



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

April 7, 2005

### **CALL TO ORDER:**

Chair Jonathan Maguire called the meeting to order at 1:06 p.m.

### **ROLL CALL:**

#### **Present:**

Vice-Chair John Jostes

Commissioners, Charmaine Jacobs, Stella Larson, Bill Mahan, and George C. Myers.

Chair Jonathan Maguire

#### **Absent:**

Commissioner Harwood A. White, Jr.

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Allison De Busk, Associate Planner

Renee Brooke, Associate Planner

Kathleen Kennedy, Assistant Planner

Stacey Wilson, Assistant Transportation Planner

Trish Allen, Associate Planner

Matt Davis, Public Work Supervising Engineer

Chris Hansen, Building Plan Check Supervisor

Beatriz E. Ramírez, Project Planner

Danny Kato, Senior Planner

Bettie Weiss, City Planner

N. Scott Vincent, Assistant City Attorney

Liz N. Ruiz, Planning Commission Secretary

## **II. PRELIMINARY MATTERS:**

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

Senior Planner Jan Hubbell announced the possibility of continuing Item VI.

B. Announcements and appeals.

Ms. Hubbell announced that the Planning Technician II position will be filled by Debbie Hughey who has been an Engineering Technician for the City and will now be in zoning.

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

None.

**III. CONSENT ITEMS:**

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

**A. APPLICATION OF GENE CAMPBELL AND ROBBI MILTON, AGENTS FOR TOP SHELF DEVELOPMENT, LLC, PROPERTY OWNER, 622 ANACAPA STREET, APN:031-151-019, C-M COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: CENTRAL BUSINESS DISTRICT AND PUBLIC AND INSTITUTIONAL, (MST2004-00767)**

The project consists of the conversion of 3,451 square feet of approved commercial space into a residential unit.

The discretionary application required for this project is:

A Parcel Map Amendment to convert a portion of a commercial condominium into a residential condominium unit (SBMC §27.009).

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) and 15315 (minor land divisions).

**MOTION: Mahan/Jostes**

To waive a presentation of the staff report.

This motion carried by the following vote:

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

With no one wishing to speak, the public hearing was opened and closed at 1:08 p.m.

Commissioners' comments and questions:

1. Asked how much commercial square footage was demolished for this project and expressed concern over losing commercial square footage downtown to residential use.

**MOTION: Jostes/Mahan**

**Assigned Resolution No. 021-05**

To make the findings outlined in the Staff Report and adopt the amendment to the parcel map as recommended by Staff.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**ACTUAL TIME: 1:08 P.M.**

**B. APPLICATION OF KELLY BRODISON, ON DESIGN ARCHITECTS, LLC, AGENT FOR JEFFREY AND SUSAN MENELLI, PROPERTY OWNERS, 1624 SAN ANDRES STREET AND 626 & 628 MULBERRY AVENUE, APN 043-221-016, R-3: LIMITED MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS /ACRE (MST2003-00810)**

The project consists of a proposal to convert an existing 1,040 square foot, single-family residence (1624 San Andres St.) with two uncovered parking spaces and an existing 2,888 square foot, two-story duplex with four covered parking spaces (626 & 628 Mulberry Ave.) into three (3) condominium units. A new one-car carport is proposed to replace one of the uncovered parking spaces for 1624 San Andres Street.

The discretionary applications required for this project are:

Tentative Subdivision Map for a one-lot subdivision for the conversion of three (3) residential units into condominium units (SBMC§27.07); and

Condominium Conversion Permit to convert three (3) residential units to three (3) condominium units (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 15315 (minor land divisions) and Section 15303 (new construction or conversion of small structures).

To avoid the appearance of a conflict of interest, Chair Maguire stepped down at 1:46 p.m. and Vice-Chair Jostes stepped in as Chair.

**MOTION: Mahan/Jostes**

To waive the presentation of the staff report.

Commissioner Mahan asked for a discussion in regard to sidewalk issues.

This motion carried by the following vote:

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

The public comment was opened at 1:12 p.m., and the following person spoke in opposition of the project:

Amy Ramos

With no one else wishing to speak, the public hearing was closed at 1:16 p.m.

