



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

August 25, 2005

### **CALL TO ORDER:**

The meeting was called to order at 1:07 p.m.

### **ROLL CALL:**

#### **Present:**

Chair Jonathan Maguire

Vice-Chair John Jostes

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

#### **Absent:**

Commissioners' Stella Larson and Harwood A. White, Jr.

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Adam Nares, Planning Technician II

Liz Limón, Project Planner

Michael Berman, Environmental Analyst

Karl Treibeg, Waterfront Facilities Manager

Allison Biskner, Natural Areas Planner

Nancy Rapp, Acting Parks & Recreation Director

Trish Allen, Associate Planner

Tully Clifford, Supervising Transportation Engineer

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.

Ms. Hubbell stated 202 State Street is being continued to September 22, 2005.

B. Announcements and appeals.

Ms. Hubbell announced Renee Brooke, Associate Planner, has been promoted to Project Planner. She also stated the 2530 Mesa School Lane appeal was upheld by the City Council with additional conditions establishing a development building envelope.

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

None.

### **III. DISCUSSION ITEM:**

**ACTUAL TIME: 1:09 P.M.**

#### **SEMI-ANNUAL MEASURE E UPDATE**

Planning Staff will present a bi-annual update for 2005 on Charter Section 1508 (Measure E), including status on the use of square footage in the various categories and residential development.

Mr. Nares gave a brief presentation of the bi-annual update.

With no one wishing to speak, the public hearing was opened and closed at 1:19 p.m.

Commissioners' comments and questions:

1. Asked to include a map of commercial development (similar to the one showing residential development), including the airport, in the next Measure E update.
2. Asked why the number is zero in the bar maps outlining affordable units. Thanked staff for the charts as they are very good and helpful.
3. Asked for clarification on the number of units demolished.

Ms. Hubbell noted that the units demolished in the residential zones tend to be for a variety of reasons such as: projects that also resulted in a net increase in residential units that would then be part of the multi-family projects or single family projects; or also could have been condemned buildings that were demolished by notice for lack of structural integrity, or demolished for future development.

Ms. Limon stated the reason for tracking demolished units went back to 1995 when the Planning Commission and City Council were concerned after the City removed the residential replacement requirements in and around downtown. They were concerned that housing stock would be lost that would be converted to commercial. Since then, both have been tracked, but she feels it is worth taking a closer look and tracking for next time why units were lost, and not rebuilt.

### **IV. NEW ITEMS:**

**CONTINUED TO SEPTEMBER 22, 2005**

**A. APPLICATION OF BRIAN CEARNAL (ARCHITECT), AGENT FOR HOWE PROPERTIES, 202 STATE STREET, APN: 033-051-018, HRC-2/S-D-3 HOTEL AND RELATED COMMERCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II (MST2003-00890) (CDP2005-00006)**

The proposed project consists of a 900 square foot addition to an existing 3,450 square foot restaurant (Paoli's) located in a mixed-use building at the northeasterly corner of State and Yanonali Streets. The project also includes reconfiguring the parking lot (1 net new stall), constructing a new trash enclosure and terminating the existing easement agreement for shared parking and access with the adjacent parcel. The discretionary applications required for this project are:

1. A Modification to reduce the required front yard setback (SBMC§28.22.060) and
2. A Coastal Development Permit for development in the non-appealable 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 Guidelines Section 15301, Existing Facilities.

**ACTUAL TIME: 1:28 P.M.**

**B. APPLICATION OF KARL TREIBERG, AGENT FOR CITY OF SANTA BARBARA WATERFRONT DEPARTMENT (PROPERTY OWNER), 309 SHORELINE DRIVE, APNs: 045-250-011, -012, 033-120-018, 033-120-015, -016,-018, -022, 017-112-001, 017-191-003, 017-271-001, 117-312-003, 017-353-001, 017-383-001, 017-191-004, 045-240-004, ZONES: HARBOR COMMERCIAL/PARK AND RECREATION/COASTAL OVERLAY, GENERAL PLAN DESIGNATION: HARBOR/BEACH/OPEN SPACE (MST2005-00167/CDP2005-0004)**

The proposed project involves reauthorization of maintenance dredging of the non Federal Channel portions of the harbor area, and grading and grooming the sand to achieve predetermined contours on the beach from Santa Barbara Point to the Clark Estate. The project includes an enlarged berm at the mouth of Mission Creek designed to preclude Mission Creek from flowing into the Wharf. Beach grooming would be conducted to remove debris above the wrack line from the beach. The discretionary application required for this project is a Coastal Development Permit (SBMC § 28.45.009.6.p).

