



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

April 28, 2005

CALL TO ORDER:

Chair Jonathan Maguire called the meeting to order at 3:05 p.m.

ROLL CALL:

Present:

Vice Chair John Jostes

Commissioners, Bill Mahan, George C. Myers and Harwood A. White, Jr.

Chair Jonathan Maguire

Absent:

Commissioners' Charmaine Jacobs and Stella Larson

STAFF PRESENT:

Jan Hubbell, Senior Planner

Renee Brooke, Associate Planner

Barbara Shelton, Environmental Analyst

Ann Marx, Wildland Fire Specialist

Stacey Wilson, Assistant Transportation 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.

Jan Hubbell, Senior Planner, announced there were none.

B. Announcements and appeals.

Chair Maguire announced that the City Council approved the Santa Barbara Cottage Hospital reconstruction project.

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

The public hearing was opened at 3:07 p.m., and with no one wishing to speak it was closed.

III. CONTINUED ITEM (CONTINUED ITEM FROM APRIL 14, 2005)

ACTUAL TIME: 3:07 P.M.

APPLICATION OF WYNMARK CO., AGENT FOR WYNPAC IV, LLC (PROPERTY OWNER), 1156 NORTH ONTARE ROAD, APN 055-160-028, A-1/SINGLE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE (MST2004-00196).

The project involves the division of a 14.77-acre (gross) parcel into nine lots, ranging in net size from 0.94 acre to 5.59 acres, for future residential development. Infrastructure improvements related to the subdivision are proposed, including a new public road, curb, gutter, public drainage system and utilities, private bioswale drainage feature, residential street lights, and fire hydrants. Although development of the newly created lots is not proposed at this time, development and building envelopes have been proposed for each lot. The proposed project requires the following discretionary applications:

1. A Conditional Use Permit to allow a Planned Residence Development (PRD) in the A-1 Zone (SBMC §28.94.030.G);
2. A Tentative Subdivision Map to allow the division of one parcel into nine lots (SBMC Chapter 27.07);
3. A Modification to allow the existing garage on proposed Lot 7 to encroach into the required 15-foot interior yard setback (SBMC §28.92.026);
4. A Modification to allow proposed Lot 5 to provide less than 100 feet of frontage on a public street (SBMC §28.15.080); and
5. A Modification to allow proposed Lot 6 to provide less than 100 feet of frontage on a public street (SBMC §28.15.080).

The Planning Commission will also consider approval of the Mitigated Negative Declaration prepared for the project (ENV2004-00196) pursuant to the California Environmental Quality Act Guidelines Section 15074.

Chair Maguire announced that Commissioner Jacobs would not be participating in this meeting in order to avoid the appearance of a conflict of interest.

Renee Brooke, Associate Planner, gave a presentation of the project.

Commissioners' comments and questions:

1. Questioned the validity of the Parcel Study map, as the Planned Residence Development requirements state that historical sites must be excluded from the area used to calculate the allowed density of the development. Feels we might have an obsolete map.
2. Asked if the stone entry columns would be reconstructed by re-using the exact same stone.