Commissioners' comments and questions:

1. Asked why this project is not conditioned to require sidewalks given the recent approval with a sidewalk condition for another project on Mulberry Avenue.
2. Asked how the two-way traffic currently works, whether cars are parked on the lawns, and whether staff has considered a one-way street.
3. Asked about requiring in lieu fees for the sidewalk, or setting up a program for sidewalks, similar to the oak tree replacement program where trees are planted elsewhere in the community.
4. Expressed concern regarding the front yard car parking situation.
5. Stated that converting these units into condominium ownership will upgrade this neighborhood.
6. Stated that this project sits on the border of not being approvable.

Ms. Wilson, Assistant Transportation Planner, responded regarding the right-of-way width of Mulberry Avenue, stating that it operates as a "play street", there would not be enough width for parking if sidewalks were required, and the adjacent project would no longer be required to provide sidewalks. She stated that parking on lawns has not been observed, and that there are no operational changes planned for the street.

Ms. Hubbell responded, stating that, unlike the oak tree replacement program, sidewalks are not an impact issue and addressed the concerns of Ms. Ramos.

Mr. Vincent responded, stating that the City does not have an in-lieu fee program and that the applicant at 218 Santa Cruz offered to pay a fee instead of constructing a sidewalk in an area that would not connect to any other existing sidewalks. He also has a concern about adding a condition in regards to parking.

Kelly Brodison, ON Design Architects, LLC, and agent for the applicants responded, and stated they would be using new concrete block (permeable enhanced paving).

Commissioner Jacobs arrived at 1:42 p.m.

**MOTION: Meyers/Mahan**

**Assigned Resolution No. 022-05**

To approve the project, subject to revised conditions, requiring the use of enhanced paving in the driveway aprons and that a Magnolia tree be planted between the fire hydrant and the water meter on San Andres Street.

This motion carried by the following vote:

Ayes: 4 Noes: 1 (Larson) Abstain: 0 Absent: 2 (Maguire & White)

Chair Maguire announced the ten calendar day appeal period.

**IV. CONTINUED ITEM:**

**ACTUAL TIME: 1:46 P.M.**

**APPLICATION OF JEFF GORRELL, LENVIK & MINOR ARCHITECTS, AGENT FOR JOHN PRICE, 1298 COAST VILLAGE ROAD, APN 009-230-043, C-1/LIMITED COMMERCIAL, R-2/TWO-FAMILY RESIDENTIAL, AND SD-3/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATIONS: GENERAL COMMERCE AND BUFFER (MST2004-00493)(CDP2005-00003)**

The applicant is requesting that the City initiate a Change in Zone for the northern portion of the subject property from R-2/SD-3 (Two-Family Residential/Coastal Overlay Zone) to C-1/SD-3 (Limited Commercial/Coastal Overlay Zone). The property is nearly bisected by two zone designations; approximately 7,150 square feet of the 18,196 square-foot lot is currently zoned R-2 (Two-Family Residential) and the remaining 11,046 square feet, along Coast Village Road, is currently zoned C-1 (Limited Commercial). The Applicant's request would result in the entire property being zoned C-1/SD-3. At this time, the discretionary applications required for this project are an Initiation of a Zone Change (SBMC §28.92.015) and Initiation of a Local Coastal Plan Amendment.

**The Planning Commission will not be reviewing a specific development project related to the request for a Change in Zone and LCP Amendment. Therefore, no action on a project will be taken at this time, nor will any determination be made regarding environmental review of a proposed project. This item is continued from March 17, 2005.**

Ms. Brooke gave a brief overview of the request.

Jeff Gorrell, Lenvik & Minor Architects, and agent for the applicants, informed the PC that he was there to answer any questions that they might have.

The public hearing was opened at 2:04 p.m., and following person spoke in general regarding the project:

Peter Borneman

With no one else wishing to speak, the public hearing was closed at 2:08 p.m.

Commissioners' comments and questions:

1. Is the General Plan designation along Coast Village Road entirely commercial and would the re-zone provide an equal level of protection for setback potential if this property is developed.