An Addendum to the approved Final Mitigated Negative Declaration was prepared. No new significant impacts were identified or mitigation measures required. The Planning Commission will consider approval of the Addendum to the Final Mitigated Negative Declaration for the project (MST99-00329) pursuant to the California Environmental Quality Act Guidelines Section 15073.5.

Mr. Berman gave a brief overview of the project.

Mr. Treiberg addressed the Planning Commission.

Ms. Biskner addressed the Planning Commission regarding beach grooming components.

The public hearing was opened at 1:49 p.m., and the following people spoke in support of the project:

Michael Anderson, Director of the Junior Lifeguard Program  
James Hurley, Price Postal & Parma, representing the Clark Estate  
John Douglas, Resident Manager for the Clark Estate

The public hearing closed at 1:57 p.m.

Mr. Berman stated the odor from the material involved in dredging is usually temporary, localized, and is not hazardous in any way.

Commissioners had the following comments and questions:

1. Asked what are acceptable water quality standards for metals and other soil contaminants. In the future, the chart should be expanded to include the standards, as well as the actual measurements. Would like to know how close or far are the City is to what is acceptable.
2. Asked why the City does not continue beach grooming to the easterly City limits.
3. Asked if cost for beach grooming is shared between the Waterfront and Parks and Recreation Departments.
4. Asked, with regard to quality of harbor sediment, if the last test on sediments was done in 2003.
5. Asked if dredging the harbor would be done over the wall and how will it be accomplished.
6. Asked where dredging would be done and if there is a less expensive way of doing it.
7. Ask what "cooperative" means in the cooperative relationship the City has with the Clark Estate.
8. Asked, with regard to improvements on mooring, who cleans up the boats that wash up on shore at "fool's harbor". Is it part of Parks and Recreation Department's grooming activity?
9. Asked Staff to clarify the grooming schedule.
10. Asked if these are new areas for grooming (east of Sycamore Creek), and are there any other enhancements to the grooming portion of the project that are being undertaken.
11. Asked to see a picture of Leadbetter Beach and if seasonal berm that sits in front of yacht club is affected by this project.
12. Asked if the lagoon or pool of water that forms at Leadbetter Beach is corrected by anything in the project.
13. Agreed that extending the permit from 5 to 10 years is a good idea, based on the abundance of information presented and the proven track record of cooperation between departments.

Mr. Treiberg stated that typically a sampling and analysis plan is prepared for any dredging project for material that is dredged and discharged in a given area. The chemical analysis focuses on heavy metals, pesticides and hydrocarbons. State and Federal limits determine what is contaminated or hazardous; however, unless you specifically ask, reports from geotechnical consultants will only let you know that you are meeting the standards.

Mr. Treiberg stated, with regard to “fool’s anchorage”, when boats wash ashore, it is the responsibility of the Parks and Recreation Department, but that the Waterfront and Parks and Recreation Departments work cooperatively to clean up boats that wash up on shore.

Ms. Biskner stated that it is funding that determines the limits of maintenance provided for beachfront grooming. The grooming portion of maintenance is handled by the Parks and Recreation Department. Dredging is handled by the Waterfront Department.

Ms. Rapp, Parks and Recreation Director, informed the Planning Commission that, when there are issues of mutual concern, they try to meet with the neighbors and work things out as is done with the Clark Estate.

Ms. Hubbell stated the mooring program was before the Planning Commission earlier this year, and that many of the anchorages that are there now are not well designed or well maintained. It is the expectation that the program will standardize moorings and provide for a much stronger anchorage resulting in far fewer boats hitting the beach.