3. Questioned the use of cobra-head streetlights, which will be addressed by the Streetlight Subcommittee. Asked if, and when, the Subcommittee will meet.
4. Asked about the proposed Fire Safety Program, which is a good idea. Does the Fire Department play a role in this?
5. Stated that a Homeowners Association is not mentioned in the Conditions of Approval, and if it is not in the Conditions of Approval, how will they be able to require the Homeowners Association to do anything? Should we not have CC&Rs in this development, and can it be required that the homeowners work collectively?
6. Stated that the conditions of approval do not include a mechanism linking development of the individual lots, to conditions and the mitigation monitoring framework. Additional language in conditions A.1 and E.1 would make it clear. Also, can the exhibits become part of the Conditions of Approval, and will the public have access to them?
7. Stated that the CC&R's for a Homeowners Association become part of this project so homeowners understand what their rights are.
8. Commented that the way in which the condition is worded, future residential development of the individual lots shall comply with the County's guidelines for management of animal waste in place at the time of development. Does not understand what was said about keeping up with the standards of the day.
9. Following-up on trail easement, condition B.3. Asked when an offer to dedicate a trail is made, what happens to the offer? Is it the policy of the City to take those offers, and is there a time limit to accept the offer?
10. Stated that, in looking at the trail easement exhibit, part of the easement is located on property owned by the County.
11. Asked fellow commissioners to consider the County's guidelines for management of animal waste becoming a part of the condition packet as a reference, in that it is not too lengthy.
12. Asked for clarification of the vegetated swales on lots 8 and 9 that go down to the proposed bioswale. Would the bioswale flow in the direction of Ontare Road? Would that bioswale be sufficient in a 100-year flood situation? Also, is the geology such that it will not affect the ground below it?
13. Asked what prevents future landowners from compromising the function of the vegetated swales? Is there anything in the conditions that call attention to those swales being maintained in a functioning capacity?
14. Questioned the location of detention trenches proposed on the various lots, and asked where someone would put a structure. Feels some of the trenches will be placed where they might interfere with the location of a house. Will Public Works make this determination?
15. Asked when a property owner wants to put up a fence along their property lines, is there enough flexibility in the location of these vegetated swales in order that they do not interfere?
16. Questioned Mr. Peter Brown's statement that the slope density requirement does not apply to the Parcel Study map.
17. Asked if lot # 1 will have an increased setback from Ontare Road. The map is unclear.
18. Asked if there are sidewalks along the new road, and noted that proposed traffic calming devices are not shown on the map. Also, if there will be no formal designation of a public trail, will it be known as you walk up Ontare Road and see a path? Clarified that a condition will be added to include a small sign at the trail head.

19. Asked if you can control the public maps that exist, showing trails such as these? Applicant is asking for parking time restrictions on this road, and asked staff what they are proposing. Once there is a problem with trail users parking on the road, and parking restrictions are required, how costly and time consuming would this process be?
20. Requested copies of the PRD ordinance, as there are some inconsistencies that need to be clarified.
21. Commented that there would not be direct access to the Jesusita Trail from the subject property.
22. Stated good progress has been made with the trail issue as far as neighborhood concerns go. Shares the concern that if the trail was located within the County Flood Control easement, it would not extend to public land, and feels the adjacent property owner (Mr. Swiggum) has the potential of putting in a locked gate and blocking public access to the trail. Does not see access roads on the plan, and feels there is no real effort being made for shared driveways. Also, the eucalyptus trees on the northern property line should be removed if the neighborhood can tolerate it, as they are fire hazards.
23. Expressed less of a concern about the density and feels it is not a concern to neighbors either. Found many references to open space as it relates to public benefit in the PRD ordinance, which indicates to him open space for public use is important. Convinced this is the intent for a planned residential development. Believes the applicant could find a way to make the trail easement connect directly to the Jesusita Trail. Would like to see a 35-foot setback along Ontare Road, with no development, and conditions that there be rural landscaping. Feels a need for a discreet sign on the trail, and not just remove eucalyptus trees on the northern property line, but replace them. Has mixed feelings about shared driveways.
24. Asked that someone discuss the subterranean water flow. Asked where the water comes back to the surface, and how much water is being directed to the ground? Also asked about the status of the pepper trees along the southern property line.
25. Asked the meaning of a temporary easement?
26. Asked if the Applicant would agree to a temporary trail easement, if it can be done, and elimination of the second building envelope in the eastern portion of Lot 7.

Ann Marx, Wildland Fire Specialist, spoke about their Fire Safety Program.

Stacey Wilson, Assistant Transportation Planner, addressed the Planning Commission regarding the street design.

