborate.
4. One Commissioner would like to see the remaining open space that results from the loss of the California Hotel's historic garage left to a neighborhood use or public use, such as park.

Ms. Hubbell added that starting the project without Federal funding would give the project a better opportunity of later obtaining Federal funding. She also clarified the habitat expansion could add an element of recreation such as a pedestrian path and interpretive signing. Additionally, the Redevelopment Agency has purchased property at Ortega and Bath Streets to create a small neighborhood park space, possibly a tot lot.

MOTION: White/Larson

Assigned Resolution No. 036-08

Approve the Coastal Development Permit and recommend to the Coastal Commission that it approve the Coastal Development Permit, with the environmental findings as outlined in the Staff Report and the Revised Conditions of Approval that include the addition of section B. Coastal Commission Determination, such that the applicant shall implement all of the Conditions of Approval of the Federal Coastal Consistency Determination (CCD). Each recommendation from the studies required by the CCD shall be implemented.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

The Commission acknowledged Ms. Hubbell's retirement after 30 years of public service with a standing ovation.

V. ADMINISTRATIVE AGENDA

1. Committee and Liaison Reports.

1. Commissioner Larson reported receiving an invitation from La Cumbre Plaza for an event on October 2, 2008, between 10:30-11:30 A.M., to learn about the Plaza's future plans.
2. Commissioner Larson thanked the City Fire Department for expediently responding to a recent family emergency.
3. Commissioner Thompson reported on the Airport Committee and the progress being made on a contract to start foundation work.

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

Commissioner White reported on two approved items heard at the Staff Hearing Officer meeting held on September 10, 2008.

3. Action on the review and consideration of the items listed in I.B.3. of this Agenda.

- a. Draft Minutes of June 12, 2008
- b. Resolution 022-08
800 Santa Barbara Street
- c. Resolution 023-08
600-800 Block of Milpas Street
- d. Draft Minutes of July 17, 2008

- e. Draft Minutes of July 24, 2008
- f. Resolution 028-08
2545 Medcliff Road
- g. Resolution 029-08
726 La Cumbre
- h. Draft Minutes of August 7, 2008
- i. Resolution 030-08
1930 El Camino de la Luz
- j. Resolution 031-08
Outdoor Lighting and Streetlight Guidelines
- k. Draft Minutes of August 21, 2008
- l. Resolution 032-08
535 E. Montecito Street
- m. Resolution 033-08
1900 Lasuen Road

Scott Vincent, Assistant City Attorney, provided clarification of the Planning Commission's action for 1930 El Camino de la Luz.

MOTION: Thompson/Larson Approve the minutes and resolutions as edited.

This motion carried by the following vote:

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

Commissioners Myers and Larson abstained from the Minutes and Resolutions of June 12, 2008.

Commissioner Bartlett abstained from Resolution 023-08

Commissioners Larson and White abstained from Resolution 028-08

Commissioner Larson abstained from the Minutes and Resolutions of August 7, 2008

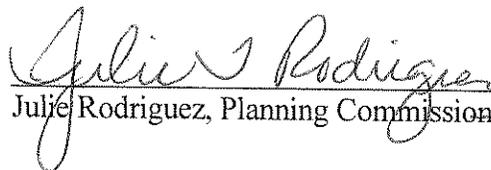
Commissioner Jostes abstained from the Minutes and Resolutions of August 21, 2008

VII. ADJOURNMENT

Before adjournment, Ms. Hubbell thanked the Commission and wished Danny Kato, all the best in his new position.

Chair Myers adjourned the meeting at 3:51 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

