



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 1, 2006

CALL TO ORDER:

Chair Charmaine Jacobs called the meeting to order at 1:00 P.M.

ROLL CALL:

Present:

Vice-Chair Charmaine Jacobs

Commissioners, Stella Larson, Bill Mahan, George C. Myers, Addison S. Thompson and Harwood A. White, Jr.

Absent:

Chair John Jostes

STAFF PRESENT:

Jan Hubbell, Senior Planner

Jaime Limón, Senior Planner

Allison De Busk, Associate Planner

Chelsey Swanson, Assistant Planner

N. Scott Vincent, Assistant City Attorney

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The June 8th Planning Commission meeting will be cancelled.
2. 500 James Fowler Road will be continued to June 15, 2006.
3. 70 La Cumbre Plaza will be tentatively scheduled for July 20, 2006 and will be renoticed.

4. The 1464 La Cima Road appeal was denied with a City Council vote of 3-2.

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

Chair Jacobs opened the public hearing at 1:02 P.M. With no one wishing to speak the public hearing was closed at 1:02 P.M.

II. CONSENT ITEMS:

ACTUAL TIME: 1:02 P.M.

APPLICATION OF SHAWN DIRKSEN, OWNER, 1009 DEL SOL AVENUE, APN 045-047-001, R-2/S-D-3 TWO-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS PER ACRE (MST2005-00132)

The project consists of the demolition of a single-family residence and garage and the construction of two new three-bedroom condominium units within a two-story duplex on a 6,000 square foot lot in the non-appealable jurisdiction of the Coastal Zone. The units would be 1,440 square feet and 1,467 square feet and four parking spaces would be provided within two attached two-car garages.

The discretionary applications required for this project are:

1. A Modification to allow the required open yard to encroach into the front yard setback (SBMC §28.18.060);
2. A Tentative Map to create a one-lot subdivision with two new residential condominiums (SBMC §27.07 and 27.13); and
3. A Coastal Development Permit to subdivide a residential parcel 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 Sections 15303 and 15315.

Case Planner: Chelsey Swanson, Assistant Planner

Email: cswanson@SantaBarbaraCA.gov

Ms. Hubbell requested that the Planning Commission waive the Staff Report.

MOTION: Mahan/White

Waive the Staff Report

This motion carried by the following vote:

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

Chelsey Swanson, Assistant Planner, pointed out that the unit sizes are not accurate and gave the correct statistics on the unit sizes. Unit one should be 1,470 square feet, instead of 1,447. Unit two should be 1,493 square feet, instead of 1,467 square feet. Table four sight information should read 12 units per acre instead of 5 units per acre. Also, the roof decks are no longer a part of the project.

Comments and questions:

1. Asked for walk through of proposed sidewalk and other public improvements. Confirmed that there is no sidewalk on either frontage at this time.
2. Asked if the existing utility pole will remain as seen.
3. Asked if a new street light will be installed and what type of light fixture will be attached to it.
4. Asked if there is a review involved in determining the type of light fixture that will be used.

Ms. Swanson explained the proposed public improvements as part of her presentation. The power line will be undergrounded, but the pole will remain. A new sidewalk with three foot parkway along both street frontages, four street trees and a new street light are also proposed.

Ms. Hubbell addressed the review process for the light fixture and stated that the new fixture will most likely be a dome fixture.

Chair Jacobs opened the public hearing at 1:08 P.M. With no one wishing to speak, the public hearing was closed at 1:08 P.M.

Chair Jacobs noted two letters received in opposition from the public: 1) John Beardsmore; and 2) Anna Matan.

Commissioner's comments and questions:

1. Asked if the applicant could address the plate heights.
2. The project is compatible and to scale with the neighborhood. Would like to have a condition that applicant and ABR work together to resolve the plate height.
3. More than one Commissioner acknowledged the project's public benefit contributions, in particular the sidewalk introduction. They appreciated the written public input and recognized concerns raised. Responded to the letter received by saying that they did not believe that the project results in overdevelopment for that area.

Andy Roteman, architect, replied that there are 8' plate heights, but they are exploring having 9' plate heights and does not know if he will meet the solar ordinance. He will still have to go back to ABR for final approval.

MOTION: Mahan/Myers

Assigned Resolution No. 021-06

Approve the coastal development permit, the modification of the open yard, and the tentative subdivision map, making the findings as outlined by Staff, and with the altered condition replacing the B1 roof decks condition with a B1 plate height condition that allows the first floor plate heights to go up to 9' as long as the solar ordinance requirements are met.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

III. NEW ITEM:

ACTUAL TIME: 1:15 P.M.