2. Asked if we are no longer requiring open space areas and if that would be up to the developer.
3. Asked if once this zoning is approved, would a future development project come back to the Planning Commission, or will it go to the Architectural Board of Review.
4. Asked about the zoning (residential or commercial) surrounding this parcel.
5. Clarified to the public speaker that the zoning laws for our City have allowances for mixed use projects.
6. Asked that, if they initiate the re-zone, there be an environmental document prepared.
7. Feels it is important that the environmental document address the vanishing filling stations in our city the incremental traffic impact of this.
8. Feels staff has done a good job in analyzing this zone change.
9. Feels mixed use is good for this site and expects to see the highest quality of material and design, and that it be sensitive to the neighbors on Olive Mill Road, and consider how traffic would be handled.
10. Asked what would be developable now on this property; what is the status, and how does it currently function.
11. Agrees with the speaker that this is a gateway to Santa Barbara and Montecito, and feels it is a wonderful commercial area.
12. Clarified to the speaker that the Planning Commission is not approving a building on this lot today, which would be subject to future design review. Noted that we are currently in the first steps, and the public will have numerous opportunities to comment on whatever may be proposed on this lot.

The public hearing was re-opened at 2:18 p.m., and following person spoke in opposition of the project:

Leane Murphy

Mr. Vincent addressed the Planning Commission and stated that initiating the discussion in regards to the environmental document is sufficient enough prior to their recommendation to the City Council.

Ms. Hubbell addressed the Planning Commission regarding the possibilities on how this property can be developed.

**MOTION: Jostes/Mahan**

**Assigned Resolution No. 023-05**

Move to initiate a zone change on the northern portion of this property from R-2/S-D-3 to C-1/S-D-3, as well as a Local Coastal Plan amendment.

This motion carried by the following vote:

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

Mr. Gorrell addressed the Planning Commission and said he would be very happy to share with the Planning Commission the proposed development on the lot, and does plan to meet with the public as well.

Recessed at 2:22 p.m., and reconvened at 2:45 p.m.

**V. NEW ITEMS**

**ACTUAL TIME: 2:45 P.M.**

**A. APPLICATION OF THE SANTA BARBARA SHELLFISH COMPANY, LESSEE, AND THE CITY OF SANTA BARBARA, PROPERTY OWNER, 230 STEARNS WHARF, APN 033-120-022, H-C/SD-3: HARBOR COMMERCIAL/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HARBOR COMMERCIAL (MST2004-00309)**

The project consists of a proposal for a new 146 square foot outdoor seating area and a new 20 square foot recycling enclosure adjacent to the Santa Barbara Shellfish Company on Stearns Wharf.

The discretionary applications required for this project are:

1. Modification of the parking requirement to allow the development without providing the required parking spaces (SBMC§28.90); and
2. A recommendation to the California Coastal Commission on an Amendment to the Coastal Development Permit for Stearns Wharf for development in the Permit Jurisdiction of the Coastal Zone (SBMC §28.45.009).

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.

Ms. Kennedy gave a brief presentation of the project.

Scott Riedmen, Waterfront Business Manager, addressed the Planning Commission.

Thomas White, Santa Barbara Shellfish, applicant, addressed the Planning Commission.

Commissioners' comments and questions:

1. Asked what happened to the bench as shown on the exhibit.
2. Very supportive of this proposal and feels the proposal is too modest with sixteen seats and hopes to see more someday.

The public hearing opened at 2:54 p.m., and the following person spoke in favor of the project:

Kevin McCeney

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

**MOTION: Jacobs/Myers**

**Assigned Resolution No. 024-05**

Move to approve the modification of the parking requirement and the recommendation to the Coastal Commission on the amendment to the Coastal Development Plan Permit to allow the addition of seating.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

At 2:57 p.m. the PC moved forward to the Administrative Agenda.

**ACTUAL TIME: 3:12 P.M.**

**B. APPLICATION OF JOHN SCHOOF, PRINCIPAL ENGINEER, AGENT FOR CITY OF SANTA BARBARA REDEVELOPMENT AGENCY, PROPERTY OWNER, 1221 ANACAPA STREET (GRANADA GARAGE), APN 039-183-034, C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/MAJOR PUBLIC INSTITUTIONAL (MST2003-00908)**

On May 1, 2001, the City Council approved the Granada Garage, City Parking Lot 6, project. The project is currently under construction. The project applicant requests a change to the condition of approval for the approved Development Plan limiting construction activities to weekdays between 7:00 a.m. and 5:00 p.m. The current proposal is a request that the regular construction hours be extended to include work on Saturdays for the project duration.