N. Scott Vincent, Assistant City Attorney, spoke in regard to Section D of the Conditions of Approval, where page 5 specifies that ABR will be looking at these conditions. Mr. Vincent stated he believes the Residential Parking Permit Program is administered by the transportation engineer; as he has the expertise to weigh all the factors, and would be able consider that decision in the future.

Ms. Brooke handed out the County's guidelines for management of animal wastes.

Bob Flowers, Flowers & Associates, Inc. discussed the conflict involved between shared driveways and the proposed drainage system.

Peter Brown, Attorney, responded to Mr. Vincent's comments.

Ms. Hubbell and Mr. Vincent addressed slope density. Mr. Vincent stated that the plain language of the statute does not include a reference to the slope density; it only refers to the base zoning density and with that plain language, the rules of statutory interpretation dictate that you don't add new language after the fact. The assumption is the legislative body, in this case the City Council, intended to use the very language they used without subtraction or addition.

Ms. Wilson, spoke about the trail and traffic calming devices.

The public hearing was opened at 4:18 p.m., and the following people spoke in favor of the project:

Alice Post Amspoker
Todd Amspoker
Stephen Amspoker
Daryl Abrams

The following people spoke in opposition to the proposed project:

Gretchen Mariani
Ted Mullen
Walter Krieg

With no one else wishing to speak, the public hearing was closed at 4:43 p.m.

Wes Barber, Flowers Architects, spoke about subterranean flows.

Barbara Shelton, Environmental Analyst, suggested Condition A.11 be modified so that the bioswales would avoid the trees for their protection.

Mr. Linehan said they are not willing to take on the trail and dedicate it to City of Santa Barbara. He feels they will still be liable, but understands that once the fence is removed there will be access, and he is agreeable to a temporary easement.

Ms. Hubbell addressed shared driveways and the Swiggum property in question.

Mr. Vincent suggested drafting an irrevocable offer of a dedication of an easement; that the portion of the easement that follows the current flood control easement for their purposes would be there; and that where it deviates from the flood control easement would be subject to an abandonment at the time the City acquires an easement across the Swiggum property. Ultimately, when the City takes the property, they take the responsibility as the property owner with respect to the use of that

property for public purposes, and it is up to the City to decide how to use the easement it has acquired.

MOTION: Mahan/Jostes

Assigned Resolution No. 032-05

Approve the mitigated negative declaration, public street modification, setback modification, conditional use permit, tentative map, making the required findings outlined in the staff report, and with changes to the conditions: that the applicant will grant a temporary easement of 10 feet wide; grant easement on the Flood Control District's service easement for access to the gate; eliminate the easternmost building envelope on Lot 7; augment the first sentence of Condition A.3 to read, "future development of individual lots is subject to the review and approval of the ABR and compliance with this mitigation monitoring program"; revise the last sentence of Condition E.3 regarding the mitigation monitoring program to add the words "apply to the proposed subdivision and subsequent development proposed on individual lots. It will include but not be limited to..."; add a requirement that bioswales be located to avoid pepper trees and root systems; require a small sign designating the trail head; include a recommendation to the ABR regarding shared driveways; revise Condition A.11 to read, "Drainage improvements...shall be installed and maintained consistent with ..."; add language to Condition A.1 regarding the pepper trees; replace the eucalyptus trees along the northern property line with sycamore or oak trees, as necessary.

Comments to the motion:

Commissioner White commented as to why he cannot support this project and does not feel it meets the intent of the PRD ordinance and should be more restrictive on the site layout, and include shared driveways. He noted he has a problem with the density but can live with that.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

None were given.

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

None were requested.

V. ADJOURNMENT

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Chair Maguire adjourned the meeting at 5:44 p.m. to a Special Joint Meeting with the Transportation and Circulation Committee to discuss General Plan Trends and Issues at 6:00 p.m. in the Gebhard Conference Room.

Submitted by,

Deana Rae McMillion for Liz N. Ruiz, Senior Recording Secretary