



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 3, 2005

CALL TO ORDER:

Chair Jonathan Maguire called the meeting to order at 1:15 p.m.

ROLL CALL:

Present:

Chair Jonathan Maguire

Vice-Chair John Jostes

Commissioners Charmaine Jacobs, Stella Larson, Bill Mahan, George C. Myers and Harwood A. White, Jr.

Absent:

None

STAFF PRESENT:

Jan Hubbell, Senior Planner

Steve Foley, Associate Planner

Trish Allen, Associate Planner

Chelsey Swanson, Assistant Planner

Kathleen Kennedy, Assistant Planner

N. Scott Vincent, Assistant City Attorney

Sherrell Bortman, 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 that Mark Taylor is retiring today, November 3, 2005. Jim Buster, Building Inspector/Plan Check Supervisor, has a retirement party November 10, 2005. Marianne Ruiz, Zoning Enforcement Officer, has her retirement party November 16, 2005.

Ms. Hubbell also announced that 210 Meigs Rd. has been appealed to Dec. 20. Commissioner Jacobs will represent the Planning Commission for the prevailing side; Mr. White will represent the dissenting side.

Ms. Hubbell stated that 415 Alan Road and 23 Wade Court will be appealed on December 13th. Commissioner Jostes will represent the Planning Commission for the prevailing side; Mr. Myers will represent dissenting side.

Ms. Hubbell clarified that the 1905 Cliff appeal will be heard on Nov. 15th and Commissioner Mahan will represent the Planning Commission.

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

Mr. Jim Kahan, representing ALLIED/GLANA, submitted a letter, in which he shared concerns about how the Planning Commission handles CEQA and Concept Review issues. He also suggested that agendas be put out two weeks in advance of the PC meeting to allow the public to submit their comments to the Commission for review.

III. CONSENT ITEMS:

ACTUAL TIME: 1:30 P.M.

A. APPLICATION OF STEVE WELTON, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, INC., AGENT FOR JULIE & JOHNNY CHANG (PROPERTY OWNERS), 309 LADERA STREET, 037-221-002, R-4, MULTIPLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2004-00805)

The proposed project involves a request to convert four existing apartment units to four residential condominiums. The existing units include one, two-bedroom unit and three, three-bedroom units. Each unit includes an attached two car garage. The existing 11,406 square foot, three story building was approved in 2000 and received a certificate of occupancy in 2004. The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision for the conversion of four (4) residential units into condominium units (SBMC§27.07); and
2. Condominium Conversion Permit to convert four (4) residential units to four (4) 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 (conversion of small structures).

Case Planner: Trish Allen, Associate Planner

Email: tallen@santabarbaraca.gov

Ms. Hubbell requested that the staff report be waived.

MOTION: Mahan/Myers

Waive the Staff Report at Staff's request.

This motion carried by the following vote:

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

Trish Allen, Associate Planner, made brief comments on the project.

Chairman Maguire opened the public hearing and, with no one wishing to speak, public hearing closed at 1:30 P.M.

Commissioners' questions and comments:

1. Asked if there is a cobra head street light that may be in need of public improvement.
2. Asked for stronger language regarding condo conversion and tenant's notification.
3. Requested that drainage and minor grading improvements be included in the Conditions of Approval.
4. Does not like the site design and therefore cannot support the project.

Ms. Hubbell stated that there are special cases addressing tenants in conversions, but these do not apply to this project. Mr. Vincent explained that the Subdivision Map Act contains provisions for tenants, as does the Conversion Ordinance for the City that allows for tenants to leave early if they wish

Steve Wetton, agent for applicant, responded that all tenants occupying the units before the condominium conversion application was filed had moved out. New tenants were informed of the condominium conversion and hold leases through end of June.

MOTION: Mahan/Jostes

Approve the project and make the findings for the tentative map in the condominium conversion with the addition of the cobra head maintenance and the drainage.

Motion failed after discussion gave way to an amended motion.

Mr. Jostes withdrew his second to the revised motion.

AMENDED MOTION: Mahan/ White

Assigned Resolution No. 066-05

Approve the project and make the findings for the tentative map in the condominium conversion with the addition of the cobra head replacement, the drainage, and pedestrian pavement to be constructed from the driveway to the front door as approved by ABR.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

IV. NEW ITEMS

ACTUAL TIME: 1:47 P.M.