The Environmental Analyst has determined that the addendum to the Final Mitigated Negative Declaration prepared for this project adequately addresses the change in construction hours and the level of impact associated with the project has not substantially changed.

Ms. Allen gave a brief overview of the project.

Matt Davis, Public Works Supervising Engineer, addressed the Planning Commission.

Commissioners' comments and questions:

1. Asked about what kind of traffic difference there is during the week versus on a Friday or Saturday.
2. Leaning towards approving this project in that there is not much difference between weekday and weekend traffic during the summer.
3. Asked how this project differs from the Bermant project on Chapala Street where Saturday construction was such a concern.

4. Feels that some of the arguments presented by staff for Cottage Hospital relate to the benefits of ending construction sooner rather than later and Mr. Bermant's project did include several affordable units, which is a public benefit, plus the relocation program. Concern is that the Planning Commission is not being consistent and they were unfair to that particular developer.
5. Asked if a proponent for consistency is in support of Saturday construction especially when, for the most part, neighbors are in support of it.
6. Hopes staff will be able to look at projects on a site by site basis.
7. Commends applicant in having a meeting with the neighbors first before coming before the Planning Commission to request Saturday construction.
8. Expressed concern the Planning Commission is playing favorites and would like to see some sort of consistency.
9. Asked if it is appropriate to ask staff to request that an applicant who requests construction hour changes, poll the neighbors first.
10. Feels different sites have different requirements so consistency is very tricky and in the past feels conditions have been consistent.
11. Feels Planning Commission should strongly urge staff to convene a workshop on construction hours in April or May so they can resolve this issue.
12. Would like an update on fees for use of the public right of way during construction; if the status of this issue can be addressed at the April or May workshop.

Ms. Hubbell stated the amount of work being done in the area on the weekends is modest, and this area right now is impacted because of the lot being closed and some of the other on street parking that has had to be created on a temporary basis. She thinks the discussions they have had about construction hours over the past few months have indicated they probably need to have a wider discussion of how to deal with construction hours, and impacts that allows the Commission to look at criteria for the different kinds of projects, i.e., where the project is, commercial vs. residential zones, and multi-family vs. single family zones.

Ms. Hubbell felt it would be good to schedule this topic for a broader discussion in the near future. It might be this summer sometime, to talk about what the Commission would like to do in terms of construction hours, issues, and what kinds of criteria to consider, and include discussions with the Contractor's Association and building industry representatives.

The public hearing was opened at 3:33 p.m. and the following people spoke in support of the project:

Reverend Jill Martinez  
Eric Kelley

With no one else wishing to speak, the public hearing was closed at 3:41 p.m.

**MOTION: Mahan/Jostes**

**Assigned Resolution No. 025-05**

Move to approve the construction hours as requested.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Maguire) Abstain: 0 Absent: 1 (White)

Chair Maguire announced the ten calendar day appeal period.

**VI. DISCUSSION ITEM:**

**ACTUAL TIME: 3:42 P.M.**

**ACCESSIBILITY REQUIREMENTS PER CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (FEHA) AND FEDERAL AMERICAN DISABILITIES ACT (ADA)**

Building and Safety staff will make a presentation on how FEHA and ADA affect building and site design.

Mr. Hansen gave a presentation on the above-mentioned item.

With no one wishing to speak, the public hearing was opened and closed at 4:02 p.m.

Commissioners' comments and questions:

1. Asked if this presentation will be given to the Architectural Board of Review.
2. Clarify accessibility requirements for condominiums with three or more units.
3. In regards to flexibility, when a building is historic, such as El Pueblo Viejo, does it apply to any building in the district, or does the building itself have to be historic.
4. In regard to chimney caps, noted if anything is put around any of those pipes, the warranty would become void because building inspection did not allow decorative elements on top. Asked if there was a new change.
5. In regard to handicap accessibility i.e., Caltrans is replacing the Anapamu Street Pedestrian Bridge, which is made up of a large component and two large ramps; feels it is a discouragement for an able bodied person to use the bridge. Asked can there be a stairwell at the base of the bridge.
6. Seems to be part of the code that if the disabled people cannot have access, no one gets it.
7. Asked about the effects of accessibility on providing public trails.
8. Asked where is the dividing line between the trail and when does it come into the ADA realm.
9. Asked if requirements are reduced because they are not feasibly economic or because they cost more than 20% of the budget.

