



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

December 8, 2005

CALL TO ORDER:

Chair Jonathan Maguire called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair Jonathan Maguire
Vice-Chair John Jostes
Commissioners Stella Larson, Bill Mahan

Harwood A. White, Jr., arrived at 1:16 P.M.
George C. Myers, arrived at 3:10 P.M.
Charmaine Jacobs, left at 1:10 P.M and returned at 5:05P.M.

STAFF PRESENT:

Jan Hubbell, Senior Planner
Jaime Limon, Senior Planner
Marisela Salinas, Associate Planner
Kathleen Kennedy, Assistant Planner
Chris Short, Senior Plan Checker
Stacey Wilson, Assistant Transportation Planner
N. Scott Vincent, Assistant City Attorney
Deborah J. Bush, Acting Planning Commission Secretary
Julie I. Rodriguez, Interim 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 today was Chair Maguire's last meeting. The Planning Commissioners and audience gave him an ovation.

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

Paul Hernardi invited the Commissioner's to the CPA's Holiday Party for 46th Anniversary, 5:30-8:30, December 9, 2005 at the Contemporary Arts Forum.

III. CONSENT ITEMS:

ACTUAL TIME: 1:08 P.M.

A. APPLICATION OF MAGDALENA CORVIN, AGENT FOR DENNIS WALSH, OWNER, 23 FRANCISCO DRIVE, APN 055-141-042, AND SALLY & ANDREW NORRIS, OWNERS, 12 FRANCISCO DRIVE, APN 055-141-015, A-1 SINGLE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT/ACRE (MST2002-00309)

The project consists of a one time extension of a Lot Line Adjustment and front and interior setback modifications between two adjacent properties located in the A-1, Single-Family Residential Zone. The discretionary application required for this project is a Time Extension for an approved Lot Line Adjustment and Modifications.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

Case Planner: Trish Allen, Associate Planner

Email: tallen@SantaBarbaraCA.gov

Ms. Hubbell requested that the Staff Report be waived.

MOTION: Mahan/Jostes

Waive the Staff Report

This motion carried by the following vote:

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

Public Comment was opened at 1:09 P.M. and with no one wishing to speak, was closed at 1:09 P.M.

MOTION: Mahan/Larson

Approve the Extension as outlined in the Staff Report.

Assigned Resolution No. 081-05

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 1 (Jacobs) Absent: 2 (White, Myers)

Chair Maguire announced the ten calendar day appeal period.

ACTUAL TIME: 1:09 P.M.

Commissioner Jacobs stepped down for the next two projects.

B. APPLICATION OF JONATHAN DOHM, AGENT, FOR THE SANTA BARBARA MENTAL HEALTH ASSOCIATION AND REDEVELOPMENT AGENCY, 617 GARDEN STREET, APNS 031-152-025 AND 031-152-028; C-M COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL/OFFICES/RESIDENTIAL (MST2005-00575)

The project consists of a three-unit, one-lot subdivision for an approved mixed-use project with 13,075 square feet of commercial space, 51 residential units, and 110 parking spaces. The condominium units would be comprised as follows: Unit 1 – 51 residential apartments and common space (37,782 square feet); Unit 2 – commercial space on the first and second floors (13,852 square feet) for the Mental Health Association; and Unit 3 – commercial space on the third floor (3,688 square feet) for a non-profit owner. The parking would be held in common as previously approved.

The Planning Commission previously approved a mixed-use development on the site on January 27, 2005. Currently on the site there is an existing 1,160 square foot office building, four apartment units, 5,212 square foot athletic club and City employee parking lot, which have been approved for demolition.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create three (3) 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 Guidelines Sections 15315.

Case Planner: Marisela G. Salinas, Associate Planner

Email: msalinas@santabarbaraca.gov

Marisela Salinas, Associate Planner, gave a brief overview of the project.

Jonathan Dohm, Agent for Santa Barbara Mental Health Association introduced the project team: Carl Steinberg, Bermant Development; Jan Haufhouser, Architect, and Chris Jacobs, Project Attorney, and offered to answer any questions.

Public comment opened at 1:03 P.M.

Commissioner White arrived at 1:16 P.M.

The following people spoke in support of the project:

Christopher Jacobs, attorney, representing Santa Barbara Mental Health Association (SBMHA), addressed the Dawallo easement, the parking discussions between the Alano Club and SBMHA, and the alley maintenance concerns.