A. APPLICATION OF DAVID SULLIVAN, ON DESIGN LLC, AGENT FOR PROPERTY OWNER, CFJ PARTNERS LLC, 826 BATH STREET, APN 037-041-022, R-3/ R-4: LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS/ACRE (MST2004-00747)

The project consists of creating five new condominium units on a 12,318 square foot lot in the R-3/ R-4 Zones. An existing 1,280 square foot single-family residence would be converted to a two-story three-unit triplex resulting in a 1,618 square foot three-bedroom unit, and two one-bedroom units totaling 650 square feet and 690 square feet. In addition, an existing 1,508 square foot two-story duplex would be demolished and a new two-story duplex containing one three-bedroom unit (1,308 square feet) and one two-bedroom unit (1,175 square feet) would be constructed. A total of eight parking spaces would be provided within three two-car garages and two one-car garages and a Modification to allow fewer than the required nine parking spaces is proposed.

The discretionary applications required for this project are:

1. A Modification of the parking requirement to allow fewer than the required number of parking spaces (SBMC §28.90); and
2. A Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units (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 Act Guidelines Section 15303 (new construction of small structures).

Chelsey Swanson, Assistant Planner, gave a brief overview of the project.

Dave Sullivan, Project Manager and Justin Van Mullem, Architect, of On Design Architects,

made a brief presentation of the project.

Mr. Van Mullen, made comments supporting the preservation of the streetscape of neighborhood.

Chairman Maguire opened the public hearing at 1:59 P.M.

The following person spoke in opposition to the project:

Bill Wagner.

With no one else wishing to speak, public hearing closed at 2:00 P.M.

Commissioners' questions and comments:

1. Asked if ABR sent out notices noticed for this project.
2. Asked applicant what floor-to-floor dimensions are proposed.
3. Asked if large windows were broken up.
4. Asked if consideration was given to where plaque would be moved.
5. Asked that street lights be in Conditions of Approval.
6. Commented on design changes in project since it started and project reduction in response to ABR comments.
7. Concerned with layout of master bedroom in proximity to garage.
8. Consensus of commissioners expressed appreciation for the preservation of the front yard and front house.
9. Consensus of commissioners did not support gate; preferred landscaping.
10. Feel project is a little big, but is mitigated by protection of streetscape.
11. Concerned about noticing, but supportive of the project.
12. Appreciated work with ABR, limiting density and maintaining neighborhood streetscape.
13. Suggested privacy issues be deferred to ABR.
14. Asked if there is a landscape plan and for clarification of pedestrian walkway. Would like to see a standard condition of approval applied to the project so that when it goes back to ABR, they can look at pedestrian circulation.
15. Asked if condominium projects are subject to accessibility requirements. Requested that notification of new law be added as a condition of approval

Ms. Swanson stated the project was noticed at the Architectural Board of Review.

Mr. Van Mullem stated the floor to floor height is 10 feet to 10 feet, six inches. He also stated the windows have broken lights. The plaque will be relocated adjacent to the private sidewalk. Additionally, he outlined design changes in response to ABR comments.

Ms. Hubbell stated that Staff doesn't usually support gates in general as they are separators in the community. Also, stated that new Title 24 energy regulations make it difficult to do "broken light" designs.

Ms. Hubbell responded that if it is a differentiated pedestrian parkway/access way, then accessibility regulations would require it to be raised or separated. Ms. Hubbell and Ms Wilson suggested coming up with language creating a pedestrian-friendly ambiance in the driveway areas, without being designated as a pedestrian path of travel.

Ms. Hubbell stated that accessibility requirements have been in effect for several years with the latest change taking place on July 1st. Mr. Van Mullem stated that this project is not affected by this law.

Stacey Wilson, Transportation Planner, supports planning for pedestrians and where pedestrians can mix with vehicles. Differentiated pavement is still an option, but cautions not to describe this area as a dedicated pedestrian area. Ms. Hubbell stated that this will be a future challenge to create a true separate pedestrian area on smaller lots.

Mr. Vincent responded that the new legislation, effective July 1, rewrote the building code; it is not a reinterpretation; Mr. Hanson is doing his job as dictated by the State of California. The law applies to this project based on when the application was completed. He suggests adding a Condition for ABR to craft a solution consistent with the Planning Commissions direction of attempting to have pedestrian-oriented access to each unit.

MOTION: Mahan/Jacobs

Assigned Resolution No. 067-05

Approve the project making the findings for the parking modification, the tentative map, the condominium development, and revising the conditions to address the issue of the street light, and to include Mr. Vincent's recommendation regarding ABR review of pedestrian access in its compliance with accessibility guidelines; remove gate from project; holding floor to floor dimensions at a maximum of 10'6" and breakup of the windows in a traditional manner to be sympathetic with the existing house; resetting the plaque in the front sidewalk adjacent to the public sidewalk; and requesting ABR's review and consideration of the second floor deck location and/or screening to promote privacy for the adjacent property to the south..

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

ACTUAL TIME: 2:53 P.M.

B. APPLICATION OF JAN HOCHHAUSER, HOCHHAUSER BLATTER ARCHITECTURE AND PLANNING, AGENT FOR STATE STREET INVESTORS, LLC, 1722 STATE STREET, APN 027-102-021, C-2/COMMERCIAL AND R-1/ONE FAMILY RESIDENTIAL ZONES, ZONES, GENERAL PLAN DESIGNATIONS: OFFICES AND RESIDENTIAL (MST2005-00455).

The applicant is requesting that the city initiate a Change in Zone for the eastern portion of the subject property from R-1 (One-Family Residential) to R-3 (Multiple Family Residential) or C-2 (Commercial Zone). The property has an eastern arm portion that is zoned differently than the western portion (C-2). The purpose of the staff report is to provide a brief summary of the proposal and discussion of related issues, and recommend that the Planning Commission initiate the Change in Zone. The applicant's request would result in the entire property being zoned either C-2 or C-2/R-3. At this time, the discretionary application required for this project is an Initiation of a Zone Change (SBMC §28.92.015).

The Planning Commission may provide comments on a conceptual development project related to the request for a Change in Zone. However, no action on a project will be taken at this time, nor will any determination be made regarding environmental review of a proposed project.

Steve Foley, Associate Planner, gave a Staff presentation. He noted a correction on page 2; Item #2, site description on proposed zoning currently reads C-2, or C-2 and R-4 and should read C-2 and R-3.

Jan Hochhauser, Hochhauser/Blatter Architecture, representing applicant, introduced his team, Julie McGeaver, Associate and Howard Gross, Principal, and made a brief presentation.

Mr. Jay Blatter pointed out some aesthetic enhancements to the design of the project.

Chairman Maguire opened the public hearing at 3:15 P.M.

Commissioner Larson stated that two letters had been received commenting on the project.

With no one wishing to speak, public hearing closed at 3:15 P.M.

Commissioner's discussion:

1. Asked about the commercial part of the building coming right up to the sidewalk; curious about the architectural articulation. Compliments were given about the architecture design.
2. Supports the exceptional conceptual presentation proposed, sets a standard for underground parking. Initially questioned the three stories on the street vs. backing into the middle of the lot, but now sees the logic in the three stories and their setbacks. Great example of how below-ground parking frees up site for better design.

3. Asked if the proposed zoning change will require a General Plan change.
4. Concerned with additional commercial on the second floor; would like to see another residential unit rather than commercial on second floor. Concerned with plate heights, appears first floor is higher.
5. Commissioners agreed that the applicant did an excellent job on design and presentation.
6. Consensus amongst commissioners was enthusiasm for creativity of project and use of underground parking. Suggestions included giving consideration to Green Building techniques and sustainability, underground utilities, and dressing up retaining walls. .
7. Supports R-3 zone recommendation and feels C-2 would open up other issues. All issues have been anticipated and addressed very well.
8. Concerns are with traffic impacts; wants attention given to type of commercial use on this project; not suitable for high intensity commercial.
9. One commissioner disagrees with zoning and would like to see all State Street become one commercial zoning.

Mr Hochhauser stated that having a commercial building at the front property line is typical and consistent with the Urban Design Guidelines. He also stated that the first floor plate height is 12 feet.

Ms. Hubbell stated the area is already designed for offices and residential.

MOTION: White/Mahan

Assigned Resolution No. 068-05

Approve the initiation of a zone change from R-1 (Single Family Residential) to R-3 Multiple Family Residential) zone.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period may apply.

ACTUAL TIME: 3:39 P.M.

V. CONTINUED FROM OCTOBER 20, 2005

A. APPLICATION OF B3 ARCHITECTS, AGENT FOR CLEO M. PURDY AND MICHAEL G. SCHMIDTCHEN, CO-TRUSTEES, PROPERTY OWNERS, 3885 AND 3887 STATE STREET, APN 051-022-012 AND 051-022-033, C-2/SD-2: COMMERCIAL AND UPPER STATE STREET AREA ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2004-00801)

The project consists of a merger of two parcels and the construction of a new mixed-use development with three commercial spaces (9,049 sq. ft. total) and fifty-five (55) one-bedroom condominium units. The residential condominium units consist of 38 market rate units, 15 middle income affordable units and 2 moderate income affordable units. The proposal includes 99 parking spaces (84 spaces in a subterranean garage and 15 uncovered spaces). The existing 12 room motel and the 22,250 square foot office building would be demolished.

The discretionary applications required for this project are:

1. Modification to allow encroachments into the front yard setback along State Street (SBMC§28.45.008);
2. Modification of lot area requirements to allow twenty-one (21) bonus density residential condominium units (SBMC§28.21.080.G);
3. Modification to allow less than the required number of parking spaces (SBMC§28.90.100); and
4. Tentative Subdivision Map for a one-lot subdivision to create fifty-five (55) residential condominium units and three (3) commercial condominium units (SBMC§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 Act (CEQA) Guidelines Section 15332 (Proposed Infill Development Project).

Case Planner: Kathleen Kennedy, Assistant Planner

Email: kkennedy@SantaBarbaraCA.gov

Ms. Hubbell clarified that this is a Concept Hearing and that no action will be taken.

Mr. Barry Berkus, B3 Architects, reviewed project revisions since the last presentation on October 20, 2005. He addressed the concerns from Commissioners at that meeting, including the requirement for: a softer looking building, open courtyards, additional landscaping, size, bulk, and scale issues; traffic, and revised elevations.

Mr. Berkus stated that the architecture has been changed radically; have cut back the building on the State Street frontage by 20 to 30 feet; big unites are gone; parking lot now had a deeper parking area. Peak hour traffic is down if commercial space is used as offices and not retail space; no impacts on increased traffic. He summarized by stating that both market and affordable projects can be completed without any subsidizing from the City. The affordable units will range from \$189,000 to \$219,000.

Commissioners' questions:

1. Asked about green building techniques and solar applications.
2. Asked about main entrance and security gate between the two buildings and how it works.
3. Asked for explanation of corner at ground level and whether it is open or closed.
4. Asked the dimensions of the lot.
5. Asked about width of easement and what properties it serves.
6. Asked Staff about the SD-2 setbacks.
7. What are the square footage differences between the previous version and this version?
8. Asked what are the peak hour trips referenced for traffic.
9. Asked to see exhibit showing sound walls for decks on State Street elevation..
10. Asked if consultants had given concurrence for this being a mitigating noise solution.
11. Asked about northwest corner and entrance to the drive. Asked about the easement shared with the Galleria and if it could be encroached on for architectural purposes.
12. Asked if an arch can be used to break up look.
13. Asked if it is the City's responsibility to maintain green space between sidewalk and the street.

Mr. Berkus answered the Commissioner's questions. Green materials will be used as much as possible. Gate is for residential use only; commercial enters directly off of street; it would be a keypad entry. The easement is 20 feet wide and serves the Galleria and also La Cumbre Lane.

Mr. Berkus stated that commercial was reduced 50-100 square feet. Residential lost about 100 square feet per unit; however, one unit on the end picked up some square footage. In summary, total square footage is close to the same square footage as before. If the commercial space were to be used as office space and not retail; there would be 24 trips residential and 27 trips office, for a subtotal of 51 trips for AM. For evening peak hours, it would change to about 29 residential trips and 31 office trips for a total of 60 trips. Mr. Berkus explained the four and six foot walls including glazing. Every unit has full French door systems and received concurrence from noise consultants as acceptable noise mitigation. An arch will not be used; it can impair vision to street.

Ms. Hubbell replied that the lot dimensions are 151 feet wide and 411 feet deep. Ms. Hubbell responded that there is only a front yard setback required; not less than 10 feet for one story building that does not exceed 15 feet in height, and not less than 20 feet for 2-3 story buildings. In this case, a front setback modification would still be required since the whole building is not setback 20 feet.

Ms. Hubbell stated that the parkways, by Municipal Code, are the responsibility of the property owner.

Chairman Maguire opened the public hearing at 4:14 P.M.

The following people spoke in favor of the project:

Bud Laurent, Coastal Housing Partnership
Jim Knight, Coastal Housing Partnership Board, Indigo Operations
Jim Youngson, Coastal Partnership Coalition

These people spoke in opposition of the project:

Jim Kahan
Paul Hernadi, Citizens Planning Association

With no one else wishing to speak, public hearing closed at 4:30 P.M.

Commissioners questions and comments:

1. Supports project. Can support a modification for a 1-story and 2-story setback. Likes idea of commercial space being used for office to mitigate traffic issues. Asked if project will go back to ABR before returning to Planning Commission. (s. Hubbell stated that applicant has option to go to ABR if desired, but will be back before the Planning Commission on December 8th.)
2. Suggested a trellis or Port Cochere over the driveway.
3. Caution is expressed regarding variable density. (Ms. Hubbell gave clarification of SD-2 and how this is an overlay and not a zone, variable density does apply.)
4. Concerned that this access on west side of the building does not serve as a private driveway; serves the Galleria and La Cumbre Plaza.
5. Would like to see more open space at State Street. Ten feet is being provided, but twenty feet is what the zone district requires.
6. Supports use as it contributes to neighborhood interaction.
7. Concerned with the interior commercial space as it does not seem pedestrian-friendly.
8. Supports direction of project. Need to embrace the idea of mixed use; workforce housing, affordable housing, and commercial combined. Would like to see this project set a standard for using a strong "green" element.
9. Does not feel this project warrants an EIR.
10. Suggests an interior courtyard or Paseo to provide greater openness and does not like gate with access code.
11. West elevation needs a pedestrian-friendly feel. Commissioners concur that a mix of retail and offices should be encouraged.
12. Suggests having a vicinity map in next presentation to identify other developments in the area.
13. Concerned that a categorical exemption is being used to circumvent Environmental Review. Feels SD-2 zone imposes a different level of review on a project.
14. Feels this project is appropriate for this location, but that it is too dense for this site. Would like to see floor/area ratio comparisons from other area projects.
15. Concerned that precedent is being set that will allow other projects coming down the pipeline to get categorical exemptions.
16. Reviewed comments made by the public on July 7th regarding Outer State Street. This

- project addresses some of the needs that surfaced.
17. Does not see City's Urban Design Guidelines as mandating the requested front yard setback modification. Front yard setbacks allow for more green space.
 18. Feels SD-2 zone has done damage to Outer State Street because severe setback limitations have created a dead space for cars. Supports modification to build closer to the street than 20 feet. Would like to see improved pedestrian experience.
 19. Suggests a reduction in the second and third floor height.
 20. Would like to see functional balconies, not just design facades.
 21. Asked applicant to conduct a study and provide a larger map that shows La Cumbre Plaza and 5-Points with existing pedestrian connections.
 22. Commented on the whole block being in transformation and the creation of a true pedestrian experience. If a pedestrian walkway leads to a dead end, perhaps a future project can continue the walkway.

Mr. Berkus responded that this zone does not require a side yard, but that a 10 foot wide area of green space has been included. Courtyards have been included that exceed the required open-space requirements. Circulation pattern can be improved, but negotiations with the neighbor to the south over easement to allow for paved walkway have failed. Security issues may prohibit having complete access throughout front doors of units on first floor but will do all possible to make open public space. Green elements will be addressed in next presentation. In reference to the motel tenants, Mr. Berkus met with the Executive Director of Phoenix House to offer a gift of assistance in creating a program that will be greater than the present program offered to the current building occupants.

VI. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports

Commissioner White reported on the Water Commission; several projects are proposed that will expand sewer lines into areas that have septic systems. He stated that there are concerns some unincorporated areas may want to connect to sewers without annexation.

Commissioner Mahan reported on the Airport Terminal Design Sub-Committee and its review of the design parameters for the new airport terminal; decided that ABR and HLC would review the interiors as well as exteriors of buildings.

Commissioner Jacobs reported a tentative schedule for the submission of a request for qualifications to apply for work on the airport terminal project as being 5 PM, Monday, November 21, 2005. Interviews with request for proposal responders will begin January 2006.

Commissioner Larson reported on the Street Light Advisory Group and asked if anyone would like to tour the Amron Plant in Fillmore that manufactures the poles and fixtures

for the lights.

Commissioners Jostes and Myers were appointed to the Santa Barbara 2030 Outreach Committee.

- 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.4. of this Agenda.

Commissioner White commented on the July 7th minutes; requested a comment be added explaining his No vote on Page 12 (“inappropriate location and design for project; better suited police housing or Granada garage project”).

MOTION: White / Jostes Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: as noted Absent: 0

Commissioner Maguire abstained from the minutes and resolutions of August 11th and September 8, 2005.

Commissioner Jostes abstained from the minutes and resolutions of July 7, 2005

Commissioner Larson abstained from the minutes and resolutions of September 8, 2005

Commissioner White thanked Staff for all the work involved in addressing the backlog.

VII. ADJOURNMENT

Chair Maguire adjourned the meeting at 5:37

Submitted by,

Julie I. Rodriguez, Acting Planning Commission Secretary for Sherrell Bortman, Recording Secretary