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING AND PERMITTING SERVICES, INC., AGENT FOR WYE ROAD PROPERTIES, LLC, PROPERTY OWNER, 85 N. LA CUMBRE ROAD, APN 057-233-010, R-3/S-D-2 LIMITED MULTIPLE RESIDENCE AND SPECIAL DISTRICT 2 (“UPPER STATE STREET AREA”) ZONES, GENERAL PLAN DESIGNATION: OFFICE AND GENERAL COMMERCE (MST2005-00295)

The proposed project involves the demolition of all existing site improvements, including a two-story apartment building, a detached residence, a garage and apartment structure and carports (a total of ten (10) residential units would be demolished). A new three-story condominium building containing nine (9) residential units (three (3) one-bedroom and six (6) two-bedroom units) is proposed. Fifteen (15) covered parking stalls and four (4) uncovered parking stalls are included. One (1) of the one-bedroom units is proposed as a bonus density unit affordable to middle-income homebuyers.

The discretionary applications required for this project are:

1. A Modification of the lot area requirements to allow for one bonus density unit on a lot in the R-3 / S-D-2 zone (SBMC §28.92.110, A, 2);
2. A Modification of the open space requirement to allow a portion of it to be provided on the second level of the building (SBMC §28.92.110, A,2); and
3. A Tentative Subdivision Map for a one-lot subdivision to create nine (9) residential 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 Guidelines Sections 15301, 15315 and 15302.

Case Planner: Allison De Busk, Associate Planner

Email: adebusk@SantaBarbaraCA.gov

Allison De Busk, Associate Planner, gave the Staff presentation and announced that the open space Modification, item 2 in the project description, is not required for the project as previously noticed.

Commissioner's comment's and questions:

1. Asked Staff if there is a relocation program associated with the project.
2. Asked Staff what the income level range is for the middle income homebuyer.

Ms. Hubbell stated that the middle income level qualification is 120-160% of the median income. The maximum sale price is based on 130%. For a middle income unit, the maximum income for two people is \$84,000, while the maximum income for three people is \$94,700, for a unit sale price of \$216,000.

Trish Allen, Susan Elledge Planning and Permitting, introduced the applicant team: Dave Jones, Lenvik and Minor Architects; Josh Monroy, Earth One Design landscape architect; and Pete Richards, the owner, then gave the applicant presentation.

Commissioner's comments and questions:

1. Asked the applicant how many bedrooms are in current building.
2. Asked if the tenant relocation proposal is based on the rent that is currently being paid or the rent where the tenant would be relocating.
3. Asked for more detail on the sidewalk composition and pedestrian walkways.
4. Asked about the private spaces and noted that each floor looks over the floor below. Asked if the private space could be made more private.

Ms. Allen stated that this project is not subject to the proposed draft tenant displacement assistance ordinance. However, the applicant is proposing a 60 day notification and rent compensation based on the length of the tenant's residency and ranging from one month to three months rent. The compensation will be equal to the rent the tenant is currently paying today.

Ms. Allen responded that there are 15 bedrooms in the current building.

Mr. Jones stated that there will be enhanced paving that will use some brick or colored modular cement blocks. The pedestrian walkways will use color or some differentiated material. Mr. Jones stated that the privacy between floors has not been considered.

Chair Jacobs opened the public hearing at 1:48 P.M.

Mary O'Gorman, SBCAN Executive Director, expressed concern with maintaining rental housing market. Against replacing rental units with high end condominiums.

With no one else wishing to speak, the public hearing was closed at 1:50 P.M.

Commissioner's comments and questions:

1. Acknowledged the loss of rental housing and shared the same concern expressed by the public speaker. Asked about the City's policy and considerations of the trade offs. Sees this issue as a serious matter.
2. Would like to see the streetscape changed to include a real parkway, not just a little strip. Would like to see underground parking.
3. Asked for legal counsel's input about the drainage and expressed concern that it is not consistent with how it now drains.
4. Asked about the light pole across the street that has the wrong fixture. Would like to include consideration to changing the fixture. Supports changing the light fixture to a dome fixture in compliance with City standards.
5. Commented that Commissioners need tools from the City Council on affordability by design.
6. Pointed out that land use and size of project are appropriate for this neighborhood. Stated that there are lots of driveways in the area; consider the relation to increased upper State Street traffic.
7. Consensus of Commissioners expressed concern with the loss of rental housing units.
8. Echoed comments on underground parking, but understands that it may not be feasible given lot size and configuration and required design standards.
9. Asked about suggestion for moving the sidewalk onto private property. Asked counsel how the City's right of way works.
10. Appreciates that 15 bedrooms are being replaced with 15 bedrooms. Stated that condominiums can become rentals and should be considered. Does not consider the plate heights are exorbitant and the project will fit well with the neighborhood.
11. Asked about the two modifications needed for additional parkway. Asked, if an easement is provided in the front area, if it could be a pedestrian easement rather than a street easement.
12. The 36' height works well with surrounding neighborhood. Future three story buildings would be under greater scrutiny.
13. Asked what would be required for a larger parkway to occur. Asked, if a setback modification were to be added, if the project would then need to be renoticed.
14. Asked if a strip of attractive paving could be incorporated along the back of the sidewalk.
15. Asked how the streetscape will be treated and if it could include permeable pavement and trees. The front looks very institutional for the entrance to the residential portion of the neighborhood.

Mr. Vincent stated that the rule of drainage is that one property must act reasonably with respect to the other property. One factor of reasonableness is not increasing the burden

across the adjoining neighbor's property. On this project, the proposal is not creating a burden on the adjoining property.

Mr. Vincent replied stated that a City sidewalk must be within the City right of way; however, the applicant could dedicate a larger right of way. The dedication would still be the responsibility of the applicant for liability and maintenance. Ms. Hubbell added that the setback would change if the public easement was changed and has an impact on the property and how it is developed.

Ms. Hubbell commented that the proposed Tenant Displacement Assistance Ordinance will be based, not on what the tenant is currently paying for their unit, but on what the going rate is for the existing unit based on an annual survey that will be done by Housing and Redevelopment.

Ms. Hubbell clarified that a pedestrian walkway is a sidewalk that is considered to be a part of the right of way. Many of the City's rights of way are owned as an easement, not in fee. Ms. Hubbell included the applicant in the discussion on whether or not there was any interest on dedicating additional parkway.

Mr. Jones asked the Commission for clarification on the sidewalk concern.

MOTION: Mahan/Larson

Assigned Resolution No. 022-06

Approve the project, making the findings for the lot modification and the tentative map and new condominium development with the conditions that: 1) The area west of the public sidewalk will be enhanced with decorative paving and trees as reviewed and approved by ABR. 2) The light pole fixture on La Cumbre will be changed to a dome fixture. 3) Relocation of the tenants will be based on the applicant's proposal and the proposed tenant displacement ordinance for rental compensation rates.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

Chair Jacobs announced a break at 2:27 PM. The meeting reconvened at 2: 45 P.M.

IV. RECOMMENDATION TO THE CITY COUNCIL:

ACTUAL TIME: 2:45 P.M.

SINGLE FAMILY DESIGN GUIDELINES/NEIGHBORHOOD PRESERVATION ORDINANCE (SFDG/NPO)DRAFT UPDATE

Recommendations to the City Council on the review and comment of the Single Family Design Guidelines/Neighborhood Preservation Ordinance Draft Update Package.

Case Planner: Heather Baker, Project Planner

Email: hbaker@SantaBarbaraCA.gov

Heather Baker, Project Planner, gave the staff presentation.

Commissioner's questions and comments:

1. Asked Staff for a summary of comments from the Architectural Board of Review (ABR) and the Historic Landmarks Committee (HLC).
2. Asked about the Steering Committee's recommendation to require a super majority vote for projects proposing over 85% of the maximum FAR (instead of only for projects over the maximum FAR, as recommended by the ABR).
3. Asked how the Staff report FAR's compared with the Steering Committee's FAR's.
4. Asked if there was any other discussion at any of the hearing bodies about lowering the FAR's for the 6,000 square foot lot to 0.38. Asked if there had been any change to the lots proposed to be subject to regulatory FAR's being bumped from 7,500 square feet to 10-15,000 square feet.

Ms. Baker stated that the ABR recommended going to the City Council with the changes reviewed. ABR felt that the FAR chart should be implemented as guidelines only and not regulations. ABR supports the requirement that a super majority of the ABR members be present to vote for projects over 100% of the proposed maximum FAR. ABR also recommended requiring that anyone voting on a project have visited the site.

Ms. Baker stated that the Historic Landmark's Commission felt that significant changes to the Single Family Design Guidelines, is necessary before City Council recommendation.

Ms. Baker stated that the 6,000 square foot lot proposed FAR's were considered and the hearing bodies deferred to the Steering Committee recommendations.

Chair Jacobs opened the public hearing at 3:00 P.M.

The following people who spoke prefer that if FAR's are implemented, that they be guidelines: (first category)

1. Michelle Giddens, City Wide Homeowners Association, disagrees with Staff and conveyed that FAR numbers are limiting.
2. Karen Ellen, felt that steering committee was biased from its initiation. Not all ABR was in favor of numbers and opposed FAR's.
3. Toby Bradley, Santa Barbara Association of Realtors, spoke against FAR's
4. Timothy Harding, City Wide Homeowners Association, spoke against FAR chart.
5. Dorothy Fox, City Wide Homeowners Association, spoke about houses fitting families, not lots.
6. Donna Rayet, had to leave, but opposes NPO ordinance as submitted

7. Joe Andrulaitis, AIA Santa Barbara, opposes the NPO.
8. Wendy Greg, left, but comments were read. Agrees with SB association of Realtors against FAR.

The following people spoke in favor of FAR's as regulations, and most stated the FAR maximums should be reduced to .38 at 6,000 square feet: (second category)

1. Connie Hannah, Santa Barbara League of Women Voters, stated that FAR's are too high.
2. Bernie Bernstein, Mesa Neighborhood Association, supports standards, but not guidelines.
3. Cathie McCammon, Santa Barbara League of Women Voters, supports limits to single family homes.
4. Dianne Channing, stated that progress has been made, but that FAR table allows for potential large development.
5. Mary O'Gorman, Santa Barbara County Action Network, supports smaller FAR's
6. Paul Hernadi, supports FAR regulations over guidelines.
7. Naomi Kovacs, Citizens Planning Association, believes NPO creates more loopholes.
8. Betsy Cramer, supports CPA position.
9. Claudia Madsen, supports regulations over guidelines.
10. Mac Bakewell, Marine Terrace neighborhood, suggests that guidelines do not work; FAR's are so generous that they are meaningless.
11. Joe Cantrell, supports FAR's. does not believe good architecture trumps size concerns.

Chair Jacobs stated that the composite of the Steering Committee was made up of two Planning Commissioners, two Architectural Board of Review members, two Historic Landmarks Commission members, two members of the public and Allied Neighborhood Association representatives.

Scott Vincent left Council chambers at 3:31 P.M. and returned at 3:33 P.M.

With no one else wishing to speak the public hearing was closed at 3:42 P.M.

Individual Commissioner comments and questions:

1. FAR do not guarantee good design any more than front yard setbacks. Both are numbers, but they do create limits. Responsibility for good design rests with the architect, ABR and the client. Explained that the charts are using gross numbers, not net numbers, as previously used, and therefore larger houses than originally proposed to be allowed are proposed for the chart. Suggests the FAR could be smaller and still OK, but will support the proposed numbers.
2. Asked peers for clarification of the chart and what was gross as opposed to net.
3. Asked if the PC recommends the FAR's as a regulation, if the regulation will be reviewed in three years. Would like to see a lower FAR for 6,000 square feet than is

- currently recommended.
4. Some Commissioners felt the FAR maximum as an ordinance should apply to lots of 15,000 square feet, or even greater.
 5. Given all the discussion that has taken place, believes that this ordinance is not ready to go to City Council.
 6. The Steering Committee did consider FAR's for specific neighborhoods, but then realized it was too complicated and beyond the scope of the Committee.
 7. Acknowledged polarization of opinions. Suggested adaptive management approach with reviews every three years or less.
 8. The consensus of Commissioner's felt that a drive-by tour of should be taken to see examples of the homes with various FAR's before making any recommendations. Would give Commission's greater confidence in making Council recommendations. Would like to see examples of 0.38 as compared to 0.42 FAR.
 9. Acknowledged the staff's contributions and the Commissioners that have been on the Steering Committee. Conveyed that we have to move forward at some time and go to City Council, otherwise we can spend another two years working out details. Agrees that the numbers need to be recommendations and not guidelines. No modifications should be granted for exceeding the maximum.
 10. Believe we need to keep in mind both 'neighborhoods' and 'preservation'. Appreciates dialogue that has taken place at all meetings. Concerned about sustainability when the size of houses is increased.
 11. Recommends use of the "study area", so that when a project goes to ABR, that it shows the 20 neighboring homes.
 12. Recapped Steering Committee decision process. The motion for regulated FAR, as originally written in report, was not approved.
 13. Suggested that these FAR's should be guidelines. Size of house is not what drives the prices in the area; it is the value of the land.
 14. Asked what happens to PC review of larger homes. Appreciates fellow commissioner's comments on small lots.
 15. Some commissioners thought net square footage numbers should be used for the FAR chart.
 16. Having a FAR regulation that cannot be amended deserves discussion. Asked peers to explain the diminishing returns on lots over 15,000 square feet. This ordinance will be a lot more work on the ABR than before because ABR will have more to review. Agrees with Staff recommendation of 15,000 square feet, but is receptive to higher number.
 17. Commented that anything over 15, 000 square feet should require a regulation. Would like to see a FAR chart showing net in comparison to gross.
 18. Climate has been that regulations are for poor people, guidelines are for rich people, but indicated that it should be the same for everyone.
 19. Talked about living within our resources and the 'green' aspects of building. Small is 'green'.

20. Asked about the City's mother-in-law (second-unit) provision for housing a relative. Asked how many granny flats are in the City of Santa Barbara.

Ms. Baker stated that triggers for Planning Commission review at 6,500 square feet or over 260 cubic yard of grading would be eliminated underneath the proposed ordinance.

Ms. Baker clarified that there is a green component in the program for a two star Built Green program requirement for homes over 4,000 square feet. There is also an incentive program for two-story additions under 500 square feet. If they have a two star Built Green rating, the project could also be reviewed by Staff.

Ms. Hubbell responded that the mother-in-law (second-unit) ordinance is limited to 600 square feet. Between five and ten legal granny flats have existed in the city since 1984. Changes at the State level are impacting local municipalities' ability to restrict granny flats.

Ms. Baker stated that the reason that the reviews were recommended in three year increments was due to application and construction time.

MOTION: Mahan/ Larson

Move to continue the meeting to June 15th, and go on a site visit on June 8th to see buildings that match up with the FAR chart numbers.

This motion carried by the following vote:

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

Chair Jacobs listed the remaining issues that the Planning Commissioners wanted to resolve before making a recommendation to City Council. The included:

1. Which changes to the Draft Update Package are necessary for the Planning Commission to recommend the package for adoption to City Council?
2. Recommend FAR chart implementation as regulations or guidelines?
3. Recommend FAR chart "as is" or do the numbers on the chart need adjustment?
4. Which size lots does the Planning Commission recommend FAR's apply to, up to 7,500, 10,000, 15,000 square foot lots or all lots?
5. Does the Planning Commission recommend net or gross square foot figures be used in applying FAR's?
6. What appeal process for ABR single-family projects does the Planning Commission recommend?
7. For projects exceeding the maximum FAR, should there be a PC modification process available or does the PC recommend a different process such as a variance or some other mechanism?

Mr. Cantrell returned to the podium and suggested that the Planning Commissioners look at the yards and some interiors of some of the homes when on the site visit to consider the real impact to neighbors.

Mr. Andrulaitis offered the help of the AIA in providing addresses for consideration for the site visit.

Ms. Bradley added that Santa Barbara Association of Realtors could also provide some input for site consideration.

V. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

1. Commissioner Larson stated that there will be a Street Lighting Master Plan Subcommittee meeting in Mid June.
2. Commissioner Jacobs attended the Airline Terminal Design Subcommittee and met with the project architects. August 2nd will begin The next series of meetings will begin on August 2, 2006. The public was invited to the Arroyo Burro Ground Breaking Project
3. Commissioner White reported on the Staff Hearing Officer's last meeting. Danny Kato filled in for Bettie Weiss.
4. Commissioner Myers attended the Urban Transit Village meeting with the Historic Landmarks Commission and asked Staff how a steering committee could be formed to look at the Urban Transit Village project and all the sites associated with it. Commissioners suggested that City Council members and relevant boards and commissions be included in the steering committee. Commissioner Myers also attended a visioning meeting at Conceptual Motion and felt it was very inclusive and helpful.

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

None were requested.

VI. ADJOURNMENT

Chair Jacobs adjourned the meeting at 5:04 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary