



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

July 14, 2005

CALL TO ORDER:

Chair Maguire called the meeting to order at 1:09 p.m.

ROLL CALL:

Present:

Chair Jonathan Maguire

Vice-Chair John Jostes

Commissioners, Charmaine Jacobs (arrived at 1:14 p.m.), Stella Larson, Bill Mahan (arrived at 4:09 p.m.), George C. Myers and Harwood A. White, Jr.

Absent:

None.

STAFF PRESENT:

Jan Hubbell, Senior Planner

Trish Allen, Associate Planner

Victoria Greene, Project Planner

Allison DeBusk, Associate Planner

Bettie Weiss, City Planner

Stacey Wilson, Assistant Transportation Planner

Jim Austin, Fire Inspector

Janaki Wilkinson, Fire Marshall

Mark Morando, Assistant Planner

Rob Dayton, Supervising 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.

None.

B. Announcements and appeals.

Ms. Hubbell announced the promotion of Renee Brooke to Project Planner, and the hiring of a new Associate Planner, Steve Foley.

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

Jim Kahan thanked the Planning Commission for their comments on Outer State Street last week.

III. CONSENT ITEMS:

ACTUAL TIME: 1:12 P.M.

APPLICATION OF ISAAC ROMERO, AGENT FOR WILLIAM COULTER & DOROTHY MATHISON (PROPERTY OWNERS), 357 CANON DRIVE, APN 053-152-003, E-2/SD-1/SD-2 SINGLE FAMILY RESIDENTIAL/SPECIAL DISTRICT ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS/ACRE (MST2004-00870)

The project consists of an amendment to conditions of the subdivision map (approved in 1981) to remove a condition that prohibits earthwork southerly of the 236' contour line. The condition was required due to geologic conditions (expansive soils and high erosion potential), protection of an existing oak tree, and the steepness of the slope. The project involves approximately 31 cubic yards of grading cut to extend the patio 12 feet into the hillside.

The discretionary applications required for this project are:

1. Parcel Map Amendment to allow site work south of the 236' contour line per SBMC §27.09; and
2. Amendment of the Planning Commission Resolution 041-81 to remove the conditions that prohibit earthwork south of the 236' contour line.

The Environmental Analyst has determined that the previous Mitigated Negative Declaration approved by the Planning Commission on July 21, 1981 (SB-43-81), together with the Addendum dated July 5, 2005, are adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA. Prior to an action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act Guidelines Sections 15074 and 15164.

MOTION: Jostes/Myers

To waive the staff report.

This motion carried by the following vote:

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

MOTION: White/Myers

Assigned Resolution No. 050-05

To approve the project, making the findings and with the conditions of approval outlined in the Staff Report.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

IV. CONTINUED ITEMS:

ACTUAL TIME: 1:14 P.M.

APPLICATION OF L&P CONSULTANTS, AGENT FOR GARY AND ELIESA BOLLINGER, 687 GROVE LANE, APN 057-263-018, E-3 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2002-00691)

The proposed project consists of a three-lot subdivision of a 38,891 square foot lot at 687 Grove Lane. The proposed parcels would be 22,316 square feet (Parcel A), 9,065 square feet (Parcel B) and 7,510 square feet (Parcel C). An existing residence, detached garage, pool and spa would remain on Parcel A. Parcels B and C are currently undeveloped and no development is proposed at this time. All three parcels would be accessed from the existing driveway.

The discretionary applications required for this project are:

1. Modification of the street frontage requirement for two of the newly created lots (SBMC §28.15.080);
2. Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC §22.60.300); and
3. Tentative Subdivision Map to allow the creation of three lots (SBMC §27.07.100).

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

Ms. Greene gave a brief overview of the project.

Brent Daniels, L&P Consultants and agent for the owners, addressed the Planning Commission.

The public hearing was opened at 1:16 p.m., and the following people addressed the Planning Commission in opposition to the project:

Rick Sawyer

Helen Dolan

With no one else wishing to speak, the public hearing was closed at 1:26 p.m.