Ms. Biskner went over the grooming schedule; areas, days, and time of day, and stated most of the grooming is done manually in that area.

Mr. Berman clarified provisions and refinements to the permit.

**MOTION: Jostes/Jacobs**

**Assigned Resolution No. 058-05**

Adopt the addendum and mitigated negative declaration, and recommend that the California Coastal Commission approve the sediment management plan for ten years, subject to the Conditions of approval outlined in the staff report.

This motion carried by the following vote:

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

Chair Maguire announced that this decision is appealable to the City Council within ten calendar days.

Recessed at 2:20 p.m., and reconvened at 3:20 p.m.

**V. ENVIRONMENTAL HEARING:**

**APPROXIMATE TIME: 3:20 P.M.**

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT DRAFT MITIGATED  
NEGATIVE DECLARATION – MST2002-00710**

A Draft Mitigated Negative Declaration has been prepared for the following project, pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

**PROJECT LOCATION: 210 MEIGS ROAD**

**PROJECT DESCRIPTION:** The project consists of a one lot subdivision with ten condominium units, 8 of which are market and 2 affordable at middle income. The units are composed of two and three bedrooms and range in size from 1,080 to 2,409 square feet. Each unit would have a two-car garage and three guest parking spaces would be provided on site. The project proposes 3,830 cubic yards of cut and 10 cubic yards of fill outside the main building footprint. Grading under the main building footprints would be balanced on site involving 1,082 cubic yards.

The project includes the removal of approximately 57 existing 4 to 42 inch trees, composed primarily of Eucalyptus and other non-natives and the installation of 63 new trees, 43 of which would be 24" box trees.

A zone change from E-3/S-D-3 to R-2/S-D-3 is requested. A change in the existing General Plan designation from Major Public and Institutional to Residential, 12 units per acre, and removal of a Proposed Park designation would also be necessary, as well as a Local Coastal Plan (LCP) Amendment because the General Plan Amendment would affect a parcel in the Coastal Zone.

To avoid the appearance of a conflict of interest, Vice-Chair Jostes stepped down from hearing this item.

Ms. Allen briefly reviewed the steps of the draft mitigated negative declaration and CEQA process, and gave a brief overview of the project.

Amy Graham, Tynan Group, gave a brief presentation of the project.

Pete Ehlen, Architect, addressed the Planning Commission; described the various reviews with the Architectural Board of Review, and gave a presentation of the project.

The public hearing was opened at 3:45 p.m., and the following people commented on the Draft Mitigated Negative Declaration:

David Hetynk, Santa Barbara School District's Director of Facilities and Operations, noted there are several portable classrooms and a school play area next to the site and expressed concerns about noise from construction activities. He suggested limiting grading activities to non-school hours. Concern was expressed over the safety and privacy of students. In regard to long-term use concerns, suggested a deed restriction that clearly states that there is an existing school adjacent to the project and typical school activities take place, as well as the school district's future construction projects, such as library plans for its site.

Commissioners had the following comments and questions for Mr. Hetynk:

1. Asked if this school has operations all year round.

2. Asked if it would be acceptable if grading took place during the summer break.
3. Asked about the policy of the school regarding neighborhood use of the school property.

Mr. Hetyonk responded to the commissioner's questions, and also said that dogs are not allowed on campus.

Laurel Perez, Washington School parent, commented that, in the air quality section the school should be included as a sensitive receptor. Suggested Project Environmental Coordinator, or someone from contractor's team, coordinate with school regarding construction activities with assemblies, testing, and special school activities to avoid noise impacts. Advocated for use of occasional night work to schedule noisy construction activities. Requested long term compatibility of land use be addressed as part of the staff report. Future residents need to be notified of the school's presence.

With no one else wishing to speak, the public hearing was closed at 3:57 p.m.