The following people spoke in opposition to the project:

Steve McGuire, attorney, representing Alano Club and Cota Street Studios, requested a continuance until the alley maintenance agreement issues are resolved.

R. Peter Jackson, Alano Club of Santa Barbara, commented on alley maintenance agreement, Garden St. access, and easement resolution.

The following people, who opposed the project, relinquished their time to speak:

Robin O'Neill
Armando Rivera.
Adrian Lewis
Chuck Neutz
Charles Long
Kristin Blanchard
Judy MacNeil
Kia Dawallo
Steve Hartman
Richard Mogus
David Burkhardt
Mike Cabezado
Robert Miranda
Alexandra Bourbon
Sal Silva
Aiko Lancy
Cheryl Schmidt
Kurt Johnson
LaChe' Milo' Garybill
Tristan McMahan
Samantha Matern
Connie Fleming

The following people commented on the project:

Leon Olson, Cota Street Studios, regarding the alley maintenance agreement.

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

Comments and questions by the Commissioners:

1. Asked Staff what is role of the Redevelopment Agency and how it fits into this project.
2. Concerned that, in the 11 months since the project was approved, the SBMHA and the Alano Club have not resolved the Alano Club's parking issues. Expressed frustration about the second floor closure of the Alano Club and hoped that the project would have included the re-opening of the second floor of the Alano Club. Reminded the applicant that a condition in the January approval suggested that an area now being described as 'green space' would be redesigned to be used for parking, expressly for the purpose of re-opening the decommissioned second-story.
3. Collectively expressed that a skilled mediator is most needed to help the SBMHA and Alano Club address the easement and alley issues that have not been resolved between January and December. Feels parking issue also needs to be resolved first.
4. Asked how much of the land involved in the SBMHA project is City land. It is about one third of the project.
5. Felt the City has a responsibility to be impartial when dealing with two non-profits, especially when City land is involved in one of the non-profit's projects.
6. Felt that there are unresolved issues that the City has an opportunity to address and that perhaps the City Council should take another look at this project.
7. Some Commissioners clarified that they do not intend to throw an impediment to the SBMHA, but were merely asking to make sure that nothing had been overlooked.
8. Asked if the Dawallo easement was for roadway purposes.
9. Asked for explanation on the access and how the project circulation works.
10. Asked if there are any plans in the project to improve the private alley.
11. Asked why 90 degree stalls are being used when angled stalls provide more parking spaces and could take care of the Alano Club.
12. Asked Assistant City Attorney how history of the project should be viewed.
13. Asked Assistant City Attorney if a condition of approval of the subdivision map could be made to the City Council requesting that the applicant increase its efforts in responding to the Commission's request for resolution of the joint access to Garden Street issue through the use of a mediating party.
14. Expressed concern that the City has multiple roles as applicant review and lender for the project. The City has responsibility to assist the Alano Club with the parking, however it is a City Council decision on how to treat the Alano Club, not a Planning decision.

Dave Gustafson responded that the Redevelopment Agency participates as 'lender of last resort' using affordable housing subsidy funds to subsidize gaps in feasibility of a project that will provide affordable housing. In this project, the Redevelopment Agency committed a \$385,000 pre-development loan using State funds, then \$4,600,000 in funding for 51 units of affordable housing. The project is out of the Redevelopment Area; therefore, it could not use Redevelopment Agency General Funds. However, in the case of housing, 20% annual tax increment set aside for affordable housing can be used to fund the 51 units. The City is also conveying the City Employee Parking

Lot property across from 630 Garden Street to the project for the necessary affordable housing units.

Jan Houchauser, Architect, explained how the circulation would work. The alley has an inherent problem in that it is approached as a one-way situation, but is limited to 10 feet on the Cota Street exit, which would not accommodate Fire Department emergency vehicles. SBMHA has designed a back out hammerhead on its property for emergency vehicle use.

Mr. Houchauser added that SBMHA has planned, and will pay, to protect trees, address specialized pavement areas and curb cuts, and add new paving, however, there will not be a new alley. Any damage caused by construction will be paid for by SBMHA.

Ms. Hubbell stated her recollection at the time of the lot split was that parking had been divided to accommodate the historic uses; the Alano Club did not have enough parking, hence the second floor was decommissioned. It was suggested by the Commission then that other options be explored; in response, the SMBHA provided six spaces after 5 P.M. for use by the Alano Club, but other options were still to be considered. By closing the access to Garden Street under the proposed project, four spaces are lost. SBMHA has taken into account these four spaces in the proposed lot at no cost to the Alano Club, a market cost would only be charged for the spaces needed beyond the four. Ms. Hubbell also noted that the Commission had encouraged, not required that these parking issues be resolved.

Mr. Vincent cited Municipal Code 28.06.010 that defines the charge of the Planning Commission. On this item, the Commission is acting as the advisory agency regarding a subdivision request. Before the Commission today is a tentative subdivision map, the obligation is to consider the map regarding the general plan and zoning ordinances; not the fairness of the application to adjacent property owners. If the City Council sees it fit, it can address the Alano Club issues at a point in the future; there will be time to address these issues. The alley is a private alley owned by 10 private property owners. The City cannot get involved with a maintenance agreement between private parties.

Mr. Vincent added that the condition related to parking was carefully worded for the Commission. It required the applicant to negotiate in good faith and report the negotiation results to the Community Development Director before the issuance of a building permit. The Commission approved the Resolution and to change the meaning of that would be a problem.

Mr. Vincent reminded the Commission that he had advised against a condition for parking negotiation, but honoring the Commission's desire, a condition was included that was not meant to be an impediment, merely a direct statement to the applicant wanting the condition to be resolved. The Planning Commission continues to desire a resolution to this issue by asking the SBMHA to resolve a problem the Alano Club has with insufficient parking. Mr. Vincent asked the Commission that if they are to consider this condition, would it be an impediment to the project moving forward, the finalization to the map; or an intention of encouragement to the applicant to use such efforts. Mr. Vincent asked the Commission to define intent of the condition.

MOTION: White/Jostes

Assigned Resolution No. 082-05

Approve the one lot tentative subdivision map making the findings in the staff report and with the conditions as outlined by Staff.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Maguire, Mahan) Abstain: 0 Absent: 2 (Myers, Jacobs)

Chair Maguire announced the ten calendar day appeal period.

MOTION: White/Mahan

Forward to Council a summation of the dialog that occurred today with respect to the Alano Club parking with emphasis that since the lot split occurred two to three years ago, the Planning Commission expected that the Alano Club would be receiving adequate parking out of the joint private and public project. Since this has not occurred, the Commission seeks Council action on how to deal with this issue.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Myers, Jacobs)

Chair Maguire announced that this letter is not appealable.

The Commission recessed from 3:00 P.M. and reconvened at 3:19 P.M.

Commissioner Myers arrived at 3:10 P.M.

IV. CONTINUED ITEMS:

ACTUAL TIME: 3:19 P.M.

A. APPLICATION OF DAVID NEUBAUER, PROPERTY OWNER, 3501 SEA LEDGE LANE, APN 047-082-004, A-1/SINGLE-FAMILY RESIDENTIAL AND SD-3/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE, (MST2004-00141)

The proposed project involves the construction of a new two story 488 accessory cabana structure and 600 square foot sun deck over a three car garage/storage structure. The project also includes a lap pool, spa, new security gate, roof deck with wind screen and as-built landscaping improvements. The proposal also includes the demolition of an accessory structure, storage building, workshop, three car garage and abandonment of septic system. A total of 482 cubic yards of grading is proposed along with drainage improvements for the site. A 40 inch high retaining wall, under grounding of private sewer and electrical utility improvements are also proposed for the private street. The project will result in a 3,458 square foot single family residence with a detached 720 square foot three car garage on a 1.03 acre lot.

The discretionary applications required for this project are:

A Coastal Development Permit to allow the proposed development in the Appealable jurisdiction of the City's 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 15303. (Existing Facilities)

Case Planner: Jaime Limón, Senior Planner

Email: jlimon@SantaBarbaraCA.gov

Jaime Limon, Senior Planner, gave an overview of the project.

David Neubauer, Owner, gave a presentation of the project.

Public comment opened at 3:49 P.M.

The following people spoke in opposition to the project:

Christopher Jacobs, attorney, representing neighbors Tom and Kathy Dunlap: re: water drainage and seismic movement; other issues outlined in letter submitted December 5, 2005.

With no one else wishing to speak, the public comment closed at 4:13P.M.

Commissioners Comments and Questions:

1. Asked for clarification of the drainage concern.
2. Asked Staff if the 600 square foot sundeck is roofed.
3. Asked if it is appropriate to be called a roof deck as opposed to sundeck.
4. Asked if covered deck would be included in FAR calculations.
5. Asked if the deck is covered, would it constitute a bigger accessory building than an accessory building by itself.
6. Asked for explanation of the topography map and evaluating grading; want to know what is filled and what is cut. Asked Staff how conclusion was reached.
7. Asked Staff what number was involved in the cut for the garage.
8. Asked to hear from the geologist about weight of pool in proximity to a slide area. Asked if significant weight in any area on Sea Ledge Lane would affect the geology.
9. Asked to what extent the project was part of the Sewer Master Plan.
10. Asked about another project on Sea Ledge that required the applicant connect to the public sewer system once it became available. Asked if that were true and enforceable for all residents or just on a project-by-project basis.
11. Asked if the palm trees have reached their maximum height.
12. Asked Staff what assurances exist to preclude a conversion of the accessory structure into a living unit.

13. Asked if the project is approved, would like conditions to require an engineering grading plan; suspects more grading is necessary than what is proposed. If calculations are significantly different, would like the applicant to return to the Commission.

Mr. Jacobs addressed drainage concern with Commissioners. Ms. Hubbell added that the drainage locations could be seen on Exhibit D on page 5.

Mr. Limon confirmed the sundeck is roofed and stated that it is not included in the FAR calculations. He added that it is not enclosed, so it is not included in the accessory building square footage. He further stated that the project is not part of the Sewer Master Plan.

Ms. Hubbell checked to see if the deck square footage numbers are included in the FAR or under the Neighborhood Preservation Ordinance; however, she stated that even if the deck is covered, but not enclosed, it is not considered accessory square footage under the zoning rules. She also stated the sewer connection condition is applied on a case-by-case basis.

Mr. Limon stated that the ABR encouraged Mr. Neubauer to enclose the deck. At the time, Staff was not prepared to allow the structure to be enclosed in the manner to support an accessory building of that size. Mr. Limon made the decision that full grading plans and evaluation were not required. Staff determined that 200 cubic yards of cut and 200 cubic yards of fill were all that was needed for balance; approximately 240 cubic yards of cut are for the garage. He also stated that not all of the palm trees have reached maturity.

Dr. William Anikouchine, certified engineering geologist, did the oceanography for the Sea Ledge Lane area; gave historical perspective of the landslide being referenced as being in place for thousands of years. Dr. Anikouchine explained the stability of the surface of the homes built on Sea Ledge.

Chris Short, Building and Safety Division, stated the septic tank criteria for the proposed project was based on plumbing fixture count. An evaluation of the existing septic system revealed it was possibly not capable to handle the full capacity. The applicant then looked at a private sewer system; a condition exists that when the project comes into Building and Safety, the private sewer system must be in effect before a building permit is issued.

Commissioners' comments and conclusions:

1. Explained logic behind glass railings; does not see a reason for project railing to be glass. Many commissioners do not support the glass railings; others feel it is not an issue.
2. Most commissioners do not support the use of the palm trees.
3. Entrance off the easement should be removed and relocated to be from the parking area that is a part of the building.
4. Roof open area is too big; suggest that ABR review again. Feels the size, bulk and scale of the building looks big because of the roofed area that adds to the bulk of the building.
5. Not comfortable leaving the determination of Coastal Access steps to a separate enforcement case; would like to know if steps were present before 1976 (year of Coastal

- Act), or a condition of approval that the determination be made before the building permit is issued.
6. There are too many issues still unresolved. Concerned with cabana and deck; cabana design gives appearance of being a separate residential unit.
 7. Reservations with pool in a geological, unstable, sensitive area; concerned with the addition of more water to the cliff area and the potential for a pool crack.
 8. Asked Staff if there was anything in the Single Family Design Guidelines that discourage roof decks.
 9. Asks about the pool situation of prior projects on Sea Ledge Lane. Asked if there have been Coastal Permits issued for pools.
 10. Asked Dr. Anikouchine if the underlying soil is unstable, if the pool and the house were to be moving.
 11. Size, bulk and scale of the cabana structure are excessive and the prospective use of this scale may exceed the intended use of the cabana.

Mr. Limon replied that there is not a guideline; however the practice over time has been to limit roof decks due to privacy issues.

Ms. Hubbell recapped staff discussion over Commissioners expressed views on palm tree removal. The palm trees are their illegally and require their own Coastal Development Permit. Suggest separate motion to deny palm trees and a motion that includes all other issues. Can add conditions for ABR Review, relocating the entry to the cabana, prohibiting the use of glass or polyvinyl rail, study reducing the covered deck area, requiring an engineered grading plan, and the legal status of the bluff staircase prior to the issuance of a building permit. Ms. Hubbell replied that some pools have been removed; there are some pools that have been approved.

Dr. Anikouchine stated he did research on the pools on Sea Ledge and they are all in good condition with no cracks. If proposed pool built to standards would not crack. He added that if the pool were to have a crack, the amount of water leaking would not be significant to cause a critical problem for the bluff.

Mr. Neubauer stated he consulted Penfield and Smith, and Grant Castleberg. The Planning Commission approved the rock revetment landscape plan prepared by Grant Castleberg. Mr. Castleberg confirmed in writing, that the list of approved landscaping included palm trees.

Straw Vote:

Who could support the pool as submitted?

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

Straw Vote:

Who could support the proposed deck on the existing house?

Ayes 3 Noes:3 Abstain: 0 Absent: 1 (Jacobs)

MOTION: Mahan/Larson

Assigned Resolution No. 083-05

Approve the Coastal Development Permit, making the findings outlined in the Staff Report and subject to the conditions of approval, amended to include the following conditions: 1) Remove palm trees. 2) Relocate the cabana entrance away from the easement. 3) Work with Architectural Board of Review to reduce the size, bulk, and scale of roofed sundeck. 4) Accept the pool as submitted. 5) Eliminate the roof deck on the main house. 6) Resolve the bluff stairs before a permit is issued. 7) Provide an engineered grading plan that is in conformance with legality of the total cut and fill of the 483 cubic yards and not to exceed 500 cubic yards. 8) Submit a sewer and undergrounding master plan under separate application. 9) Record a zoning compliance declaration for the cabana with no more than 30 feet for the bathroom size in the cabana.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

Commissioner Jacobs arrived at 5:05 P.M.

The Commission recessed at 5:00 P.M. and reconvened at 5:12 P.M.

ACTUAL TIME: 5:13 P.M.

B. 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 OVERLAY 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 (8,845 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 101 parking spaces (86 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).

The proposed project has been revised in response to comments received at the previous Planning Commission hearings held on October 20 and November 3, 2005.

Case Planner: Kathleen Kennedy, Assistant Planner
Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Assistant Planner, gave a brief review of the project.

Barry Berkus, B-3 Architects, introduced Doug Singletary, John Rosenfeld, and Scott Schell of his team. Each gave a brief power point presentation.

Public comment opened at 5:45P.M.

Those speaking in support of the project:

Diana Lovan, Cottage Hospital
Bud Laurent, Coastal Housing Partnership, submitted written statement
Steve Cushman, Santa Barbara Region Chamber of Commerce, submitted written statement
Rusty Fairly, Santa Barbara Region Chamber of Commerce, submitted written statement
Teri Malinowski
Dane Goodman submitted a written statement
Jill Brouillard, neighborhood business owner, submitted written statement
John Arguelles, neighboring Dentist, and his colleagues

Those speaking in opposition of the project:

Das Williams submitted written statement
James Kyriaco, Jr., Citizens Planning Association
Paul Hernadi, Citizens Planning Association
Jim Kahan, Allied Neighborhood Association
Catherine McCammon, League of Women Voters
Joe Guzzardi
Michael Self
Janet Wolf

With no one else wishing to speak, the public comment was closed at 6:12P.M.

Commissioners Larson and Jacobs stated they had met with Staff and the applicant to review the plans. Commissioner Larson disclosed that her husband is an employee of Cottage Hospital and wanted to ensure that there was no conflict. Jan Hubbell stated that there is no conflict.

Commissioner's comments and questions:

1. Asked if a front setback Modification was still required.
2. Asked applicant how the condominium fees would work for the affordable units.
3. Asked if the commercial space would include restaurants.
4. Asked whether the applicant considered an arch over the driveway.

Ms. Hubbell stated that, because the building is three stories, the required setback is twenty feet. The second and third floors meet that setback, the first floor is ten feet from the property line; therefore, a Modification is required.

The applicant responded that the operating budget for the HOA has not been developed, but high maintenance improvements, such as pools, have been eliminated from the site to keep operating costs low. Mr. Berkus added that sale prices have been stated at \$219,000 and \$179,000. Ms. Hubbell added that HOA fees are calculated based in part, on square footage and the affordable units have less square footage, therefore, would have lower HOA fees.

Mr. Berkus confirmed that the first floor would not have restaurants; coffee or deli acceptable. Mr. Berkus stated that an arch at the auto entry had not been studied further due to the easement restrictions.

The Commissioners individually or collectively stated the following:

1. Believes in project and feels it will enhance State Street. Appreciates the applicant's changes, especially the green building changes and appreciates the public input.
2. Concerned with the south elevation and would like to see its appearance more like the front elevation.
3. Area plan shows this project to be in the right place and can provide needed housing. It will not have a detrimental traffic effect as opposed to other development for that property. Existing buildings are obsolete and this project's change is positive.
4. Pedestrian passway through common area needs to be more pedestrian friendly.
5. North elevation is nice and has diverse breakup; side elevations should have a variation in parapet heights.
6. Side elevations should provide more window design variety.
7. Suggests that a condition of approval requiring folding grocery carts to be provided for each residential unit.
8. A final relocation plan for the motel tenants should be approved by the Community Development Director, with moving costs limited to South Coast.
9. Wonders why B units do not face west to take advantage of views. Asks that the ABR study the first floor views.
10. Appreciates the applicant's changes, but is still concerned with the size, density, open space, and limited setback. Likes the "parkettes" but does not feel they are a substitute for open space.
11. Concerned that, when the Church develops its property, there is the possibility that they will build something tall that will impact the units along the east property line. Recommends that ABR consider flipping some units to provide westerly windows.

12. The South elevation still reads like a four story structure. Suggest scaling down south elevation.
13. Concerned with parking and traffic congestion on upper State Street, not only with this project, but as a cumulative effect of the whole uptown State Street redevelopment. Past use was more like a suburban corporate park with large setbacks and parking lots toward street. Feels that the project is moving in the right direction.
14. Asked if there is a way to look forward to the day when there will be a focused EIR on the cumulative traffic impacts on Upper State Street, and whether this project could be requested financially to participate.
15. Would like to see a 99 year affordability policy or permanent condition for these units so that they stay in the affordable marketplace.
16. Supports project but would like to see less density and less repetitive fenestration.
17. Would like to see some people moving options, perhaps a shuttle.
18. Consensus amongst commissioners is a concern for cumulative traffic on Outer State Street. Would like to see a condition on project for monitoring of number of actual trips in and out of parking garage and spaces to see real time traffic generation on this project.
19. Consensus amongst commissioners is that this project sets a positive precedent for future development on Outer State Street.
20. One commissioner stated the site was overdeveloped.

MOTION: Mahan/Myers

Assigned Resolution No. 084-05

Approve the project making the findings outlined in the Staff Report, the findings for the front yard setback modification, lot area modification, parking modification, tentative subdivision map and residential condominium development with the following added conditions: 1) The owners would fund and permit traffic studies to be made onsite once a year for five years following certificate of occupancy. 2) Provide folding grocery carts for each unit. 3) Access through the front of the building shall be redesigned to be more pedestrian friendly through walkway articulation, placement of doors or windows or other features to add pedestrian interest. 4) The east and west elevations shall be further refined by providing variation in parapet height and more window variation, having some of the B units rotate to provide west facing patios, study providing west facing windows for some of the A units. 5) Reduce the apparent height of the South elevation so it does not have a four story appearance.

Discussion:

1. Wondered if there was a linkage to the project if the applicant financially contributed to the cumulative traffic impact study.
2. Would like traffic report to include number of individuals using transit (car use, bus use, bike use), in addition to counts for A.M, P.M. and mid-day.
3. Would like to make sure that relocation plan is included in the Conditions of Approval

Mr. Vincent stated there is no linkage requiring this project to participate in a cumulative traffic study. Ms. Kennedy noted a relocation plan condition is already included.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

Barry Berkus stated that he will make a contribution of \$10,000 for the traffic study. Mr. Berkus thanked Chair Maguire for his hard work as Planning Commission Chair and wished him the very best in his future endeavors.

Mr. Kahan wished Chair Maguire the best and thanked him for efforts.

V. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Ms. Larson reported that the Streetlight Advisory Group was grateful for recommendations from Steve Hausz. The report to the Planning Commission is tentatively scheduled for January 19, 2006.r

Mr. White reported that the Harbor Parade of Lights is scheduled for this Sunday, December 11, 2005.

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

None were requested.

VI. ADJOURNMENT

Chair Maguire thanked various Commissioners and individuals and adjourned the meeting at 7:10P.M.

Submitted by,

Julie I. Rodriguez, Interim Planning Commission Secretary