Commissioners' comments and questions:

1. Commented about the overhead utility lines. Asked whether both effected neighbors; had agreed to undergrounding the utilities on their property.
2. Asked who is responsible for the fence on the back of Lot C.
3. Stated applicant has done a good job with story poles, and the well crafted use of the land. Feels both houses should end up at 1600 or 1700 square feet. Residence should be single story.
4. Echoed his fellow commissioner's comments. Suggested minimizing the size of the structure on Lot C and limiting it to one story. As the project stands now, the subdivision is supportable.
5. Asked if the driveway is going to be constructed as part of this project, or when the improvements to the lots are made.
6. Commented that the site is crowded; more supportive of two lots than three. However, the mitigating factor is that the applicant has volunteered to go through the Architectural Board of Review, which deals with issues like stepping back and mass, bulk, and scale. In general, favors the project.
7. Stated in the Neighborhood Preservation Ordinance, the garage space counts because that is the volume of the building. Feels these are pretty good sized houses squeezed into this small lot space; in particular, Lot C would overlook eight back yards, including Lots A and B, and it would also be very visible from Willow Glen. The requirement for a lot to front onto a street does have something to do with neighborhood consistency and density. Easily favors two lots, and would support it.
8. Stated support for the project with some minor changes related to differentiating the pavement along the driveway. Would like to see a connection to the entrances in all three parcels even the existing one. Also, a prohibition against further lot splits. Agrees that an additional setback from that property line together with a good design from ABR might address compatibility without setting a specific limit on house size.
9. Asked to hear from the applicant regarding lot sizes.
10. Asked applicant about the setback on Lot C.
11. Indicated support for the project if the applicant would agree to keeping the two houses the same size as the smaller designated size, and going to ABR. Asked for the applicant's feedback on this.
12. Asked the applicant if he would prefer a continuance or denial at this point.

Vice-Chair Jostes abstained from this item, due to his absence from last week's meeting.

Mr. Daniels spoke about the lot sizes and stated he feels they are consistent. In response to Commissioner White's questions, Mr. Daniels stated the Bollingers are not willing to go to 1700 square feet on the back parcel and would prefer to return with a two lot subdivision, and asked staff for direction.

Ms. Hubbell stated staff would prefer a denial without prejudice to allow the applicant to resubmit with a revised subdivision.

MOTION: White/Larson

Assigned Resolution No. 051-05

Deny the project without prejudice.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Myers, Maguire) Abstain: 1 (Jostes) Absent: 1 (Mahan)

Chair Maguire announced the ten calendar day appeal period.

V. NEW ITEMS

ACTUAL TIME: 1:51 P.M.

A. APPLICATION OF BRENT DANIELS, AGENT FOR JORGENSEN RANCH, LLC, 561 W. MOUNTAIN DRIVE, APN: 021-110-018, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE (MST2004-00206)

The proposed project involves the subdivision of an 8.8-acre lot into six residential lots. One lot would be designated as an affordable home site. Current development on the site includes a single-family residence, detached garage and shed.

As currently proposed, the discretionary applications required for this project would be: a Modification to provide less than the required lot area for the proposed affordable lot (SBMC §28.15.080); a Modification of the lot frontage requirement for each lot (SBMC §28.15.080); a Tentative Subdivision Map (TSM) to divide one lot into six residential lots (SBMC Title 27); Neighborhood Preservation Ordinance findings by the Planning Commission for a residential subdivision in the Hillside Design District (SBMC §22.68.040); Historic Landmarks Commission review and approval of the Phase 1 Archaeological Resources Report; and a Public Street Frontage Waiver (SBMC §22.60.300).

The purpose of the concept review is to allow the Planning Commission 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. 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.

Ms. DeBusk gave a brief overview of the project.

Brent Daniels, L&P Consultants and agent for the applicant, addressed the Planning Commission.

Craig Parker, Investec, gave a presentation of the project.

The public hearing was opened at 2:24 p.m., and the following people spoke in opposition to the project:

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William Makler

Anthony Mulac

Muriel Ridland (also read a letter from the Riviera Association Board)

Carlos Gutierrez-Jones

Christopher Wiedmann

Craig Christenson

Susan Christenson

Lisa Sands

Cody Campbell

John Warnock

Randall Wade

Mary Quittner

The following people spoke in favor of the project:

John Lason

Chuck Schlosser

With no one else wishing to speak, the public hearing was closed at 3:24 p.m.

