

**DRAFT**

# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

April 14, 2016

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

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

#### **I. ROLL CALL**

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

#### **STAFF PRESENT:**

Beatriz Gularte, Senior Planner  
 N. Scott Vincent, Assistant City Attorney  
 Derrick Bailey, Supervising Transportation Engineer  
 Cameron Benson, Creeks Restoration / Clean Water Manager  
 Steve Greer, Project/Environmental Planner;  
 Peter Brown, Associate Transportation Planner  
 Jessica Grant, Project Planner  
 Rob Dayton, Principal Transportation Planner  
 Andrew Bermond, AICP, 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.  
None.
- C. Comments from members of the public pertaining to items not on this agenda.  
Chair Campanella opened the public hearing at 1:02 P.M. and, with no one wishing to speak, closed the hearing.

III. CONCEPT REVIEWS:

ACTUAL TIME: 1:02 P.M.

- A. APPLICATION OF ASHLEIGH SHUE, SUPERVISING CIVIL ENGINEER FOR CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY RIGHT OF WAY ALONG MODOC ROAD AND LAS POSITAS ROAD, ZONES ADJACENT CITY RIGHT OF WAY INCLUDING: PARK AND RECREATION ZONE WITH COASTAL ZONE OVERLAY (P-R/SD-3), PARK AND RECREATION ZONE (P-R), ONE FAMILY RESIDENCE ZONES (A-1, E-1, E-3), ONE FAMILY RESIDENCE ZONE WITH PLANNED UNIT DEVELOPMENT (E-1/PUD), PLANNED UNIT DEVELOPMENT (PUD 2.5), TWO-FAMILY RESIDENTIAL (R-2), UNINCORPORATED COUNTY PROPERTIES, GENERAL PLAN DESIGNATIONS ADJACENT TO CITY RIGHT OF WAY INCLUDE: PARKS AND OPEN SPACE, LOW DENSITY RESIDENTIAL (5 DU/ACRE), LOW DENSITY RESIDENTIAL (3 DU/ACRE), UNINCORPORATED COUNTY LAND (MST2014-00055)

The proposed project involves design of a 2.6 mile-long separated multiuse pathway for bicyclists and pedestrians in City right of way along Modoc Road from Calle de Los Amigos to Las Positas Road and along Las Positas Road from Modoc Road to Cliff Drive. The project would provide key connections among Santa Barbara's regional Cross-town and Coastal Bike Routes, the neighborhoods adjacent to the path, Elings Park, Arroyo Burro Beach County Park, and the Douglas Family Preserve.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the applicant and staff with feedback and direction regarding the proposed land use and design. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal was taken at the concept review, nor was any determination be made regarding environmental review of the proposed project.**

The discretionary application required for this project a Coastal Development Permit (SBMC § 28.44.060) since a portion of the project is located within the Non-Appealable and Appealable Jurisdiction of the Coastal Zone.

Contact: Ashleigh Shue, Supervising Engineer

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Contact: Jessica Grant, Project Planner

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Peter Brown, Associate Transportation Planner, introduced Brian Hannegan, RRM Design Group, who gave the Staff presentation. Derrick Bailey, Supervising Transportation Engineer; Steve Greer, Project/Environmental Planner; and Jessica Grant, Project Planner; were available to answer any Commissioners questions.

Chair Campanella opened the public hearing at 1:27 P.M., and with no one wishing to speak, the public hearing was closed.

Commissioner's comments:

Commissioner Jordan:

- Publicly acknowledged Transportation Staff for their professionalism in a recently held Bicycle Master Plan public workshop that was community inclusive and thanked Community Development Staff that assisted.
- The concept is great with the circulation base type of concept that gives people of all proficiencies the ability to get out in these areas.
- For anyone in that area of town during the Cal Trans relinquishment of Las Positas, the number one goal was speed reduction. Since this cannot be done automatically, design consideration needs to acknowledge that people are driving 55 mph and cars are going far too fast. As support is sought from neighborhood and frequent users, need to realize that people will have a false perception that this will knock down speeds to 35-40 mph.
- Would like the plans to have a narrative of gains and losses of what is on the ground now versus what is planned, including lane widths, loss of inches, etc.
- Unless a median is used for a physical reason, lose all the medians, especially those with landscaping. Over time, these medians are not maintained, as seen in areas of town.
- Not a fan of any solid walls on the corridor. The community recognizes this corridor is something special. The example of what is on the Rincon is much more attractive than a freeway concrete wall. A solid wall reinforces the perception that one is on an expressway, and does not allow for seeing all that is alongside.
- Signal at entrance to the park should be part of the project and not go away.
- At that Elings Park intersection, plans are not showing a cross walk on the east side of Las Positas going north and south at the entrance to Elings Park. If coming north, walking or walking a bike, and wanted to go to the other side of the intersection to go west on the crosswalk, there is no crosswalk shown. There is just a bulb-out of landscaping there. If someone comes off the bike trail that runs on Las Positas and wants to go back the other way, there should be a cross walk there.
- Happy to see the number of people at the Monroe School event, but wants to see more people that are notified besides parcels or one neighborhood.

Need to include people that frequently use the corridor. They are stakeholders, too.

- Supported a signal at the entrance to Elings Park. Recommended staff to study a crosswalk on the east side too.

Commissioner Schwartz:

Commended Staff on the work efforts made.

- When this returns to the Planning Commission, she would like to see and review all of the environmental reports associated with the project, in terms of impacts and mitigations. In seeking a Coastal Development Permit, she will be looking closely at General Plan consistency with Environmental Resources Element and the Circulation Element.
- In terms of noticing, she was pleased to see that Next Door.com is being used to notify everyone.
- Design is as important as functionality and she will be looking at the balance of both in the next reiteration of the plan.
- Looking at the plan sheets today, she would love to expand the landscaping throughout the city in the public right of ways. But there are major constraints that need to be faced with the severe water drought. The reality includes facing the fact that we cannot afford to be in the mode we were for decades with planting and not recognize the pressures that are on us for resources and maintenance.
- Wants to see a two-dimensional view on the next set of plans presented to the Planning Commission. The one-dimensional sheets are difficult to read.
- Looking at traffic circulation, she does not know how we deal with appropriate traffic circulation for all users of Las Positas if we add a signalized intersection to the Jerry Harwin Parkway at Elings Park. She wonders if a new stop is added, if it will exacerbate the existing automobile backup. Wants to make sure a balance is achieved.
- Will look closely at the design, visual aesthetics, and lighting in terms of how it is integrated with the future Las Positas/Cliff Roundabout Project.
- Looks forward to seeing the project when it returns to the Planning Commission.

Commissioner Higgins:

- If you lose a bus stop, then would want to include sidewalk on the south side of Las Positas from Portesuello over to the park, or wondered where would people get off to go to the park. Hopefully a bust stop would be added.
- Would like to see what the increase and usage of the bike path is now and what it will be included in the record when it returns to the Planning Commission.

Commissioner Pujo:

- This is an excellent project, well designed and very much needed. It is on schedule for getting through the environmental and review process.
- Encourage the side-outs along the path for respite spots.
- Agrees with Commissioner's comments about seeking additional public input between now and when it returns to Planning Commission.
- When it returns, she would recommend describing the fullest project that is desired, even including the medians, even if funding comes in increments and future scaling back is needed.
- Include the full description in all documents. She wants to review the full project with all phases in the Environmental document and in the Coastal Development Permit. That would give the best idea of pros/cons.
- Water, traffic, circulation, biology issues will all be triggered to some extent. Have a good set of documents available through the environmental review and provide ample time for the Planning Commission to review before the hearing beyond the usual week before the hearing.
- Wants a good set of information and discussion on the agencies and other jurisdictions that have available input into the project. Wants to see what comments they made or letters sent. There are always overlapping jurisdictions and it is important to see all points made.

Commissioner Campanella:

- Appreciates Staff's effort and thanked staff for all work done
- Wants to see full project for the environmental document, not just the portion of the project that is located within the Coastal Zone that requires a Coastal Development Permit.
- Likes the idea of separating cars from bikes and also separating different types of bikers (proficient, to less proficient riders).
- Agrees with Commissioner Pujo about having rest stops along the corridor. Provide shady spots for bikers to rest and catch up.
- Coordination with Elings Park and Arroyo Burro Beach with respect to bike parking. This will encourage people to use bikes if they know what to do with them when they arrive at their destination.
- Looks forward to seeing the project return to the Planning Commission.

Chair Campanella called for a recess at 2:59 P.M. Vice-Chair Pujo resumed the meeting at 3:05 P.M. as Chair for the remainder of the hearing.

**ACTUAL TIME: 3:07 P.M.**

**RECUSALS:** To avoid any actual or perceived conflict of interest, Commissioner Campanella recused himself from hearing the following item due to having been involved with reviewing the feasibility of the site at a public charrette prior to becoming a Planning Commissioner. He left the dais at 2:59 P.M. and did not return to the dais after the hearing recess.

**B. APPLICATION OF LISA PLOWMAN, RRM DESIGN GROUP FOR 711 MILPAS STREET LLC, 711 NORTH MILPAS STREET, APN 031-121-011, -014, -016, -017, -019, -021, -022, -024, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL/PRIORITY HOUSING OVERLAY 37-63 DU/AC (MST2015-00561)**

Conceptual review of a proposal to construct a new four-story, 80,309 square foot mixed-use development under the Average Unit-Size Density (AUD) Incentive Program on 1.54 acres at the corner of Milpas and Ortega Streets. Two existing 665-square foot residential units and 26,927 square feet of existing commercial retail and warehouse space would be demolished. A total of 6,656 square feet of commercial floor area is proposed as well as 51,065 square feet of residential use in 73 units. The unit mix would consist of 32 two-bedroom units; 32 one-bedroom units; and 9 two-bedroom units. The average unit size would be 700 square feet, below the 970 square feet average allowable for the 1.54 acre project. The site is currently divided into 8 lots which are proposed to be merged into a single lot.

A total of 100 automobile parking spaces and 77 bicycle parking spaces would be required under the Zoning Ordinance, 94 automobile parking spaces and 77 bicycle parking spaces are proposed. A parking modification to provide less than the required parking spaces would be required to be reviewed by the Staff Hearing Officer.

This project requires Planning Commission Conceptual Review because the lot size is more than 15,000 square feet and the project is being proposed under the AUD Incentive Program Priority Housing Overlay. The purpose of this hearing is for Planning Commission and the public to review the proposed project design and provide the applicant, staff, and the Architectural Board of Review (ABR) with comments on the proposed improvements, design, and General Plan consistency (SBMC §28.20.080).

The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

Contact: Andrew Bermond, AICP, Project Planner

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Andrew Bermond, AICP, Project Planner, gave the Staff presentation. Rob Dayton, Principal Transportation Planner, was available to answer any of the Commission's questions.

Alan Bleecker, Owner/Applicant, provided introductory remarks. Detty Peikert and Lisa Plowman, RRM Design Group, gave the Applicant presentation.

Chair Pujo opened the public hearing at 3:51 P.M.

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

1. Leslie Colasse was unable to remain at the hearing and submitted her comments to be read into the record by Ms. Gularte. She is supportive of the Average Unit Density (AUD) ordinance, but is concerned that this project does not exhibit deference to its context or pedestrians. Unlike other commercial corridors in the city, the Milpas Corridor does not have any guidelines that provide project applicants or the ABR direction. The East side deserves architecture that is compatible with existing architecture that includes Spanish Colonial Revival architecture. She asked that clear comments and direction be given to the ABR and future applicants as to what is expected in this area and that an effort be made to developing a document of guidelines.
2. Charles Dimauro, Chaz Sportswear, East Ortega Street business owner, directly across from construction site, stated that construction and activity on Ortega Street will impact his business by impacting deliveries. The project is larger than it was thought to be. Any blockage of Ortega Street presents major losses to the local businesses and would impact his business and others. Disappointed that new landscaping would be allowed during a drought.
3. Don Scott, owns neighboring DeAlphonso building, submitted a letter from nine Ortega street neighboring businesses and is concerned with essential access for deliveries, especially if driveways are narrowed. Parking will become a competitive issue. The projects reduced parking will come at the expense of neighboring businesses. The remaining on-street parking will need to be metered so as not to become monopolized by project's tenants. Perhaps parking permits could be issued to the businesses. Recently, the city's Public works department was working on the Milpast/Ortega Street sewer line and stated that it is a problem with backing up. This raises the concern for adding 80 additional toilets to the sewer line.
4. Herman Pfauter owns a neighboring building on Ortega Street that houses WWII military trucks and vehicles and is concerned with access to his building and being able to move the WWII vintage vehicles and trucks in and out of his building with the proposed public improvements to Ortega Street. These vehicles do not have power steering and would be impacted by narrowing of the street. Concurred with the concern of water usage that would be brought by the project during construction and when built. The scale of the

project is too big for this area. He asked for consideration of parking permits to share the on-street parking.

5. Sebastian Aldana, eastside resident, is concerned with the intersection at Milpas and Ortega Street and referenced a fatality that resulted in the installation of flashing beacon lights. With this project, he would like to see a signal light at this intersection and pedestrian crossing markings across Milpas on both sides of the intersection, not just the one side that exists today. He would like to see a study done to support the addition of the signal.

With no one else wishing to speak, the public hearing was closed at 4:06 P.M.

Commissioner's comments:

Commissioner Thompson:

- Asked that Staff take another look at sewage capacity on Milpas and Ortega.
- The proposed project meets the needs and outlines of the AUD program.
- Design as proposed strikes a balance between potential density that could be allowed, the size of the units, the size of the overall structure, and parking.
- Much of the block of Milpas Street is ripe for some sort of improvement.
- Proposed parking spaces on Ortega Street are a good idea for capturing more public parking to what is now a non-functioning street.
- The new commercial parking spaces on the north side of the street with the parking on the south side of the street are an improvement over the seven that are there now.
- The size of the project does achieve a good balance. Agrees with the ABR comment about looking into breaking down some of the massing of the building on the Milpas Street frontage. The scale appears to be human scale.
- Supports the parking and setback modification requested.

Commissioner Schwartz:

- Asked the Applicant to make sure that with whatever design is chosen, that the driveway remain viable for vehicles used by neighboring business.
- Concerned with water use and should consider more permeable paving and drought tolerant planting.
- Under Land Use Element of the General Plan this is appropriate use of the land for the AUD project. Is concerned with the project enhancing community character with this particular design.
- Would like to see a creative way that the design is not too looming over Milpas Street. She is concerned that this could be precedent setting on Milpas Street as far as the size and bulk. This design is more compatible on the Haley/Gutierrez corridor. Needs softening on Milpas Street side, perhaps through the color palette.

- With regard to the Housing Element, she can only be hopeful that the size of the units, the interior design, and parking allowances drive the kinds of tenants and rent that are desired under the AUD program.
- With regard to the Environmental Resources Element and Page 6 of the Staff Report, *Public View of the Ocean and Mountains*, she is concerned with the impact to the view of the mountains from Santa Barbara Junior High School from the back of this project.
- Skeptical about the parking modification. This is a highly constrained, congested, multi-use area of Milpas Street. She is not sure if we should pare parking back, whether it is commercial or residential.
- Referenced the ABR findings in the Staff Report, Page 6, *Compatible with Architectural Character of City and Neighborhood*, stating that more design work is needed, reviewing the palate and breaking the massing is needed to support the compatibility with the neighborhood.
- Also on Page 6, *Sensitivity to Adjacent Landmarks and Historic Resources*, she stated that we are not quite there on meeting sensitivity.
- The public improvements proposed are long overdue on Milpas Street. This project will accomplish this and bring many needed improvements to Milpas Street and to Ortega Street.
- On Ortega Street, she requested that Staff and the Applicant please work closely with neighboring businesses whose front door is Ortega Street.
- Regarding landscaping, she cannot emphasize enough the importance about being careful with landscaping in the interior courtyard. There is not much light and we are still in a drought. Suggested something nice but sparse.
- Not inclined to hold up the project on the modifications requested.
- In the nexus between the commercial uses and the commercial parking spaces modification from 27 spaces to 21 spaces, she had hoped to see in the retail area a café that would have street space with tables that could liven up the block and possibly reduce crime. Lighting and human activity are known to reduce crime.

Commissioner Lodge:

- The Project is consistent with the General Plan and with the AUD program. This is an ideal location for this program.
- With regard to Parking and Modifications, suggested that the Ortega Street neighbors think of the public improvements as similar to being on a strip mall where you will end up with more parking in front of your door than you have now.
- In terms of the number of parking spaces, there is a quarter of the amount of retail space proposed as currently exists, so there would be less traffic coming to the businesses.
- Appreciates the results and setbacks from the interior property lines, the courtyard, and the result of much more livable units.

- Agrees with comments made about architectural design. The elevations shown on the plans of the back and side are much harsher than the Ortega and Milpas Street elevations.
- Agrees with Leslie Colasse that “the East side deserves projects whose architecture is compatible with the amazing buildings that it is home to”. The ABR is charged with having buildings that are compatible with Santa Barbara’s historic heritage and she would like to see this reflected in the design. This does not mean it has to be Spanish Style architecture. It can add some elements.

Commissioner Jordan:

- Would be happy with a motion that says the project is on the right track, is consistent with the General Plan; the public improvements are great; and the parking and setback modifications are appropriate, with added caveats.
- Agrees with comments made about the backside of the building and view from Santa Barbara Junior High School. He was concerned with the contrast and suggested paint color treatment or something that takes away the white look of the building against the mountains.
- Appreciates that the project’ architecture is different and allows for the architecture of the Santa Barbara Junior High School to be more appreciated.
- The design on the front screams walkability. It has huge sidewalk improvements. The project says “walk by me”, “look inside me”. It has great improvements.
- The location, scope, and design are perfect for the location.
- Likes the bedroom mix and the absence of three bedroom units.
- Likes the way the 4<sup>th</sup> floor is at the back end and not the front end.
- Encourages the Applicant to take the AUD survey and provide comment on how the survey could be improved.
- Likes the street balconies. They engage with Milpas Street rather than show an apartment front.
- Likes the roof decking. It brings an internal engagement for residents.
- Great number of bike parking and a secure bike area.
- The project will make Milpas Street a much more intimate experience. Right now it is eclectic and just a corridor. A design like this slows people down whether they are walking or driving and will bring a pleasant change.
- On the right track. The only negative comment is to look at the backside of building, the white parts, and blend them more to the mountain scape in the back.

Commissioner Higgins:

- Loves the project and loves the vision of locating this AUD project to Milpas in a transit corridor.

- Concerned with the General Plan consistency with regard to Environmental Resources Element and Visual Resource protection.
- Comfortable sending back to ABR to study the views from Ortega Park, the Santa Barbara Junior High School, and Canon Perdido to learn what visual resources of the mountains will be blocked. These were not seen today.
- Regarding parking, he can support the parking modification but wondered if anyone has done a study on whether people renting these units on Milpas Street, or elsewhere, have only one car.
- Would like to see the AUD program continue.
- Encourages tandem, lifts, or shared parking. Investigate residential permit parking or limiting commercial parking to a time limit. He senses that there will be people with two cars in this project and wonders where they will go.
- He is fine with public improvements. Not picking up 12 spaces on Ortega, more like only 6 or 7 parking spaces, but still an improvement.
- Would like to see some of the mountain views brought back.
- With regard to noise, there is a land use conflict. There was no noise study done on the project with ambient noise contours on Milpas Street. Encourages whatever additional mitigation possible to reduce noise impact be done, such as with smaller windows or less windows.

Commissioner Pujo:

- Agrees with the public comment speaker that we are lacking guidelines for Milpas Street. This example presents that issue. As we look to redevelopment, this is a good time start thinking of what we want on the Milpas corridor.
- Finds the project consistent with the General Plan in terms of the Housing Element and the AUD policies and direction.
- Finds the public improvements to be acceptable, particularly the Ortega St. improvements.
- She can support the Parking and Setback Modifications, given the number of units and the standards of the AUD program and the need for the modification because of the Ortega Street right-of-way changes.
- If there is to be a condition about restricting more intensive uses, like restaurant uses, she suggested a condition with flexibility that would include a parking management program that would relook what the parking need is and come up with another option other than additional parking spaces. She is supportive of the parking and modifications.
- When looking at the size, bulk, and scale, she could not find that both the project is consistent with the Land Use Element and Environmental Resources Element policies with the direction of enhancing the community character and protecting views of the mountains, particularly from the Santa Barbara Junior High School.
- A good fit with what is on Milpas Street is still important, even though we are trying to accomplish adding smaller residential units. She does not have

any issue with the verticality of the project. The stepped back 4<sup>th</sup> story works with the caveat of having a view analysis from the Santa Barbara Junior High School. Her concern is similar to what was said by the ABR with the horizontal scale and bulk of the structure. Though some attempt has been made to address it, it has not gone far enough to capture the connectivity and reflection of the character of the Milpas corridor. This is more with the horizontal dimension than the vertical dimension. Size and the bulk really comes across when you look at the horizontal scale.

- Would like to see how far the project can go to actually accomplish something that would be more of separate or several buildings with their own identity or as close as you can come to it. Otherwise, this is a big character change for Milpas.

**MOTION: Higgins/Thompson**

The Planning Commission moves to refer the following comments to the Architectural Board of Review (ABR):

- The project is generally consistent with the General Plan. The ABR should study the views from the Santa Barbara Junior High School campus and Canon Perdido Street. Also, further consideration of the General Plan Land Use Element (Policy LG 12) regarding community character, as referenced in Page 4 of the Staff Report dated April 7, 2016.
- The size bulk and scale are otherwise appropriate.
- The public improvements are appropriate. Be sensitive to the Ortega Street property owners when Ortega Street public improvements are made.
- The Parking and Setback Modifications are appropriate. If the Applicant can pick up parking spaces without a modification or a parking management study demonstrates that there will be adequate parking onsite, restriction of further retail uses could be avoided.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Pujo, Schwartz) Abstain: 0 Absent: 1 (Campanella)

**MOTION: Schwartz/Lodge**

The Planning Commission asks that the Architectural Board of Review, in deliberation of this project, further study and refine the bulk and design of the current project, including the color pallet and breaking up some of the façade.

This motion failed by the following vote:

Ayes: 3 Noes: 3 (Thompson, Jordan, Higgins) Abstain: 0 Absent: 1 (Campanella)

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 6:08 P.M.**

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meeting of April 13, 2016.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Architectural Board of Review meeting of April 11, 2016.

b. Commissioner Jordan reported that he and Commissioner Campanella attended the Bicycle Master Plan workshop on Tuesday.

**V. ADJOURNMENT**

Chair Pujo adjourned the meeting at 6:11 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary





# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

April 21, 2016

### CALL TO ORDER:

Chair Campanella called the meeting to order at 1:03 P.M.

### **I. ROLL CALL**

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

### **STAFF PRESENT:**

Beatriz Gularte, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Adam Nares, Geographic Information Systems Technician  
George Johnson, Creeks Supervisor  
Tony Boughman, Assistant 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. Gularte made the following announcements:

1. The Planning Commission's decision on 251 S. Hope Avenue has been appealed to City Council and will be heard on May 3, 2016.
2. The Planning Commission's decision on 118 N. Milpas Street has been appealed to City Council and will be heard on May 10, 2016.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. April 7, 2016

2. PC Resolution No. 012-16  
350-352 Hitchcock Way

**MOTION: Thompson/Lodge**

Approve the minutes and resolution.

This motion carried by the following vote:

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

- D. Comments from members of the public pertaining to items not on this agenda.  
Chair Campanella opened the public hearing at 1:05 P.M. and, with no one wishing to speak, closed the hearing.

**III. NEW ITEMS:**

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

**A. ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE**

The Planning Commission will decide whether to allocate 10,642 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2015 to the Small Addition category or to the Community Benefit category for future development.

Unused or expired Small Additions are to be reallocated by Planning Commission on an annual basis per the Growth Management Plan passed by Council Resolution on March 5, 2013

Contact: Adam Nares, Geographic Information Systems Technician

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Phone: (805) 564-5470, extension 4553

Adam Nares, Geographic Information Systems Technician, gave the Staff presentation.

Chair Campanella opened the public hearing at 1:10 P.M., and with no one wishing to speak, closed the hearing.

**MOTION: Lodge/Thompson**

**Assigned Resolution No. 013-16**

Approved to allocate 10,642 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2015 to the Community Benefit category for future development.

This motion carried by the following vote:

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

**ACTUAL TIME: 1:12 P.M.**

**B. APPLICATION OF LAUREL PEREZ, APPLICANT FOR UNKNOWN DREAM LLC, 801 CLIFF DRIVE, APN 045-250-008, R-2 ZONE, LOCAL COASTAL PLAN DESIGNATION: MEDIUM RESIDENTIAL/BUFFER (MST2014-00586)**

The project addresses violations in enforcement case ENF2014-00616 for work done without required City review, approval, and permits at the 97 unit apartment complex located on a 6.72 acre parcel in the Coastal Zone. The violations include tree and other vegetation removal in an environmentally sensitive habitat area (ESHA) along a portion of Honda Valley Creek (including an established Monarch Butterfly overwintering site), as well as unpermitted remodeling of existing buildings, site work, and other landscaping alterations. The current project proposes to abate/correct these violations. While a large part of the site is in the non-appealable jurisdiction of the Coastal Zone, the Honda Valley Creek drainage is within the appealable jurisdiction, and removal or placement of vegetation in this environmentally sensitive habitat area triggers the requirement for a Coastal Development Permit for the project.

The unpermitted work proposed to be permitted consists of the removal of 32 mature Eucalyptus trees which provided Monarch butterfly overwintering habitat, removal of canopy trees and planting of palm trees in areas around buildings, other landscaping alterations, replacement of irrigation system, and various exterior building changes, outdoor amenities, bike racks, and parking lot improvements and reconfiguration with 25 additional spaces.

The unpermitted work proposed to be removed consists of a concrete slab and seat wall, concrete pads with gym equipment, non-compliant exterior lighting, prohibited banner signs, entry pilasters with lighting, non-permitted stairs near street intersection, and eight Mexican Fan Palms planted along driveway near the restoration area.

Proposed new improvements include restoration of Monarch butterfly and riparian habitat, a Monarch Butterfly and riparian habitat maintenance and monitoring program, drainage improvements in the restoration area, tree mitigation planting, removal of Palm trees near Loma Alta, and planting of Cypress trees adjacent to buildings as well as other minor miscellaneous exterior improvements.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2015-00012) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
2. Two Front Setback Modifications to allow as-built and proposed encroachments into the required 30-foot front setback along Cliff Drive and into the required 30-foot front setback along Loma Alta Drive (SBMC §28.92.110.2);

3. Two Fence Height Modifications to allow the as-built fencing to exceed 3 ½ feet in height within 10 feet of the front lot line along Cliff Drive and within 10 feet of the front lot line along Loma Alta Drive (SBMC §28.92.110.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section CEQA Guidelines Section 15333, Small Habitat Restoration Projects not exceeding five acres, and Section 15301 for miscellaneous minor alterations to Existing Facilities.

Contact: Tony Boughman, Assistant Planner  
Email: [TBoughman@SantaBarbaraCA.gov](mailto:TBoughman@SantaBarbaraCA.gov)  
Phone: (805) 564-5470, extension 4539

Tony Boughman, Assistant Planner, gave the Staff presentation.

Staff acknowledged public comment letters were received from Tom Ochsner; Eddie Harris, Santa Barbara Urban Creeks Council; Jeanne Surber; Ronald Godar; Beebe Longstreet; Frank Surber; Bruce Peterson, and Mary Turley.

Laurel Perez, SEPPS, gave the Applicant presentation, joined by Maruja Clensay. Lawrence Hunt, Consulting Biologist; Daniel Meade, PH.D., Biologist; Charles McClure, Landscape Architect, and Mike Hamilton, Engineer, were available to answer any of the Commission's questions.

Chair Campanella opened the public hearing at 1:58 P.M.

The following people spoke in support of the project:

1. Robert Coles was in support of potential high-density student housing as this is an ideal location.
2. Carl Schmidt, resident of project site, supported the removal of the Eucalyptus trees stating that they are explosive in a fire and that there is still wildlife in existence. Appreciates the improvements made by the property owner to the complex.
3. Annette Ashley, resident of project site, spoke to the improvements made by the property owner, and the safety that has resulted by the removal of homeless camps in the ravine.

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

1. Sue Mellor, neighbor, appreciated the strong zoning laws that Santa Barbara has in effect and the work of the Planning Commission. She was concerned with developer's intent for the requested modifications.
2. Mary Turley commented on the Habitat Restoration and Enhancement Plan. Time was yielded to her by Lincoln Thomas, Maggie Day, Elaine Kaufman, and Tony Ripazetti. She referenced Dr. Daniel Meade's review of the

- restoration plan and stated that Monarch butterflies may increase if habitat in the Honda Valley Monarch Butterfly Aggregation Site is not disturbed, and advocated for habitat restoration sensitivity.
3. Al Meskimen, Mesa resident, expressed concern that the project requires the completion of an EIR and is not exempt from further review under CEQA.
  4. Jeanne Surber, Mesa resident, stated that the proposed milkweed is not a native plant in the coastal zone and could interrupt the Monarch butterfly's natural breeding cycle, and is not recommended by the Xerces Society.
  5. Steve Owens, Loma Alta neighbor, was concerned with property line setback encroachments stating that the property is large and does not need the requested modification. Recommended removal of the setbacks from where they are now. He also advocated against removal of the Eucalyptus trees stating that most Monarch butterfly colonies are found in Eucalyptus trees.
  6. Diane Greenwood, Mesa resident, opposes a restoration plan that will require significant amounts of water during a drought.
  7. Frank Surber, Mesa resident, was concerned with the requested modifications and disagrees with Staff's recommendation for approval after-the-fact. Asks that the Planning Commission request the removal of all unpermitted changes.
  8. Darrell Hayes asked that the Planning Commission deny the setback modifications and disapproves of any approval of unpermitted modifications. The 'build now, permit later' mentality sets a dangerous precedent.
  9. Gary Unruh, Arroyo Springs resident, stated that given the choice of migrating between Oaks and Eucalyptus trees, the Monarch butterflies will choose Eucalyptus trees. There are other types of wildlife: foxes, skunks, owls, etc. that enjoy this environment. Myrna Epstein deferred her speaking time to Mr. Unruh.
  10. Beebe Longstreet, Mesa resident, voiced that the proposed landscaping cannot mitigate the damage done to the habitat for 20 to 25 years. Asked that the Commission not allow this to serve as a precedent.
  11. Cathie McCammon, Mesa Neighborhood Association/Allied Neighborhoods Association, stated that the applicant should follow laws to be a good neighbor. Monarch butterflies are given more respect in Mexico, than in Santa Barbara. The Management Plan is not clear on how it will work and whether there will be more disruption to the habitat with the proposed activity and maintenance. More environmental review needs to be done. Requested the removal of unpermitted work and that fines be adequate.

Mr. Meskimen, retired firefighter, returned to the podium to offer his background as a fire behavior analyst and commented on the Eucalyptus trees as being highly flammable but in the setting they are at, this danger is relatively minimal. The proposed planting plan of oaks and milkweed create a fuel ladder and represents a greater fire hazard to the structures and people than the large eucalyptus trees.

Faraz Homayouri, Laurie Marx, Karen Quinn, and Richard Kaufmann had requested speaking time, but were unable to stay for the duration of the meeting.

With no one else wishing to speak, the public hearing was closed at 2:55 P.M.

Commissioner Campanella called for a recess at 2:55 P.M., and reconvened the meeting at 3.12 P.M.

Commissioner's comments:

Commissioner Higgins:

- Can support a lighting plan that does not cast additional lighting on the habitat.
- Would like it if the wooden staircase near the street intersection could stay.
- Fine with setback modification requests, residents served and the high demand for on-site amenities.
- Comfortable with improvements made in the setbacks.

Commissioner Lodge:

- Can make the findings for the Coastal Development Permit and Zoning Modifications with the addition to the first sentence on page 2 of the Conditions of Approval, *Landscape Plan Compliance*, to include "with the addition of a minimum of 20 Canopy trees on Cliff Drive and Loma Alta Drive".

Commissioner Pujo:

- Focused on the destruction of the butterfly habitat in the ESHA for her comments.
- Looked for how to make the findings for the Coastal Development Permit and be consistent with the Local Coastal Plan Policy on the preservation of the habitats of rare and endangered species and Coastal Policy 30240, both found in Exhibit E of the Staff Report, dated April 14, 2016.
- Need a good habitat restoration plan in place because that is the closest we can get to right the wrongs.
- We can and should do the very best job we can do to prevent any further impact that would significantly degrade that area, for its riparian habit, and for the monarch over-wintering site.
- Stated that Conditions of Approval B.3 and B.4 regarding the *Habitat Restoration and Enhancement Plan*, need to be reworked to include Monitoring Plan in the title and be consistent with the Coastal Act and be more robust than what is in the report.
- Criteria that should be included:
  - The Monitoring Plan in Condition 3 should be prepared by a qualified restoration biologist qualified in monarch habitats.

- Five years is a good monitoring plan, but there needs to be an automatic extension clause. If the criteria is not met in the five years, it needs to keep going until we get there.
- The Manager of the Restoration and Monitoring Plan needs to be one of the qualified biologist in monarch habitats. Not enough to have a contractor do.
- The Monitoring Plan and criteria that is established needs to be approved by the City before it is effective and before any contracts are approved and before any work starts. City approval should include a provision in the Monitoring Plan that there should be a City monitor that will coordinate and review the plan as it moves along.
- All the costs, including the estimated cost for the City monitor, needs to be absorbed by the Applicant.
- Within the Conditions of Approval, there needs to be a deed restriction that includes the restoration and delineation of the habitat area.
- Also missing in the Monitoring Plan are quarterly meetings and quarterly reporting. Signing and education needs to be included at the apartment complex and limited access to the habitat area. Restriction of extra lighting or extra amplified music that would disturb the habitat, especially during the winter breeding season needs to also be included.

Commissioner Jordan:

- Can support the modifications and agrees with Commissioner Lodge's suggestion for more canopy trees, as well as the recommendations made by Commissioner Pujó for more robust habitat monitoring.
- Suggested that the Monitoring Plan and Conditions of Approval return for Planning Commission review.
- Under *Additional Habitat Restoration and Maintenance Requirements*, Condition B.5.c., would like to see the word 'avoided' replaced with 'prohibited' during the time period listed.
- Supports landscape plan to include 10 canopy trees on Cliff Drive, 10 trees on Loma Alta, and 7 interior trees.
- Supports identifying and maintaining the edge from the foot opening to where the edge ends, as a condition of the approved landscape plan.
- Cannot support a Coastal Development Permit. Cannot make the finding that work that has been done or is going to be done will not be a significant disruption of habitat. The proposal is more like a landscaping plan with no measurement at the end that says 'build it and they will come' without considering the consequence of what happens if the monarchs don't come.
- There has been a loss of mutual good faith going forward. To see the before and after of the project site is obscene.
- Would like to send three comments to the Architectural Board of Review (ABR):

- Look at how the hedge next to the driveway works for line of site for cars exiting the parking lot.
- Bathroom windows: sheet rock or tile has been put over three windows.
- Storage being put in the under-parking area where the school bus is parked. This should not be continued.
- The three elevator towers that face north should not look like the extended plywood, painted over, that has been done on the rest of the building. Look at treating with metal siding or horizontal metal slats that offset window openings, consistent with the new architectural detailing.
- Given that the modifications cannot be made without approval of the Coastal Development Plan, he cannot support any approval.

Commissioner Schwartz:

- Any disruption to the habitat with restoration activity would be a travesty.
- Does not approve of approving something on a forgiveness, versus permission basis.
- Inclined to follow Commissioner Jordan in not supporting a Coastal Development Permit.
- Can support Commissioner Pujo's list of recommendations on the Monitoring Plan, except the deed restriction as she does not know enough about the legalities to agree with it.
- There are inadequacies in the Maintenance and Monitoring Plan that need a lot of work.
- Can support the removal of all unpermitted work.
- Will not support the concrete ping pong tables. The noise bounces in the neighborhood on the Mesa.
- The Monitoring Plan is key going forward.
- Strongly in support of Pujo's point of "a very robust, sound, and sustainable Monitoring Plan, and that related costs need to be borne by the property owner." Will not support one more layer of work that would have staff being the monitor of the plan.

Commissioner Thompson

- Does not like how we got here today. Lots of extra work has been expended by the property owner and his team, and City staff over 18 months that could have been less onerous. What staff has proposed needs to be done to move forward and rectify the situation.

Commissioner Campanella:

- Wondered if it was possible in the monitoring to have the City more involved in the restoration plan, where the City has a right to step in if noncompliant. City legal review can take care of the plan, if the applicant does not.

Assistant Attorney Scott Vincent stated that the Administrative Citation process is on hold awaiting results of the Planning Commission's deliberation. Staff is looking at restoring more than fining the property owner.

Straw Poll:

Would you recommend removing the as-built ping pong tables?

Ayes: 1    Noes: 6 (Higgins, Jordan, Lodge, Campanella, Pujo, Thompson)  
Abstain: 0    Absent: 0

**MOTION: Thompson/Higgins**

Continued the project indefinitely to have applicant and staff review all comments made.

This motion carried by the following vote:

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

Scott Vincent left Council Chambers at 6:30 P.M. and did not return.

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

##### **ACTUAL TIME: 6:31 P.M.**

##### A. Committee and Liaison Reports

##### 1. Staff Hearing Officer Liaison Report

None was given.

##### 2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of April 20, 2016.
- b. Commissioner Schwartz reported on the Water Commission meeting held earlier in the day.

V. **ADJOURNMENT**

Chair Campanella adjourned the meeting at 6:34 P.M. to May 5, 2016.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 013-16

#### CITY-WIDE

#### ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE APRIL 21, 2016

### ANNUAL ALLOCATION OF UNUSED OR EXPIRED NONRESIDENTIAL SMALL ADDITION SQUARE FOOTAGE

The Planning Commission decided whether to allocate 10,642 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2015 to the Small Addition category or to the Community Benefit category for future development.

Unused or expired Small Additions are to be reallocated by Planning Commission on an annual basis per the Growth Management Plan passed by Council Resolution on March 5, 2013

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 14, 2016

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission approved to allocate 10,642 square feet of unused or expired nonresidential Small Addition Floor Area from calendar year 2015 to the Community Benefit category for future development

This motion was passed and adopted on the 21st day of April, 2016 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

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

\_\_\_\_\_  
Date