Mr. Hansen noted that he will give this presentation to both the Architectural Board of Review and the Historic Landmarks Committee. The building itself must be historic to use the Historic

Building Code, even if the building is not listed. For chimney caps, staff defers to the manufacturer's specifications. The chimney caps are only required for wood-burning chimneys.

Mr. Vincent suggested that what the Planning Commission takes from this discussion is the ADA Guidelines (Title 2) and Title 24 of the States Building Code, which the City has adopted, will have effects on project design. As the Planning Commission is reviewing projects, give staff time to evaluate various options and present a palette of options to the Commission.

Recessed at 4:23 p.m., and reconvened at 4:46 p.m.

Commissioners Jacobs and Larson left during the break.

## **VII. PUBLIC HEARING:**

### **ACTUAL TIME: 4:46 P.M.**

### **PROPOSAL TO AMEND SECTIONS OF THE SANTA BARBARA MUNICIPAL CODE INCLUDING TITLE 27 (SUBDIVISIONS) AND TITLE 28 (THE ZONING ORDINANCE) IN ORDER TO IMPLEMENT RECOMMENDED DISCRETIONARY PROCESS IMPROVEMENTS (MST2004-00611)**

The City of Santa Barbara is considering Amendments to the Santa Barbara Municipal Code, Title 27 Subdivisions and Title 28 of the Zoning Ordinance, and an Amendment to the Local Coastal Program to expand the type of projects that can be acted on at the Staff level. Changes would result in the creation of a Staff Hearing Officer who would act on minor projects. The proposed changes were considered by the Planning Commission on September 16, 2004. The purpose of this hearing is to get Planning Commission feedback on the proposed recommendations before taking them to City Council. Projects being recommended to be acted on by the Staff Hearing Officer include:

- Time extensions for Tentative Subdivision Maps
- New residential condominium developments and subdivisions that create four or fewer units/lots
- Residential condominium conversions that involve four or fewer units
- Non-residential condominium conversions
- New non-residential condominium development of <3,000 s.f.
- Lot line adjustments involving 4 lots or less
- Development Plan Approvals for projects less than 3,000 square feet
- Modifications and Performance Standard Permits
- Minor public works facilities improvements
- Minor Coastal Development Permits
- Amendments to conditions of approval
- Adoption of Mitigated Negative Declarations for Staff Hearing Officer eligible projects

Additional recommendations include:

- Administrative approval of time extensions (except Tentative Subdivision Maps)

- Standardizing the noticing for discretionary projects (except projects subject to design review only)
- On site posting for development projects
- Prohibiting permitted multi-family unit projects that have received a building permit or certificate of occupancy from converting to condominiums for five years, irrespective if they meet the physical standards for condominiums
- Amending Chapter 28.45.009, the Coastal Overlay Zone (part of the City's Local Coastal Program) to establish a process for dealing with emergencies and temporary events within the Coastal Zone and to clarify the process for the granting of Coastal Exclusions for single family residences in the non-appealable jurisdiction.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305, Minor Alterations in Land Use Limitations.

Beatriz Ramirez, Project Planner, gave a presentation of the proposal.

The public hearing opened at 6:04 p.m., and the following person spoke with concerns about an aspect of the proposal:

Steven K. McGuire - also submitted correspondence for the record.

With no one else wishing to speak, the public hearing was closed at 6:15 p.m.

Ms. Weiss and Ms. Hubbell both addressed the PC and clarified some of the statements that were voiced by Mr. McGuire.

Commissioners' comments and questions:

1. Asked when an applicant begins the process, if they know up front whether the application goes before the Staff Hearing Officer (SHO) or the Planning Commission.
2. Requested an explanation regarding the condition of approval requiring a Litigation/Indemnification Agreement.
3. The program can be supported because it has built in checks and balances.
4. The public participation enhancements are excellent and concern has been shown as to who is notified and when.
5. Asked for clarification of the car washes proposed to be delegated to the SHO.
6. Stated there are two kinds of affordable housing, with rentals being less expensive housing.
7. Asked for clarification regarding the proposed Performance Standard Permits (PSP) for public works facilities and whether "by right" means a permitted use in the zone.
8. Questioned sending any private lift station to SHO that is similar in size to a five-car garage.
9. Asked for an explanation of additional dwelling units in single-family residential zones proposed via a PSP.

10. Asked whether additional dwelling unit Conditional Use Permits (CUP) have been processed in the past. Cannot remember seeing one during his time on the Commission. Is there a limit on the number of dwelling units involved?
11. Regarding the Tentative Subdivision Maps going to the SHO instead of the Planning Commission: Expressed concern about the ones proposed in commercial zones; developers might be encouraged to go to SHO instead of the Commission; and SHO process may be a good thing in residential but not in commercial zones.
12. Asked if design review would be required in all cases.
13. In regard to the 10% additions allowed with a coastal exclusion, asked if the additions are cumulative.
14. Likes that the SHO meetings will be televised.
15. Asked if the Planning Commission can appeal SHO decisions and if there will be different staff involved. Asked if there will be a cost associated with an appeal of a SHO decision and if it will apply to the Commission if they appeal the decision. Requested consideration for lengthening the appeal period beyond 10 days from the date of the hearing.
16. Asked if the liaison to the SHO will receive all of the staff reports before the hearing.
17. Asked Staff if they have a strategy for allowing the Commission to take more time with the larger projects now that time will be saved from delegation of the smaller projects to the SHO.
18. Asked Staff if they anticipate a noticeable improvement for the general public or is this more an improvement for staff.
19. Asked if the time of day and location for these meetings have been set.
20. Asked if Staff believed closing the loophole to allow conversion of recently permitted rental units to condominiums will discourage small rental or condominium projects.
21. Suggested applicants be required to declare their intention of whether the units will be rental or condominiums when beginning the process.

Mr. Vincent explained who is responsible and how the process works when a lawsuit on a project approval is filed against the City. He also noted that, as the appeal process is developed, he will review to assure that it is consistent with the standards of due process.

Ms. Ramirez explained that stand-alone car washes would go to the SHO. When proposed as part of gas stations, they would go to Planning Commission. She also stated that additions for Coastal Exclusions would be cumulative.

Mr. Kato responded about additional dwelling unit CUPs, and the benefits to the Commission to have the SHO take on some of their minor projects.

Ms. Weiss also addressed the additional dwelling units' issue, as well as outlining her position as the SHO. The SHO would establish a clear process with less judgment on referring projects to Planning Commission for review. SHO hearings are likely to be held on Wednesday afternoons by moving Sign Committee meetings to Wednesday mornings.

Commissioner Jostes asked to hear public comment.

Chair Maguire opened the public comment at 6:00 p.m., and the following person addressed the PC outlining his concerns:

Steve Maguire, Attorney, also submitted a letter for the record.

With no one else wishing to speak, the public comment was closed at 6:10 p.m.

Ms. Weiss commented on some of Mr. Maguire's comments and concerns about condominium conversion timing.

**MOTION: Jostes/Mahan**

**Assigned Resolution No. 026-05**

Recommended that City Council approve all the proposed changes outlined in the Planning Commission Staff Report, with the exception of Tentative Maps for 2-4 lots/units and limitations on conversions of recently permitted multi-family units to condominiums, performance standard permits for car washes, public works facilities of 1,000 square feet as permitted uses, and support of the appeal process with added recommendations. Section IV, V & VI accepted. Commissioner Mahan stated he cannot support Section IV.K, car washes and Section IV.M, public works facilities. Asked if there will be review over time, to see that it is working.

This motion carried by the following vote:

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

Chair Maguire announced this is a recommendation to the City Council.

Chair Maguire suggested an annual report on the SHO process until the Planning Commission determines it is no longer necessary. Would like assurance that the Commission is not going to be charged for making an appeal, and would like to see some guidelines put in place. Concerned about the 10-day appeal process; would like to see it addressed and maybe changed to 15 days. Suggested the Commission be informed electronically with action minutes as soon as possible after the SHO hearing, and the Planning Commission liaison should receive the entire packet. Posting on property (page 15) does not include Conditions of Approval and would like to make them available on the construction site. Does not feel we can go beyond the 10-day appeal period, and would like to discuss referring items to PC. Suggestion was to receive notice prior to the hearing.

**MOTION: Jostes/Mahan**

Recommended that City Council approve the recommended changes for Staff Hearing Officer review of Tentative Subdivision Maps for up to 4 lots/units with additional standard conditions of approval requiring a separate pedestrian connection to the sidewalk to the front door of each condominium unit for textured pavement to reduce expansive pavement, permeable paving for parking areas where feasible, and common useable open space. The Standard Conditions of Approval template shall be reviewed annually by the Planning Commission and the Staff Hearing Officer.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Maguire) Abstain: 0 Absent: 3 (Jacobs, Larson & White)

Chair Maguire stated that these projects already go through design review; however, his concern with the loss of reviewing these projects is with providing a direct pedestrian connection to the sidewalk, and with projects that are completely residential in the commercial zones downtown, causing loss of commercial square footage, and concerns with relationships between commercial and residential projects.

Commissioner Mahan stated, if staff could incorporate guidelines for the SHO, the Commission could approve this proposal. Chair Maguire stated he is comfortable with the proposal if the Commission is able, with public participation, to review the standard conditions of approval on an annual basis.

Commissioner Myers suggested having the first review of the Standard Conditions of Approval in the fall.

Chair Maguire suggested restricting SHO lot line adjustment review to those with no development potential.

**MOTION: Jostes/Mahan**

Recommended that City Council remove Performance Standard Permits for car washes in the C-2 zone from the list of recommendations and revise Public Works facilities that would be a permitted use subject to standards to 500 square feet maximum.

This motion carried by the following vote:

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

Commissioner Mahan had a concern regarding car washes. His main concern is traffic and those adjacent to residential zones, and feels they are big and complicated.

Commissioner Mahan feels a 1000 square feet threshold for public works facilities is too big, and is unwilling to support the motion without changing the maximum size.

Mr. Vincent stated the effects from these categories are nuisance effects. They will also have to meet design review standards.

Pat Saley, Consultant, addressed the PC and stated they chose the 1000 square feet as a standard but can change it to 500 feet.

Chair Maguire noted they neglected to address the conversion of multiple family into condos, and staff's proposal is five years and he cannot support that. He stated he will support if developers state their intention.

**MOTION: Jostes/Mahan**

Defer the amendments to limit the conversion of recently permitted or constructed multi-family rental projects to condominiums to a future discussion.

This motion carried by the following vote:

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

Mr. Vincent stated that his office will review all suggestions regarding the process for due process considerations to be sure they are not setting up something that will cause problems later.

**VIII. ADMINISTRATIVE AGENDA (ADDRESSED AT 2:57 P.M.)**

A. Committee and Liaison Reports.

Commissioner Jacobs spoke regarding the airport terminal process and announced Tuesday, April 12, 2005, in the Administrative Building is when the airport terminal redesign process starts. Commissioner Mahan also elaborated on the subject.

Commissioner Jacobs also commented on the Neighborhood Preservation Ordinance.

Chair Maguire reported on the Transportation and Circulation Meeting Group, the West Side Study Group, and 101 In Motion.

B. Review of the decisions of the Modification Hearing Officer in accordance with SBMC §28.92.026.

None were requested.

C. Action on the review and consideration of the items listed in I.B.2. of this Agenda.

I.B.2. Review and consideration of the following Planning Commission Resolutions and Minutes:

- a. Minutes of November 18, 2004
- b. Resolution No. 051-04  
816 Cacique Street
- c. Resolution No. 052-04  
1509 Knoll Circle Drive
- d. Resolution No. 053A-04  
1701 La Vista Del Oceano Drive
- e. Resolution No. 053B-04  
422-448 Santa Fe Lane
- f. Minutes of January 6, 2005
- g. Resolution No. 001-05  
1316 Bath Street

- h. Resolution No. 002-05  
624 Mulberry Avenue

**MOTION: Jostes/Mahan**

Approve the November 18, 2004 Minutes and related Resolutions.

This motion carried by the following vote:

Ayes: 3 Noes: 0 Abstain: 3 (Jacobs, Larson & Myers) Absent: 1 (White)

**MOTION: Jostes/Mahan**

Approve the January 6, 2005 Minutes and related Resolutions as corrected.

This motion carried by the following vote:

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

**IV. ADJOURNMENT**

Chair Maguire adjourned the meeting at 7:08 p.m.

Submitted by,

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Deana Rae McMillion, Admin/Clerical Supervisor for Liz N. Ruiz, Senior Recording Secretary