Commissioners had the following questions:

1. Asked if there was ever any consideration to two entrances, one off of Meigs Road and one off of Lighthouse Road.
2. Asked if the proposed median is intended to prevent a left hand turns onto Meigs Road.
3. Asked if there is any consideration to extending the sidewalk to the south east where it terminates at the school property frontage.
4. Asked for confirmation on total of three guest parking spaces for the whole project.
5. Asked for clarification in DND that currently reads raptor breeding season is Feb 1 and Aug 15 and asked for correction if it is meant to be period in between. Pointed out that scheduling would need to consider raptor breeding and school calendar when grading is scheduled to take place.
6. Asked if school has a one month break at Christmas time.
7. Asked what rules apply to schools for developing at school sites, such as setbacks and permit procedures.
8. Asked that the boundaries of the school property be outlined.
9. Asked about the future location of the school's library being proposed and to please point out area.
10. Stated it would be good to have the school plan in the environmental document.
11. Asked if the portable classrooms have solid walls facing proposed project site. Suggested pictures of the modular classrooms be included in the document.
12. Asked if height of wall, that is 8 feet applicant side/4 feet school side, is at established maximum or could school side be higher and thus higher on applicant side.
13. Asked if section on safety could include discussion on whether 4 feet is adequate to protect children.
14. Asked about fire access to modular classrooms.
15. Asked if easement is considered on project site to provide access to school site.
16. Asked if gate going into bottom of school yard at lower slope could be used for egress to modular units.

17. Asked if there is anything in writing for using project site for access if school buildings catch on fire.
18. Asked if possible for trees to be cleared in January and grading to occur in summertime to consider raptor nesting schedule.

Mr. Tully Clifford, Supervising Transportation Engineer, addressed the Planning Commission regarding the design of the proposed median.

Mr. Hetyonk also clarified that, at best, Christmas break would be three weeks. Will check on set backs.

Ms. Hubbell stated normally the City does not have jurisdiction over schools; however, since Washington School is located in the Coastal Zone, a City Coastal Development Permit is required to do any new construction on the school site; adequate setbacks would be encouraged.

During the discussion, the Commissioners either individually or collectively made the following comments with respect to the Draft Mitigated Negative Declaration:

1. Consider and evaluate further extending the sidewalk to the south (fronting the Washington School playfield) because of the amount of pedestrian activity in this area.
2. Explore flexible construction days and hours to minimize noise duration, considering the limited residential activity nearby.
3. Verify that the left hand turn from the project site is safe.
4. Design the right hand turn from the project site with adequate space for a safe transition with the bike lane.
5. Consider a pedestrian connection from the project site to Lighthouse Road, if feasible.
6. Requested more informed detail on sidewalk infill program criteria with respect to proximity to schools and this project. Possibly 4-5 criteria involved and provision of sidewalk proposed possibly receive higher priority in the system.
7. Feels that extending the sidewalk does not resolve pedestrian access between Mesa Park and Shoreline Drive. Current situation across the street parallels discussed situation with regard to pedestrian sidewalk access. Notes that a big Eucalyptus tree blocks the sidewalk on the south side and prevents pedestrian traffic from being able to easily access Mesa Park from Shoreline Drive. This situation impacts proposed project pedestrian walkway.

Ms. Graham addressed the issue of the sidewalk.

Ms. Hubbell stated that, by the project extending the sidewalk from the northern end of property to the existing condominiums, the gap is reduced and it moves the remaining piece to the southeast up the priority list for the sidewalk infill program because less construction would need to be done and the sidewalk would be used more.

Ms. Hubbell informed the Planning Commission that the Transportation and Circulation Committee will be meeting tonight to give information on the criteria for the sidewalk infill program.

**VI. ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

Commissioner Mahan reported on 101 Bridge and Design Review, and Airport Terminal Design Sub-committee.

Commissioner Myers reported on the bi-monthly Enhanced Transit Ad Hoc Sub Committee.

Chair Maguire stated he would have to step down from the Enhanced Transit Ad Hoc Sub Committee, due to not being able to attend meetings, and someone else will have to be appointed.

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 4:37 p.m.

Submitted by,

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