Commissioners' Comments and Questions:

1. Asked Mr. Schlosser, representing Santa Barbara Foundation, to define the mechanics behind affordable housing and their organization. Also asked if a non-profit organization associated with the Foundation is the only candidate that would be eligible to move into this house, and if that candidate happened to leave the particular non profit they are working for and move on to another non profit that might not be associated with the Foundation – would that affect their tenancy/ownership of the house.
2. Asked applicant if Investec will build these houses, or will they sell the lots to individual builders?
3. Asked what the street waiver means and what is required.
4. Asked staff if the City has received previous development applications on this parcel.
5. Asked applicant why the building envelope for Lot 4 have such an odd shape.
6. Asked a follow-up to question about the waiver; are there any notes to the 1948 or 1949 Planning Commission hearing regarding the access road, and are there any minutes, maps, etc. regarding this project.
7. Asked if Fire turnarounds are posted and enforced for no parking.
8. Asked applicant if a gate will be proposed at the subdivision entrance?
9. Asked how Civil Code affects ability of one party to encumber another party's access easement.
10. Asked Fire staff if fire trucks, and other vehicles such as UPS, or trash trucks, are able to maneuver in a turnaround with an island.
11. Asked for clarification from Fire on how a parcel that is heavily vegetated and has no access is a better condition than one that would have ample access and structures with clearings around it.

12. Asked about access to the property at 565 Mountain Drive.
13. Stated this is a tough situation because many lots in the area are already developed to the same standard the applicant is proposing, but has a hard time with the street frontage waiver because of the public safety issue, and is reluctant about going forward with a private street for this project. Asked if there is lesser density that would work. Also stated that this is not necessarily the best location for an affordable housing unit. Finally, indicated that it would be difficult to make Neighborhood Preservation Ordinance findings regarding neighborhood compatibility; might be willing to consider a project with two-acre minimum lots.
14. Commented that the lack of street frontage compels special treatment and feels access to the site is problematic. Cannot support the proposal because of its density; two lots are supportable, but four lots are not. Slope density is important to protect, so cannot support the lot area modification. Feels the project just does not fit the area. Different site/different access would certainly help.
15. Noted concern with carving up the Hillside Design District and feels the hillside is fragile for environmental and public safety reasons. Stated support for keeping the 1940's adobe home as it is a keystone for design of other units. Appreciates applicant trying to work with neighbors, and feels there is going to be much discussion before something that will work is found here. Would like to see a public road providing access for the neighborhood. The trade off for this would be considerably less density, two maybe three units. A few points to keep in mind include that minimal grading is the goal. Consider green building standards (a two green star status) for new construction, no gates, no tennis courts, no excessive paving, etc. Do not see this as an affordable housing site.
16. Two Commissioners can support affordable housing here because part of the environment of Santa Barbara consist of is the richness of our non profits, and how they service our community, and it can't be denied. Any place they can find to put a significant different type of affordable housing for a different level of income that is satisfying our non profits should be supported. Sorry not to see greater support for it. However, cannot support lot area modifications to provide the unit. Density should be reduced by one unit.
17. Stated part of the Commission's charge is maintaining the neighborhood preservation ordinance. Supports a public road, properly inspected fire hydrants, and a much less dense proposal in terms of units on the property. Would like to see the retention of the Pittman adobe, and also preserving open space.
18. Expressed concern about the street frontage waiver because of access and circulation reasons. Lot splits are always easier to review and comment upon when they know what exactly is going to go on them.

Mr. Schlosser responded that, while first priority for occupancy of the affordable unit would be for Santa Barbara foundation-associated non-profit organizations, the Foundation would not preclude occupancy by other non-profits.

Mr. Parker stated that no decision had been made on whether Investec would build the market-rate units, but they would build the affordable unit.

Mr. Vincent stated that Municipal Code Section 22.60.300 requires any subdivision approved within the City shall provide either a public street frontage, or a private driveway serving no more

than two lots unless a waiver is approved by the Planning Commission. There are several findings that the Planning Commission needs to make before approving such a waiver. Many of those findings are related to issues that have been raised by both the applicants and the interested parties.

Ms. Hubbell indicated she was not aware of any previous proposal to subdivide this property.

Mr. Vincent could not provide definitive opinion as to the rights of the applicant to increase the burden on that easement. However, the easement is serving a parcel that has a potential build-out possibility, and he will evaluate whether or not that build-out possibility is anticipated in the potential use of that easement in the future.

Jim Austin, Fire Inspector, stated the island does meet their requirements. Access would be designed to meet fire requirements, and the Fire Code does not limit density; whatever is built up there would have to meet their requirements.

Janaki Wilkinson, Fire Marshall, clarified that it is an issue of evacuation and not an issue of fire management.

Mr. Daniels asked the Commission if they would support a waiver of the public street frontage if they bring back a less dense project.

Chair Maguire suggested a straw poll, and asked who would consider a frontage street waiver on a less dense project?

Ms. Hubbell clarified and asked if the Commission would support a public or private access if the density is reduced.

Four commissioners stated they would support a street frontage waiver if only two parcels were proposed. Two commissioners were not willing to say without knowing what the houses would look like.

One commissioner noted that this issue provides an incentive for the applicant to seriously sit down with the neighbors to determine if there is a solution acceptable to the neighbors and might be willing to consider one more parcel if the applicants have the neighbors on their side.

Ms. Hubbell stated there are two things they have to be clear on: 1) there will be more than two lots, total, off the private street if this project goes forward with the two-lot subdivision, and 2) there are two different sections of the Municipal Code; one that is in the zoning ordinance, which is the lot frontage modification, and one that is in the environmental policy title about public street frontage, and it's about how streets are constructed. Two sets of findings are involved.

Recessed at 4:08 p.m., and reconvened at 4:24 p.m.

ACTUAL TIME: 4:25 P.M.

B. APPLICATION OF BRIAN CEARNAL (ARCHITECT), AGENT FOR THE RAMELTO COMPANY (PROPERTY OWNER), 121 W. DE LA GUERRA STREET, APN: 037-082-002, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND RESIDENTIAL, 12 UNITS PER ACRE (MST2004-00774)

The proposed project involves construction of a mixed-use development containing 14 residential condominiums, 3 of which would be affordable to middle-income home buyers, and 3,310 square feet of commercial space. A total of 44 parking spaces would be provided in a semi-subterranean parking garage. Vehicular access would be provided via a two-way entry/exit from De la Guerra Street. The project site is a 22,500 square foot parcel located on West De la Guerra Street between Chapala and De la Vina Streets in downtown Santa Barbara. The existing 1,200 square foot office building and 65-car parking lot would be demolished.

The discretionary applications required for this project are:

1. A Modification of the lot area requirements to allow for three inclusionary housing (bonus density) units on a lot in the C-2 Zone (SBMC § 28.92.026.A.2);
2. A Modification to allow a portion of the required 10% open space area to be provided on the second level of the building (SBMC §28.92.026.A.2); and
3. A Tentative Subdivision Map (TSM) for a one lot subdivision with 13 residential condominiums and one commercial condominium (SBMC Chapters 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301, which allows for demolition of up to three commercial structures and 15332, which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects on the environment.

Ms. DeBusk gave a brief presentation of the project.

Brian Cearnal, Architect and agent for the applicants, gave a brief presentation of the project.

The public hearing was opened at 4:35 p.m., and a speaker slip from Eugene Landingin was read by Chair Maguire as he was no longer present. He stated on his slip that his family has lived on this block for over 60 years and he opposes the project.

With no one else wishing to speak, the public hearing was closed at 4:36 p.m.

Commissioners' comments and questions:

1. Appreciated that the applicant is providing additional parking for tenants. However, concerned about loss of parking for area employees. Would like to know if they have given

any consideration to what the impact of this is on the business community, neighborhood, etc.

2. Expressed concern about the semi-underground parking structure. Understands that protecting the pine tree is driving keeping the parking partially above grade. Asked if this is the only way this can go, or if they had to, could they drop the parking and keep the pine.
3. Asked if it was inconceivable to go underneath that commercial building for underground parking.
4. Asked if it is possible to make the parking spaces assigned to off-site tenants available to others when they are not being used by the tenants.
5. Explained why the partial underground parking structure is a really great solution. Stated support for the parking design and for the project as it has all of the factors desired in a downtown project.
6. Asked, since the tree has had such a role in the design; if anything is included in the conditions that would address what would happen if the tree dies.
7. Expressed concern about excessive parking, but agreed it is a great project.

Ms. Wilson spoke about the effect of removing parking spaces.

Ms. Hubbell stated there is a condition providing permits for the commuter lots for displaced parking tenants, and paying for those permits for a period of time, allowing them to adjust and make other arrangements.

Mr. Cearnal addressed the question from Commissioner White regarding the pine.

Thomas Luria, Applicant, commented that the off site parking is currently designated for 24 hours. The question is if you try to limit the hours, how do you monitor that?

MOTION: Mahan/Jostes

Assigned Resolution No. 052-05

To approve the project and make the findings for the open yard, lot area modification, tentative map, new condominium development with the conditions to state that in the event the tree dies it shall be replaced with another, and with corrections to the conditions.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

APPROXIMATE TIME: 5:01 P.M.

C. APPLICATION OF JAMES MAYO MACARI (ARCHITECT), AGENT FOR JOSEPH E. JOHNSTON III (PROPERTY OWNER), 2280 SANTIAGO ROAD, APN 019-072-003, A-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2004-00225)

The project proposes to increase the size of the recently approved 882 square foot detached

accessory building (which is beneath the 749 square foot garage) by an additional 393 net square feet. The detached building will be comprised of 1,275 square feet of accessory space and 749 square feet of garage space, for a total of 2,024 square feet, on a 2.79-acre lot located in the Hillside Design District. The proposal also includes an 840 square foot detached three-car carport, a swimming pool with a 189 square foot open pavilion, a 1,086 square foot trellis, and associated site walls. Construction of the project would increase total square footage of buildings on the site from 7,807 square feet to 9,040 square feet. The proposal requires 1,324 cubic yards of grading.

The discretionary applications required for this project are:

1. Modification to allow an accessory structure in the remaining front yard (SBMC §28.87.160.2);
2. Modification for an accessory building to have a total aggregate floor area in excess of 500 square feet (SBMC §28.87.160.3);
3. Modification for covered parking to have a total aggregate floor area in excess of 750 square feet (SBMC §28.87.160.4);
4. Neighborhood Preservation Ordinance Compliance to allow the floor area of all existing and proposed structures to exceed a cumulative total of 6,500 square feet on the subject property located in the Hillside Design District (SBMC §28.68.070.2); and
5. Neighborhood Preservation Ordinance Compliance to allow the amount of grading to exceed 500 cubic yards (cut and/or fill), excluding grading necessary for the building foundations for the main buildings, on the subject property located in the Hillside Design District (SBMC §28.68.070.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15303.

Mr. Morando gave a brief presentation of the project.

James Macari, Applicant and Architect of the project, addressed the Planning Commission.

With no one wishing to speak, the public hearing was opened and closed at 5:09 p.m.

Commissioners' comments and questions:

1. Asked for clarification regarding several elements of the project.
2. Stated support for the staff recommendation, including denial of the modification for the additional covered parking.
3. Stated one concern about the denial of covered parking in that it is providing a location for solar panels for the pool and can also support the covered parking.
4. Stated there is a lot of grading taking place to provide a very formal kind of yard space, and asked if there is a plan to reuse the soil that on the site. Stated support for the modifications because of the solar panels on the carport and because ABR has found it to be compatible with the site, and not invisibly intrusive to the neighborhood.

5. Stated concern about the vegetated area on the north of the development and below the accessory structure and wants to make sure that the owners will take care of the area to prevent wildfire danger, by creating defensible space, and make sure the oak trees are trimmed up as part of the conditions.
6. Stated no support for the covered parking, and feels the solar panels can be put on something else.

Mr. Macari clarified the Commissions' questions regarding the retaining walls.

MOTION: Jacobs/Mahan

Assigned Resolution No. 053-05

Make the findings for modifications 1, 2, 4, and 5; denying the modification for the excess of 750 square feet of covered parking, and include in the conditions of approval that the applicant will provide a defensible space on the north side for fire protection, and that ABR will also look at the placement of the solar panels.

Comments to the motion:

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

Recessed at 5:20 p.m., and reconvened at 5:28 p.m.

ACTUAL TIME: 5:28 P.M.

D. APPLICATION OF KEN MARSHALL, AGENT FOR REGENCY REALTY GROUP, INC., 3757-3771 STATE STREET, APNs: 051-040-046, 049, 052, 053, C-P RESTRICTED COMMERCIAL AND C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/OFFICES (MST2005-00156)

The subject project would be proposed on a combined 3.54-acre site located at the southwest corner of State Street and Hitchcock Way. The site is bordered by San Roque Creek to the south and Barger Canyon Creek to the west. The proposed project involves demolition of 58,325 square feet of commercial buildings and construction of four new one-story commercial/retail buildings totaling 69,581 square feet. The project also includes new surface and rooftop parking for 281 cars and grading and drainage improvements, creek habitat restoration and public improvements.

The purpose of the concept review is to allow the Planning Commission 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. 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. It is anticipated that, upon review and formal action on the application for the development proposal, the proposed project will require the following discretionary applications: a Development Plan for development in the C-P Zone; a Development

Plan for non-residential development from the minor and small addition categories; a Transfer of Existing Development Rights for Measure E purposes; a Modification to provide less than the required number of parking spaces; a Modification of the required front yard setback along State Street; a Modification of the required front yard setback along Hitchcock Way; Design Review by the Architectural Board of Review for nonresidential development; Historic Landmarks Commission review and approval of the Phase 1 Archaeological Resources Report; and a Lot Merger of three contiguous parcels.

Ms. Allen gave a brief presentation of the project.

Mr. Dayton talked about the traffic analysis.

Brian Cearnal, Applicant, introduced his staff and gave a presentation of the project.

Michael Besancon, President, Whole Foods Market, gave a brief presentation about his company.

Rachel Tierney, Project Biologist, spoke about the resources in the two creeks.

The public hearing opened at 6:12 p.m., and the following people spoke in opposition to the project:

Connie Hannah

Joe Guzzardi

Naomi Kovacs

Paul Hernadi

Dennis Sborg (Naomi Kovacs read his letter as Mr. Sborg had to leave the meeting)

The following person expressed her concerns regarding this project:

Mickey Flacks

Alex Pujo

With no one else wishing to speak, the public hearing was closed at 6:33 p.m.

Commissioners' comments and questions:

1. Asked why the rooftop parking did not continue over the Circuit City roof.
2. Asked staff for clarification regarding trip generation and net zero.
3. Asked if there is a change in Circuit City's operations that warrant the proposed reduction in square footage. The traffic study indicates a reduction in trips; perhaps the number of trips should remain the same or increase.
4. Asked if there have been studies of other Whole Food locations that may have similar traffic patterns to this project.
5. Stated concern about the westbound trips along State Street: the potential increase of left turns onto Hitchcock Way and conflicts with bicyclists.

6. Asked if the traffic analysis considered the variety of services (i.e., deli) available in a Whole Foods market.
7. Asked the biologist's opinion on installation of a bridge across either creek at any point, and the potential for biological impacts.
8. Asked if the project proposes a CDS storm drain system to enhance the cleansing ability of the run off from the site.
9. Requested additional detail regarding employment generation and operations.
10. Requested that traffic analysis be based on observed, as opposed to theoretical, numbers. Credible analysis is most important for the public and the Commission.
11. Consider restudy of the sewer easement issue in order to site the building further away from the creek.
12. Consider Circuit City at the corner of State and Hitchcock in order to provide more flexibility for siting of Whole Foods.
13. Asked biologist if the eucalyptus and the creek are a butterfly habitat.
14. Asked applicant about the most viable location for housing if it were included.
15. Asked staff if the City has any plans for some additional street cut throughs in this area to help relieve traffic.
16. Consider providing several traffic analysis methodologies to include averaging and other new Whole Foods store locations as a basis for comparison with the existing traffic analysis approach.
17. Asked if the project includes a creek restoration study.
18. Asked if staff looks at footprint intensity in evaluating a big project like this. Asked if housing were incorporated into this project what the traffic and parking impact would be.
19. Asked since Circuit City is opposed to rooftop parking; is there any possibility of proposing solar panels for the rooftop.
20. Asked why underground parking like Ralph's has not been proposed.
21. Asked if the trip generation analysis includes ADT rates for each land use, and clarification if that the rate is an average.
22. Asked if a traffic range could be provided in addition to the average rate.

Erwin Bucy, Regency Centers, addressed the questions regarding Circuit City.

Commissioner Jostes left at 7:37 p.m.

Mr. Dayton answered the Commission's questions regarding numbers on land use and primary trips (traffic study). He also addressed any possible studies as well as if housing were incorporated into this project what the traffic impact would be.

Ms. Tierney addressed the creeks permitting process and indicated that the creeks and eucalyptus are not a butterfly habitat.

Ms. Hubbell went on to clarify more about the permitting process.

Mr. Cearnal and Mr. Besancon answered the questions regarding the drainage and employment.

Mr. Cearnal stated that the best place for housing would be facing west on the side of the creek that is going to be the most enhanced.

Ms. Johnson addressed the sewer system.

Steve Wang, Penfield and Smith, further elaborated on the sewer system.

Mr. Dayton addressed traffic parking studies.

Ms. Hubbell stated that most of these studies are done with peak hours in mind. She also noted that more information is needed before they can determine if an EIR will be needed, and as for the creek restoration study, it will be provided if requested.

Commissioners' comments:

1. Stated support for redevelopment of the site including the commitment to green building techniques. Would like to have the applicant study the following: a shuttle to serve Upper State Street, underground parking, pedestrian/bicycle links from the site to Hope Avenue and to YMCA across the creeks, additional setbacks from State Street, a lot less surface parking, provide additional open space in a couple of ways (focusing on the creek and/or creating a patio/open space similar to downtown Ralph's), and inviting sidewalks, and appropriate creek restoration with less hardscape.
2. Project has the opportunity to set a positive precedent for Outer State Street. Needs to be re-oriented from the automobile to pedestrians. Draw people to the creek confluence to see a rejuvenated creek. Provide more information on why the buildings are the sizes that are proposed.
3. Need to promote a vision for Outer State Street that is much more pedestrian friendly. Area between buildings along State Street needs to be a pocket park with fountain, pergola, seating, etc.
4. Stated concern regarding the light pollution from the proposed rooftop parking. Encourage underground parking instead.
5. Positive comments about the overall reduction in curb cuts.
6. Provide further study of solutions regarding the sewer line location.
7. Creek needs to be further protected. Pull further back from creek. Consider replacing eucalyptus trees over time. Creek should become a public open space. Work with YMCA to improve their side of the creek.
8. Incorporate housing into the project; one commissioner stated housing would not be expected to be affordable.
9. Stated that the traffic issues require more scrutiny, as a result of the project, but also comprehensively in the Outer State Street area. Would like a range of traffic generation analyses provided, rather than just average rates. Concerned that traffic analysis shows reduction in trip generation for Circuit City, based on small decrease in square footage, but applicant states that it will have a more efficient layout.
10. One commissioner stated support for the front yard setback modification requests on both State Street and Hitchcock Way, as this would bring the buildings closer to the street.

Others stated willingness to consider some setback modification, but not as much as presently proposed.

Ms. Hubbell addressed Mr. Cearnal's request by giving a little history on guidelines.

Mr. Cearnal asked for clarification on setback modifications, and asked if a straw vote can be taken. He also stated that it seems like they can't have project here with this amount of stores without an access from State Street. He cannot take all access from Hitchcock and he just wants to be sure that it is understood they are going to have to have a curb cut on State Street for access. Lastly, requested the Commission to provide direction on how many residential units they would recommend.

VI. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Jacobs reported on the Neighborhood Preservation Ordinance Steering Committee and the Airport Terminal Design Committee.

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

None.

VII. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. to a Special Joint Meeting with the City Council, Transportation Circulation Committee, Metropolitan Transit District, and the Downtown Parking Committee at 3:00 p.m. at the Cabrillo Pavilion Arts Center, 1118 E. Cabrillo Boulevard on Wednesday, July 20, 2005.

Submitted by,

Deana Rae McMillion, Admin/Clerical Supervisor for Liz N. Ruiz, Planning Commission Secretary