



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 13, 2014

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:01 P.M.

I. ROLL CALL

Chair Deborah L. Schwartz, Vice Chair Addison Thompson, Commissioners John P. Campanella, Sheila Lodge, and June Pujo.

Absent: Commissioners Bruce Bartlett and Mike Jordan

STAFF PRESENT:

Bettie Weiss, City Planner

Renee Brooke, Senior Planner

Susan Reardon, Senior Planner

Larry Cassidy, Building Inspector / Plan Check Supervisor

Lonnie Cassidy, Building Inspector / Plan Check Supervisor

N. Scott Vincent, Assistant City Attorney

Allison De Busk, Project Planner

Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

Ms. Brooke announced that the public is encouraged to request updates for information about upcoming meetings and progress on the New Zoning Ordinance (NZO) by registering at www.SantaBarbaraCA.gov/NZO.

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

Chair Schwartz opened the public hearing at 1:02 P.M. and, with no one wishing to speak, closed the hearing.

III. DISCUSSION ITEMS

ACTUAL TIME: 1:02 P.M.

A. APPLICATION OF STEVE WELTON, SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, AGENT FOR MONTECITO COUNTRY CLUB, 920 SUMMIT ROAD, APN 009-091-014, 009-091-020, 009-151-006, 009-151-007, 015-211-009, 015-211-010, 015-280-014, 015-300-001, 015-300-002, 015-300-003, A-2, A-2/S-D-3 AND E-2 ZONES, GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATIONS: PARKS/OPEN SPACE, OPEN SPACE, LOW DENSITY RESIDENTIAL (2 DU/ACRE) AND RESIDENTIAL – TWO UNITS PER ACRE (MST2005-00831)

On September 10, 2009, the Planning Commission approved a project that consisted of changes to the Montecito Country Club golf course, buildings and associated improvements (Planning Commission Resolution 035-09).

The current proposal is a Substantial Conformance Determination request to make changes to the approved project, including construction of a new 1,090 square-foot one-story employee lounge building located in the existing service yard adjacent to the Clubhouse; changes to the pool area and pool equipment building; changes to the eastern (upper) maintenance yard building, chemical storage building and comfort stations; and slight alterations to the parking lot design. Overall, the current revisions result in a reduction of 3,283 square feet of building area from the originally approved project, and a net decrease of 1,331 square feet compared to existing development. No changes are proposed to membership levels or parking count.

The purpose of the hearing is to receive input from the Planning Commission and the public regarding the request. The Community Development Director will make the final determination as to whether or not the proposal is in substantial conformance with the approved project; therefore, the Planning Commission will not take a formal action on this item.

Case Planner: Allison De Busk, Project Planner

Email: ADeBusk@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4552

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

Steve Welton, Suzanne Elledge Planning and Permitting Services, gave the Applicant presentation. He was joined by Jeremy Salts, Civil Engineer, Stantec (formerly Penfield and Smith); Tim Hazeltine and Pam Post, Historians, Post Hazeltine and Associates; Doug Fell, Fell Marking; and Bill Medel, Ty Warner

Hotels and Resorts, who were all available to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 1:13 P.M.

The following people commented in support of the proposed Substantial Conformance Determination (SCD) revisions:

1. David Bolton, Montecito Country Club Member, supports SCD revisions in that they maintain the historic character of the buildings.
2. Mark Vestal, Montecito Country Club Member
3. Garrison Bielen, Montecito Country Club Member, supports the SCD revisions in making the club more family oriented.
4. Brad Emerson, Montecito Country Club Member
5. Dr. Edward McGinn, Montecito Country Club Member

With no one else wishing to speak, the public hearing was closed at 1:18 P.M.

Commissioner's Comments:

1. Commissioners Pujo and Thompson find that the changes represent incremental improvements over the last version, but would like to see clean-up of debris in the ravine on the far eastern edge of the maintenance area and also see further protection at the edge of the maintenance area to prevent spillover of activity and materials from the maintenance yard into the ravine.
2. Commissioners Lodge and Schwartz were supportive of the building restoration and reopening of the historic entry.
3. Commissioner Campanella stated that the changes were well thought out and responsive to market conditions while looking toward the future. Also commended the use of best practices in designing and maintaining the golf courses
4. All Commissioners found the changes to be in substantial conformance with the original approvals.

At 1:41. P.M., Commissioner Schwartz moved to Agenda Item IV. to allow for the next item to prepare.

ACTUAL TIME: 2:13 P.M.

B. ZONING INFORMATION REPORTS - PROCESS IMPROVEMENTS

The purpose of this public hearing is for the Planning Commission to receive the recommendations of the Zoning Information Report (ZIR) Working Group and forward recommendations to the City Council on potential ZIR process improvements and Zoning Ordinance amendments.

Contact: Susan Reardon, Senior Planner

Email: SReardon@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4555

Susan Reardon, Senior Planner, gave the Staff presentation. Bettie Weiss, City Planner, was also available to answer the Commission's questions.

Ed Fuller, President of the Santa Barbara Association of Realtors (SBOAR), summarized comments of appreciation to the Commission on behalf of the Association and asked for continued improvements on reliability and accountability. Additional remarks were made by Adrienne Schuele, SBOAR/Realtor.

Chair Schwartz opened the public hearing at 2:45 P.M.

The following people commented on the project:

1. Jarret Gorin, Van Guard Planning, LLC, acknowledged that within the past year ZIR's were being completed sooner. Remained concerned with the burden of proof being on the owners when discrepancies are found.
2. Steve Engels shared his personal experience of going through the ZIR process and receiving allegations of illegal window and door movement on his property. Expressed concern with having had to spend substantial money to clear the allegations and prove innocence.
3. Jeff Havlik echoed a similar experience of the prior speaker. Three prior ZIR's did not reveal violations that were found.
4. Steve Epstein, Realtor, stated the city's policy is "guilty until proven innocent." Stated that the ZIR is a worthless document in the hands of buyers and sellers. Appreciates improvements made to the ZIR process, but find that it is too little, too late.
5. Ann Harkey shared her son's experience in selling his house and the ZIR process that leaves room for many assumptions made by City Staff with the burden on the seller. Questioned the use of the term "appears to be" on a recent ZIR.
6. Jan Banister, Realtor, spoke about discrepancies between ZIR's done on the same property. Accountability and reliability are strongly needed and missing.
7. Erik Taiji spoke for the rights of the consumer to appeal a violation. The ten days given are insufficient when a consumer needs time to make contacts to correct the violation. Also, there is currently no closure on an appeal.

With no one else wishing to speak, the public hearing was closed at 3:04 P.M.

Scott Vincent, Assistant City Attorney, provided clarification of the term 'grandfathering.' It is a term given to the concept of legal nonconforming, meaning that the improvement was legal, based on zoning, at the time the improvement was made and because of zoning changes, the improvement then became non-conforming to the new zoning requirements. Illegal construction, whether discussed in a ZIR or not, is still a zoning violation. Mr. Vincent recommended against a

process to grandfathering zoning violations. He stated an error in a ZIR should not legalize a zoning violation. The people that would be most affected if the violation were to be legalized without proper City approvals would be the neighbors who would have to suffer the consequences.

Chair Schwartz called for a recess at 4:20 P.M. and reconvened at 4:30 P.M.

Commissioner's comments:

1. The Planning Commission acknowledged the work done by the ZIR Working Group and the improvements made to the ZIR process. The Commission recommended City Council initiate an amendment to the Zoning Ordinance for the Administrative Zoning Approval process and direct staff to implement the revised ZIR template and identified changes the ZIR process.
2. Commissioners Thompson and Lodge want to see inspectors better trained so that fewer mistakes are made.
3. Commissioner Lodge supports keeping ZIRs as a requirement.
4. Commissioner Pujo supports ZIRs as a process, good tool, and beneficial. and listed areas that could be improved further:
 - a. Agrees with Staff about the idea of potentially pushing ZIRs back to after the time of sale to the next building permit would only push any potential issues down further and not benefit all parties, especially the buyer of the property.
 - b. The Working Group did a good job of sorting Major/Minor violations and she supports additional staff revisions before going to Council, especially for Item 2 under Major Violations that needs further clarification of square footage being discussed.
 - c. The ZIR template changes are a major improvement in clarity and are more simplified by the inclusion of attachments.
 - d. The Work Program outlined in the Staff Report is good.
 - e. Discrepancies fall under Oversights or omissions. The City cannot later overlook something that exists.
 - f. The work that is being done with proposing administrative zoning approvals both under ZIR and the NZO review are good stream lining tools and should be welcomed by the development community.
 - g. Under the non-conforming section, recommends that Staff be absolute and if a non-conforming determination cannot be made within the ZIR, then it needs to be clear that it is not a final determination and with referral for a process of how the information could be verified.
5. Commissioner Thompson agrees with improvements made, especially the administrative zoning approval, new ZIR report format, and improved timeliness. Encourages that the Working Group continue to work to improve the process and possibly reconvene in a year. In a perfect world, he would eliminate the ZIR, but understands that it will not happen so we want

make the ZIR process the best possible so that it provides a good service to citizens of the City.

6. Commissioner Campanella said that disclosure is a major overriding factor for the seller and the buyer. He also added:
 - a. A continued discussion should take place on when do minor violations have to be remedied, to what extent, and justification for conforming/non-conforming. Continuing to clearly express when a violation needs to be abated can put a buyer at ease that this is not a pressure to close.
 - b. Suggested the Work Group look at unbundling violations for a permit, depending on the type of permit, such as an exterior permit that does not impact the interior of the house.
 - c. The new ZIR reports are designed much better, are easier to understand, are more descriptive, consistent, and tell you what you can do and when. The combination of forms and the feedback from realtors have improved the process.
 - d. Buyer disclosures are required and ZIR's are one way to accomplish this protection for the buyer. We have to be more reasonable on when the corrections need to be made on the minor side and making sure that we are getting good feedback and the process is working for the buyer and seller.
7. Commissioner Schwartz acknowledged significant progress made by the Working Group on the forms, the content of the forms, the consistency, and the clarification of terms. The topic of outsourcing this function has come up and would still require the responsibility of overseeing the quality of the work, all of which would require the cost of human resources to manage the outsourcing. Her research shows that the cost of outsourcing is in line with the fees charged by the City. Areas that still need work are:
 - a. Terms used are still too vague to be used in a report with a physical inspection that carries the weight of a ZIR, such as "might", "appears to be", "there is evidence of" without further detail and clear explanation. Concerned with the implications and consequence for the buyer and seller created by the vagueness.
 - b. Based on the continued volume of community concern, we still have a long way to go in improving our ordinance and the tools we are using and the way we are having Staff utilize these tools, which is why training is questioned. Agrees with Commissioners Campanella and Pujo on identified work efforts.
 - c. Asked Staff to continue to look at improvements that could be incorporated into the appeal process.
 - d. Encouraged more work on a program for greater public outreach, public education, notification which could help engage, educate, and build community confidence to bring in violations to the City and result in fewer violations in the City.

Mr. Vincent clarified that the language in ZIRs is not “vague” when the language is qualified. He recommended that the language used in ZIRs inform the reader what information was evaluated in reaching a conclusion regarding a violation.

Ms. Weiss will have the Council confirm interest in greater outreach and education of the public. Staff may request additional funding from the Council to support that effort.

Krista Pleiser, SBOAR, thanked the Commission for the open communication and working toward improvements on the ZIR process. Commissioners Campanella, Pujo, and Schwartz were members of the Working Group.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 1:41 P.M.

D. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

a. None given.

2. Other Committee and Liaison Reports

b. Commissioner Campanella reported on the Downtown Parking Committee meeting of November 13, 2014.

c. Commissioner Campanella reported on the Architectural Board of Review meeting of October 27, 2014.

d. Commissioner Campanella commented on preparation for the Joint City Council/Planning Commission set for March 5, 2014.

e. Commissioner Schwartz reported on the Water Commission meeting of November 10, 2014.

f. Commissioner Schwartz reported on attending a public hearing this week at the Montecito Association given by Santa Barbara County Public Works on designs for the San Ysidro Road interchange that connects with the Highway 101 HOV project.

Chair Schwartz called for a recess at 1:50 P.M. and reconvened the meeting at 2:13 P.M.

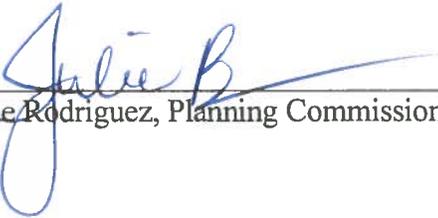
3. Report from the Chair

a. None given.

V. **ADJOURNMENT**

Chair Schwartz adjourned the meeting at 5:07 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary