



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 13, 2006

CALL TO ORDER:

Chair John Jostes called the meeting to order at 1:02 P.M.

ROLL CALL:

Present:

Chair John Jostes

Vice-Chair Charmaine Jacobs

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

STAFF PRESENT:

Jan Hubbell, Senior Planner

Kathleen Kennedy, Associate Planner

Irma Unzueta, Project Planner

N. Scott Vincent, Assistant City Attorney

Gabriela Feliciano, Commission Secretary

I. PRELIMINARY MATTERS:

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

No requests were made.

- B. Announcements and appeals.

Ms. Hubbell made the following announcement:

The appeal for 85 N. La Cumbre will be heard at the July 25th City Council meeting at 6:00 p.m. Commissioner Jacobs agreed to attend.

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

Chair Jostes opened the public hearing at 1:03 P.M. With no one wishing to speak, the public hearing was closed at 1:03 P.M.

II. NEW ITEMS:

A. ACTUAL TIME: 1:06 P.M.

APPLICATION OF PETER W. HUNT FOR CASAS DE RANCHERIA, LLC, 312 RANCHERIA STREET, 037-231-010, R-4 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2005-00634)

The proposed project involves the demolition of two existing residential dwellings and three sheds totaling 2,200 square feet and the construction of five attached two-story residential condominiums on an 11,375 square foot lot in the R-4 zone. Four two-bedroom and one one-bedroom units are proposed and would range in size from 1,004 to 1,147 net square feet. Ten parking spaces would be provided in five two-car garages.

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision with five (5) new condominiums (SBMC §27.07.030 and §27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303, which provides for projects of not more than six dwelling units in urbanized areas.

Case Planner: Irma Unzueta, Project Planner

Email: iunzueta@santabarbaraca.gov

Ms. Unzueta, Project Planner, gave the Staff presentation.

Peter Hunt, project architect, gave the applicant presentation.

Commissioners' comments and questions:

1. Asked if any of the Architectural Board of Review (ABR) concerns from a previous meeting were addressed, in particular the flipping of Unit E, and if flood control was an issue.
2. Asked if the ABR made a site visit or how they were able to take in the proximity of historic and other buildings in the neighborhood.
3. Asked if the back is more prone to flooding.
4. Asked if the elevations in the presentation show how the building has been raised up to avoid flooding and if the entrance door would have to be raised up with a foundation in case of a two-foot flood.
5. Commented that as the properties are raised to defend against flooding, the water would need to go elsewhere and some properties would be less secure, but this property is protected.
6. Asked if solar panels or green architecture are being incorporated.
7. Asked if it is the applicant's commitment to place photo voltaics to reduce energy usage.
8. Requested that applicant discuss or show photo documentation of the neighborhood's architectural content.
9. Asked if the big windows are operable.
10. Asked if the elevations show that the walls are high enough as recommended in the noise mitigation or will the site look different once the walls are installed.

11. Finds project to be a solid contribution to the housing stock and appreciates that ABR is satisfied with the size, bulk, and scale.
12. Requested that pedestrian access be highlighted and that the ABR review best management practice on the drainage.
13. Finds project to be appropriate from a land use perspective, but concerned over its contemporary style since the site is in an area where there is a notable historic building and a large cluster of late Victorian buildings.
14. Requested that the ABR make a site visit when giving a final review of the project.
15. A green built component should be included as a condition of approval and a landscape plan should be made for the ABR.
16. Stated that if placement of solar panels is left to homeowners could be problematic later on and urged applicant to consider doing it as part of the original construction.
17. Is not concerned with the design and compatibility of the neighborhood. The Victorian homes are an exception and not a rule.
18. Expressed concern over the overall plate heights of the building.
19. Agreed that alternative sources of energy should be incorporated although it will raise the cost for each of the condominiums, but the cost will be reduced if it is done now rather than later.
20. The architecture is interesting, but it was unfortunate that the square windows were not fenestrated and broken up since they will have to be operable.
21. Awnings would be appropriate to protect windows from the sun, at least at the south elevation, since the building is not air-conditioned.

Mr. Hunt responded that the back unit was flipped to put the garage closer to the front. The back unit is where the flood would occur first, but the building was raised above flood elevation and each unit is one foot higher than the next. Flooding concerns have been addressed pursuant to FEMA's minimum flood elevation, so that an "island" is formed. A wall was built around part of the property so that if a flood goes through that direction, the waters are diverted elsewhere.

Ms. Unzueta responded that a site visit was not conducted, but surrounding ground photographs were made available to the ABR.

Mr. Hunt stated the flat roofs will accommodate solar panels. A solar provider has estimated that 400 square feet would accommodate the amount of kilowatts needed; 100 square feet allow 1 kilowatt of energy and 4 kilowatts is equal to \$40,000. It was not the applicant's original intent, but wants to accommodate the use of solar panels in case the buyer or the owner wants to install their own system after purchase.

Mr. Hunt showed pedestrian access and stated that the intent is to provide a paving pattern to make it easier for pedestrians to understand that they would not be violating private space as they walk from the front to the back.

Mr. Hunt showed the famous Fernald House that was relocated in 1975 to its present site, historic houses, and other newer residences in the neighborhood. The windows will be broken up and operable. The ABR had comments specifically to those windows and the fenestration; but as far as the size, bulk, and scale, the ABR found it approvable. The plan is to use concrete walkways surrounded by permeable pavers. The recommendation was for five to six-foot high walls around the perimeter which are shown in the presentation drawings. In addition, double pane glass and thick walls will be relied upon to reduce noise.

Chair Jostes opened the public hearing at 1:33 P.M. With no one wishing to speak, the public hearing was closed at 1:33 P.M.

MOTION: White/Mahan

Assigned Resolution No. 029-06

Approve the Tentative Subdivision Map, making the findings outlined on the Staff Report, subject to the Conditions of Approval in Exhibit A and the following additional conditions: 1) Require that drainage best management practices be approved by the ABR. 2) Landscape plan prepared by a licensed landscape architect, shall be approved by the ABR. 3) Photo voltaics will be required in this project. 4) Request ABR to study the lowering of plate heights. 5) Request ABR to study fenestration and the possibility of using awnings or eyebrows on the building.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

B. ACTUAL TIME: 1:45 P.M.

APPLICATION OF PEIKERT GROUP ARCHITECTS FOR H & R INVESTMENTS, LP, PROPERTY OWNER, 517 CHAPALA STREET, APN 037-163-007 & -008, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2005-00088)

The proposed project consists of a lot merger, the demolition of 1,300 square feet of commercial space and the construction of a three-story, mixed-use development with six residential condominium units totaling 9,999 square feet (net), two commercial condominium spaces totaling 2,872 square feet (net) and seventeen parking spaces. The project includes a request for one additional residential unit pursuant to State Density Bonus law. The proposed mix of units consists of one (1) three-bedroom market rate unit, four (4) two-bedroom market rate units and one (1) two-bedroom moderate income affordable unit.

The discretionary applications required for this project are:

1. A Modification to allow the required ten percent open space area to be provided on the second floor (SBMC§28.21.080.F);
2. A Modification of the lot area requirement to allow the one-bedroom market rate unit to have two bedrooms instead of one bedroom (SBMC§28.21.080.G);
3. A Modification of the lot area requirement to allow the third floor market rate unit to have three bedrooms instead of two bedrooms (SBMC§28.21.080.G);
4. Development Plan Approval for 1,572 square feet (net) of new nonresidential square footage (SBMC§28.87.300); and
5. A Tentative Subdivision Map to allow a one-lot subdivision to create six residential condominium units and two commercial condominium units (SBMC§27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332 (infill development project).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff report.

Steven Faulstich, Housing Program Supervisor, presented an overview of the new State Density Bonus Law provisions that went into effect in January, 2005, in contrast to the current Density Bonus Law currently being used by the City. The focus was on how the State Density Bonus Law pertains to this project.

Detlev Peikert, architect, gave the applicant presentation.

Commissioners' comments and questions:

1. Asked how the Commission would determine whether or not the incentives are needed to provide for affordable housing costs when, in the past, the Commission has been strongly discouraged from requiring the applicant to provide financial information.
2. Asked if other applicants have been required to provide financial information.
3. Requested a report or more information to be provided by Staff at a lunch meeting regarding the new State Density Bonus Law.
4. Asked if there are R-3 setbacks in the C-2 zone.
5. Asked if there was a pedestrian access to the alley as suggested by the Historic Landmarks Commission.
6. Asked if there are any structural considerations that would prohibit a pedestrian access to the alley.
7. Asked if there have been discussions regarding the Residential Parking Permit Program.
8. Asked if other projects in the block include pedestrian access to the alley.
9. Asked if any consideration has been given to doing something with the blank façade on the south elevation, such as a landscape treatment or building details.

Mr. Vincent responded that one of the challenges of the new State Density Bonus Law is that it brings into play economic issues that the City has in the past stayed out of primarily because of the difficulty of verification. The City intends to devise an ordinance and procedures to implement the new State statute that puts into play the economic analysis.

Mr. Faulstich responded that the finding regarding the economics of these incentives does not have to be made in order to approve the requested incentives. The economics finding is required only if the Commission denies the incentives.

Ms. Hubbell responded that the basis for requiring the applicants in past projects to provide financial information was due to the relationship to the Redevelopment Agency and overriding considerations.

Ms. Hubbell stated that the R-3 setback is not required in a mixed-use project.

Mr. Peikert responded that the possibility of pedestrian access from the alley is still being considered. It would be possible to have doors from each of the individual units leading to the alley, but each unit has access through the garage and there are no commercial deliveries from the alley.

Ms. Hubbell noted that garage width and staircase requirements may not make it possible to add a pedestrian passage way unless the parking is reduced.

Ms. Hubbell stated that Staff is in support of placing a prohibition on the residents of the project applying for Residential Parking Program permits.

Ms. Hubbell stated that the Shelton project does have a pedestrian pass-through.

Mr. Peikert responded that the property owners to the south of the project told him that they are interested in making sure that, in the future, their property can be developed up to the property line. It would be possible to install windows or other relief treatment that would create an ornamental façade. It would be difficult to change the building configuration at this location. The elevation can be softened visually by placing landscape on the neighbor's property and the applicant would be willing to do this.

Chair Jostes opened the public hearing at 2:31 P.M.

The following people spoke in opposition and in support of certain aspects of the project:

Caroline Vassallo, neighbor, expressed concern over the loss of sky views and privacy, and the need for streetlights.

Tony Vassallo, neighbor, supports undergrounding of transmission lines; and supports garages on the alley for residents so that there will be less commercial traffic, but concerned about the 13 foot plate height for the garages and asked if the entire building could be lowered.

The following people spoke in opposition to the project:

George Ogle, neighbor, concerned about the loss of mountain views, proposed architecture not consistent with Brinkerhoff Landmark District, inadequate parking, and height of building.

Kathryn Dole, landscape architect with office in Brinkerhoff Landmark District, concerned over the need for a pedestrian link between Chapala Street and the alley, for the massing to be moved toward Chapala Street and away from the property lines; it is too massive, should not be Mediterranean style, and the project would block views.

Chair Jostes noted a letter received in opposition from Ms. Pat McFadden.

With no one else wishing to speak, the public hearing was closed at 2:49 P.M.

Commissioners' comments and questions:

1. Asked if it would be possible to lower the garage height and thereby lower the rear units by the same number of feet.
2. Asked if the site is in the Brinkerhoff Landmark District.
3. Asked what pulling back the third floor balconies at the rear elevation would do to the project's open space.

4. Asked if the open podium between the commercial garage and the front entrances could be stepped up.
5. Asked if a transmission line could be maintained, but remove the distribution lines.
6. Stated that there is a line between the distinctive design of the Brinkerhoff and El Pueblo Viejo Districts.
7. Access to the alley is not important. It is a working alley and not a beautiful paseo.
8. Windows could be a possibility on the south elevation of the rear building. Other alternatives to soften the façade would be trompe l'oeil painting, closed shutters, or landscaping. Appreciates the gap between the project and the adjacent Victoria Building.
9. It would help soften the three-story to have the balconies along the rear elevation cut back.
10. Some views from some Brinkerhoff houses will be obliterated, but private views are not protected.
11. A height of 45 feet for a three-story building is acceptable; however, the plate heights for the garages in the rear could be lowered.
12. Hopes there will be cooperation between the property owners to improve the alley.
13. Does not support the pedestrian access for the general public, but suggested that the applicant consider installing another elevator and perhaps turning the two car garage into a one car garage to allow additional access to the alley for the residents of the building.
14. Encourages taking the opportunity to possibly underground the utility poles.
15. Finds the affordable units in a project this size to be a great benefit.
16. Encourages exploring streetlight designs that will benefit the neighborhood. Suggests that the applicant work with Public Works regarding streetlights along the alley.
17. The conditions of approval should include a requirement that the alley be remedied when the construction is completed and to prohibit Residential Parking Permits.
18. The 10% open space criterion should be held to include more landscaping at the Chapala frontage; therefore, is not in support of that modification request.
19. Missing the opportunity for this project to have proper parking underground. Requested information from Staff about when underground parking is technically feasible.
20. This is an incredible opportunity to create a neighborhood and forge a partnership between residents on each side of the alley.
21. Requested clarification of how the additional elevator being suggested would be utilized.

Mr. Peikert stated he has tried to keep the building height as low as possible which is much lower than the street façade. Lowering the garage is a possibility that can be explored, but the podium is built at a single level with the commercial area in the front, which requires a higher floor-to-floor height.

Ms. Hubbell mentioned that the utility lines along the alley are not required to be undergrounded because they are transmission lines and it would be too expensive for this project to underground them. The site is within El Pueblo Viejo District and the proposed project property meets at the border with the Brinkerhoff Landmark District. The Historic Landmarks Commission did not have concerns with the design of the project.

Mr. Peikert responded that the balconies are private open spaces that are not required and it would be possible to step them back from the edge of the building. The height is needed, but it may be possible to step down a couple of feet in the back.

Ms. Hubbell commented that there is an elevator to the podium level and the first floor of the townhouse units are required to be accessible. Dropping the back and having a stair down to the podium could not be done because of the elevator in the unit. She also responded that there is not enough depth to the lot to allow for underground parking.

Mr. Vincent commented that there is no nexus requirement for public access if the applicant is not seeking a public access as part of the proposal.

Ms. Hubbell responded that there is no depth to allow for underground parking.

Mr. Peikert explained that a new elevator is not being explored, but rather creating a connection that would permit residents coming out of their garages access to the main elevator, which would require a reduction of one parking space.

MOTION: Mahan/Thompson

Assigned Resolution No. 030-06

Approve the project making the findings for the modifications development plan, Tentative Subdivision Map, and new condominium development subject to the conditions in Exhibit A, amended as follows: 1) South elevation of the rear building will be revised to include elements to break up the blank wall; suggestions include windows, shutters and landscaping. 2) Residential Parking Permit program will not be permitted for residents. 3) Three-story balconies on the alley side will be reduced to their minimum dimensions that are required by ordinance. 4) Residential garage plate height will be lowered to a floor-to-floor of approximately nine feet; subsequently, the building above it will be reduced accordingly. 5) Provide access from the residential garages to the elevator by reducing the two-car garage of Unit 2 to a one-car garage. 6) The applicant is encouraged to contact the owners of the properties north and south of the project and the adjacent property owners across the alley in the Brinkerhoff Landmark District to assemble a committee to discuss and pursue improvements to the alley for the benefit of all.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

III. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Larson reported that the noticing policy was discussed at the Architectural Board of Review meeting, but was not able to stay for more substance on the Valle Verde concept.

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

Commissioner White requested that the 400 block of East Figueroa be scheduled for a lunch session discussion. There is concern that this is a project that has received approval by the Staff Hearing Officer for two rental units and is now going through a condominium process. If it had been reviewed by the Planning Commission, an option could have been to direct the project to City Council.

IV. ADJOURNMENT

MOTION: Jacobs/Mahan

To adjourn the meeting.

This motion carried by the following vote:

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

Chair Jostes adjourned the meeting at 3:34 P.M.

Submitted by,

Gabriela Feliciano, Commission Secretary