



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 8, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

STAFF PRESENT:

Betty Weiss, City Planner

Danny Kato, Senior Planner

Debra Andaloro, Senior Planner

N. Scott Vincent, Assistant City Attorney

Allison De Busk, Project Planner

Andrew Bermond, Associate Planner

Kathleen Kennedy, Associate Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

All Commissioners were present.

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Mr. Kato announced that Staff anticipates that there will be an appeal filed on the Staff Hearing Officer's decision for the Medical Cannabis Dispensary Permit granted for 741-781 Chapala Street at the October 7, 2009 Staff Hearing Officer's meeting.

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

Chair Larson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. CONSENT ITEMS:

ACTUAL TIME: 1:06 P.M.

APPLICATION OF DOUG REEVES, ARCHITECT, FOR THE CITY OF SANTA BARBARA, EL ESTERO WASTEWATER TREATMENT PLANT, 520 E. YANONALI STREET, APN 017-113-016, OM-1/SD-3, OCEAN-ORIENTED LIGHT MANUFACTURING AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2009-00011) (CDP2009-00011)

The proposed project involves the conversion of an existing concrete storage enclosure to a new one-story, 180 square foot office at the City's El Estero Wastewater Treatment Plant.

The discretionary applications required for this project are:

1. A Development Plan to allow 180 square feet of non-residential floor area (SBMC §28.87.300); and
2. A Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

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

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

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: White/Jacobs

Waive the Staff Report

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson opened the public hearing at 1:07 P.M. and with no one wishing to speak, the public hearing was closed. Commissioner Lodge shared a brief explanation of the project to the public.

MOTION: White/Thompson

Assigned Resolution No. 038-09

Approved the project, making the findings for a Development Plan and Coastal Development Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

IV. NEW ITEMS:

ACTUAL TIME: 1:08 P.M.

A. APPLICATION OF JENNIFER WELCH, AGENT FOR THE GOLETA SANITARY DISTRICT, 705 NORMAN FIRESTONE ROAD, 073-045-003, A-E, SP-6, S-D-3, AIRPORT INDUSTRIAL AREA SPECIFIC PLAN AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2008-00524, CDP2008-00019)

The project consists of approximately 4,000 linear feet of sewer line and the construction of a new 400 square foot (sf) sewer lift station on a 4,560 sf site at the corner of Firestone and Donaldson Roads on Santa Barbara Airport property. The purpose of the proposed project is to replace the lift station at 6300 Hollister Avenue in Goleta with a modern lift station of comparable capacity, and to relocate it away from the site of a proposed hotel. This includes 2,100 linear feet of sewer line already installed between December 2008 and January 2009 under an Emergency Coastal Development Permit (CDP) to remove an impediment to flows in San Pedro Creek. The discretionary applications required for this project is a Coastal Development Permit (CDP2008-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst completed a Master Environmental Assessment Checklist and determined the project was statutorily exempt from California Environmental Quality Act review (CEQA Guidelines §15303(d).

Case Planner: Andrew Bermond, Associate Planner

Email: ABermond@SantaBarbaraCA.gov

Andrew Bermond, Associate Planner, gave the Staff presentation.

Chair Larson opened the public hearing at 1:14 P.M. and with no one wishing to speak, closed the hearing

Jennifer Welch, did not give an applicant presentation, but remained available for responding to any questions.

Discussion was held regarding the landscape plan reviewed by the Architectural Board of Review, storm water management, the amount of cubic yards of cut and fill, and explanation of the lift stations.

MOTION: White/Bartlett

Assigned Resolution No. 039-09

Approved the project, making the findings for Coastal Development Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

ACTUAL TIME: 1:24 P.M.

B. APPLICATION OF JARRETT GORIN, VANGUARD PLANNING, AGENT FOR RICHARD UNTERMANN AND GAIL ELNICKY PROPERTY OWNERS, 1712 ANACAPA STREET, APN 027-111-014, R-2, TWO FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2008-00435)

The proposed project involves the subdivision of a 23,160 square foot parcel into three parcels. The lot is currently developed with a 2,140 square foot, two-story, single-family residence and a detached two-car garage. Proposed Parcel 1 will be 8,310 net square feet and includes remodeling the existing residence and the construction of a new two-car carport. Proposed Parcel 2 will be 7,000 net square feet and includes the demolition of the existing garage and proposed Parcel 3 would be 7,850 net square feet. No new residential development is proposed on Parcels 2 or 3 at this time. Pedestrian and vehicular access, for all three parcels, are to be provided by a new 16-foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

The discretionary applications required for this project are:

1. Two (2) Street Frontage Modifications to allow two of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC § 28.15.080);

2. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC § 22.60.300); and
3. A Tentative Subdivision Map for a subdivision of one (1) existing lot into three (3) new lots (SBMC § 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 [Minor Land Division].

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Richard Untermann, Owner, introduced Jarrett Gorin, Vanguard Planning, who gave the applicant presentation.

Chair Larson opened the public hearing at 1:41 P.M.

The following people spoke in support of the project:

1. Monte Fligsten
2. Jerry de Rose
3. Ken Jacobsen

With no one else wishing to speak, the public hearing was closed at 1:44 P.M.

Discussion was held regarding the carport in the front yard; the density in the R-2 zoning; clarification of General Plan consistency; commitments made by the Applicant to the neighbors that are not recorded in the Conditions of Approval; and lack of notification of the Upper Eastside Association.

On reviewing the Conditions of Approval, Mr. Gorin confirmed that the applicant was amenable to a condition limiting development to not more than one unit/lot.

A majority of Commissioners were in consensus that the project was well-conceived and appropriate for the neighborhood, with some support expressed for a granny unit if desired by the applicant. Commissioner Jacobs asked the Commission to consider setting a ceiling on the FAR for the two newly created non-conforming lots and specifying that the front house is renovated not demolished. Development of the lots could be limited to single family residences following the design review of the Single Family Design Review Board and not to exceed 85% of the allowed FAR on the site.

Additional discussion was exchanged regarding inclusionary housing fees as related to the number of units built. Mr. Gorin stated that any development would be subject to the Neighborhood Preservation Ordinance (NPO). The inclusionary fee should be based on units proposed, not potential units.

Mr. Unterman expressed his intent to have a studio built for him and his wife with a small office and does not see a need for further restrictions.

MOTION: Jostes/Thompson

Assigned Resolution No. 040-09

Approved the project, making the findings for the two Street Frontage Modifications, a Public Street Frontage Waiver, and Tentative Subdivision Map as outlined in the Staff Report, and subject to the Conditions of Approval in Exhibit A of the Staff Report.

Commissioners Jacobs, White, and Lodge could not support the motion because the current conditions of approval did not assure the neighbors what they had been promised by the developer in exchange for their support of the project. Commissioner Jacobs could support the motion if the following changes were made to the conditions of approval: Condition A.1. to strike out "and the ABR for duplexes"; and in Condition B.1. line three strike out "maximum of two dwelling units" and in line five the "maximum of twelve dwelling units.

Mr. Vincent made clear that the lots are being treated as three lots with one main dwelling unit per lot with an option for a secondary dwelling unit per lot. Mr. Kato added that the R-2 Zone does not allow secondary dwelling units, but does allow multiple units. Mr. Kato suggested that the secondary unit be limited to 600 square feet.

Commissioner Jacobs remained concerned with the size and the potential for a larger building on the same spot. Would like to limit the FAR and designate the design review process that is compatible with the NPO.

Clarification was made that the NPO applies to single family zoned lots and this is not a single family lot.

The motion makers considered adding Commissioner Jacobs suggestions, but after deliberation the motion was withdrawn by the motion maker.

MOTION: Jostes/Bartlett

Assigned Resolution No. 040-09

Approved the project, making the findings for the two Street Frontage Modifications, a Public Street Frontage Waiver, and Tentative Subdivision Map as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) any second units developed on Lots 1 & 3 be restricted to 600 square feet.

This motion carried by the following vote:

Ayes: 4 Noes: 3 (Jacobs, Lodge, White) Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

Chair Larson called for a break at 2:31 p.m. and resumed the meeting at 2:39 P.M.

Commissioners Bartlett and Jostes left at the break and did not return to the dais.

Scott Vincent left at the break and did not return to the dais. Steve Wiley, City Attorney, returned after the break.

V. SUBSTANTIAL CONFORMANCE:

ACTUAL TIME: 2:39 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing the next item and left at the break:

Commissioner Jostes recused himself due to his wife owning property in close proximity to the project.

Commissioner Bartlett recused himself due to his firm having done work on the project.

EX PARTE COMMUNICATION:

Commissioner White disclosed an ex parte communication with Mr. Romasanta.

Commissioner Lodge disclosed receiving a call from Mr. Romasanta, but did not speak with him.

APPLICATION OF KENNETH MARSHALL, DUDEK, AGENT FOR MF SANTA BARBARA, LLC; 35, 36 AND 118 STATE STREET ("LA ENTRADA DE SANTA BARBARA"); APN: 033-081-013, 033-102-018, 033-111-013; HRC-II/S-D-3 ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II/BUFFER (MST97-00357)

The purpose of this discussion item was to inform the Planning Commission of proposed changes to the Entrada de Santa Barbara project, as approved by the City Council on December 11, 2001, within the context of a request for a Substantial Conformance Determination (SCD).

Key proposed changes include:

- Change from 56 timeshare units to 114 hotel units and 9 timeshare units.
- Hotel amenities (conference room gym, spa, business center, lounge and breakfast area) were added, totaling 8,066 square feet.

- All back-of-house (BOH) areas now located on the subject properties, rather than off-site, resulting in 1,491 square feet of additional BOH area on the subject properties.
- Storage space for timeshare units added to Areas A, B and C.
- Revised parking plan wherein all hotel and timeshare parking is provided on Areas A and B, and Area C's parking will accommodate all parking associated with the commercial development, Visitor Information Center and public parking.
- Main lobby and valet pick-up/drop-off relocated from Area C to Area B (along E. Mason Street).
- Guarantee for completion of Area C underground parking garage.
- Expanded public plaza on Area C.
- Less above-grade square footage, resulting in reduced mass on Area C and Area B, and improved mountain views.
- Minor changes to site plans for each Area, including changes to encroachments into required setbacks, for which modifications were originally granted.

The City Administrator will ultimately make a determination as to whether the proposed changes are in substantial conformance with the approved project.

The purpose of the discussion was to allow the Planning Commission an opportunity to review the proposed changes to the approved project and provide input with regard to the SCD request.

Case Planner: Allison De Busk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Deborah Andaloro, Senior Planner explained the Substantial Conformance Determination (SCD) process, and disclosed that Paul Casey, Community Development Director, would not be making the SCD determination due to a perceived conflict with a relative working for the project's architectural firm. The SCD will be forwarded to the City Administrator for a decision.

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

Ray Wicken, representing Owner, MF Santa Barbara, LLC, lead the applicant presentation, joined by his team: Doug Fell, Attorney; Ken Marshall, Dudek; Melisa Cinarli, DesignARC; Mark Shields, DesignARC; and Scott Shell, ATE.

Barbara Lowenthal, a former Planning Commissioner, provided a historic background of the project issues considered by an earlier Commission, which included consideration of time-shares, preservation of view corridors, and a review of the project's massing.

Steve Wiley, City Attorney, further clarified the SCD process as outlined in the Planning Commission Guidelines, as revised in 1997. Discussion was held on the decision criteria for

the SCD in the face of times that have changed as being held to the criteria of today, although there has not been significant change.

Chair Larson opened the public hearing at 3:35 P.M.

The following people provided public comment:

1. Tony Romasanta questioned the outcome of the applicant's prior time extension and commitments made that did not materialize and resulted in the present blight of the properties. He remained concerned that granting a non-appealable SCD would not result in development of the property, but merely give the applicant a better position for selling the property to a third party and lead to further degradation during the time it would take for a new developer to process plans. Speaker time was waived to Mr. Romasanta by Mark Romasanta, Warren Richards, and Junior Zermeno.
2. Tim Bennett supported SCD.
3. John Hughes, Electrical Workers of Santa Barbara County, supported the SCD.
4. Mark Edwards, supported the SCD.
5. Michael Seaman, Operating Engineers Local 12, supported the SCD.
6. Connie Hannah, Santa Barbara League of Women Voters, submitted and summarized written comment in support of the improvements presented in the current plans. Does not support the narrowing of State Street by the project and asked that it be reconsidered.
7. Beverly King, Santa Barbara League of Women Voters, continued the summary of the League's written comments in support of the underground parking; the bond requirement; and the demolition of the Californian Hotel if the project did not meet the development timeline. Stressed that the City should not bear any of the burden should water intrude into the underground parking garage.
8. Bernie Berglund supported the SCD. Current blight encourages crime and vandalism in the area.
9. Kellam de Forest found the SCD process confusing and asked that the General Plan Update provide clearer definition. Concerned with what would happen to the Visitors Center at Garden Street.
10. Steve Petersen supported the SCD.
11. Roy Millender supported the SCD and approved of the changes that have been made over time.
12. Glen Esterbrook could not stay but supported the SCD.

With no one else wishing to speak, the public hearing was closed at 4:02 P.M.

Discussion was held on the square footage changes over time under previous SCD's; conditions being developed by Staff to impose fixed timeframes for building permits and the initiation and completion of the project, along with absolute consequences for non-compliance; the inability to secure a bond in the face of an uncertain economy; and Staff's efforts to avoid a return to 'white space'.

The Commissioners made the following comments:

1. Commissioner Jacobs recalled the 2004 hearings with commitments that were made, and did not materialize. Finds it unacceptable that one of the consequences of non-conformance is demolition of Californian Hotel, a historic site; would like a return to Historic preservation mode. Would like to see a return to the previous design in Area B with less mass and bulk. Parking is good, but would like to see more parking for circulation in the area. Would like to see access to the roof decks made available for public use.
2. Commissioner Larson supported the SCD but would feel deceived if the SCD were approved, the property sold, and the Californian Hotel allowed to be demolished by neglect.
3. Commissioner White was concerned with the encroachments on the north side of Area B into Mason Street and how they would factor into the SCD, as well as the bulk of Area B. Liked that there is more commercial space and the hotel, but wished that there was more conference space. Suggested trading out some rooms. Appreciates that there is more parking and would like Staff to review the feasibility of underground parking. Still does not see Area B representative of Santa Barbara.
4. Commissioner Thompson felt the proposed land use is consistent with the project for the SCD. The environmental impacts have been reduced from the approved project. Feels the proposed conditions, along with consequences, are a good thing to provide motivation to move the project forward.

Mr. Wiley noted that the City's enforcement program for seismically unsafe buildings during the early 90's found the Californian Hotel to be unsafe by building officials. A Superior Court code enforcement action against the owners resulted in a resolution that allowed for time to redevelop the property or if plans for new development were to lapse, would require demolition. The Californian Hotel is eligible as a potential structure of merit, but has not been listed and is not a historic landmark.

Commissioner Larson had to leave the dais at 4:28 P.M. Vice Chair Thompson continued the meeting as Chair.

Additional discussion was held regarding the \$50,000 landscaping bond that was previously committed but did not materialize due to the building permits having been kept valid.

Staff thanked the Commission for comments made and will pass them onto the City Administrator. The Commission asked that the Historic Landmarks Committee review the renovation of the Californian Hotel.

ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:46 P.M.

- A. Committee and Liaison Reports.
 1. Staff Hearing Officer Liaison Report

Mr. Kato reported on the Staff Hearing Officer's meeting of October 7, 2009.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Downtown Parking Committee meeting held earlier today.
- b. Commissioner Lodge reported that she and Commissioner Jostes attended a conference at Pepperdine University on AB32 and AB375.

B. Action on the review and consideration of the following Draft Minutes and Resolutions:

- a. Draft Minutes of September 10, 2009
- b. Resolution 034-09
1900 Lasuen Road
- c. Resolution 035-09
920 Summit Road
- d. Resolution 036-09
631 Olive Street

MOTION: Jacobs/Lodge

Approve the minutes and resolutions of September 10, 2009 as corrected.

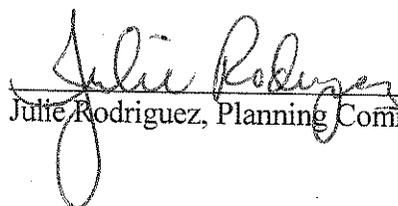
This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Jostes, Larson)

VII. ADJOURNMENT

Chair Thompson adjourned the meeting at 4:51 P.M.

Submitted by,


Julie Rodriguez, Planning Commission Secretary

