



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

July 20, 2006

### **CALL TO ORDER:**

Chair John Jostes called the meeting to order at 1:04 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.

Commissioner Jacobs arrived at 1:15 P.M.

Commissioner White arrived at 1:17 P.M.

### **STAFF PRESENT:**

Michael Berman, Environmental Analyst

Jan Hubbell, Senior Planner

Kathleen Kennedy, Associate Planner

Homer Smith, Principal Engineer

Chelsey Swanson, Assistant Planner

Irma Unzueta, Project Planner

N. Scott Vincent, Assistant City Attorney

Stacey Wilson, Assistant Transportation Planner

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 85 North La Cumbre City Council appeal may be moved from July 25<sup>th</sup> to August 1, 2006.

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

Chair Jostes opened the public hearing at 1:05 P.M. With no one wishing to speak, the public hearing was closed at 1:05 P.M.

**II. CONSENT ITEM:**

**ACTUAL TIME: 1:05 P.M.**

**APPLICATION OF SANTA BARBARA CERTIFIED FARMERS MARKET, 1100 – 1200 BLOCKS OF COAST VILLAGE ROAD, APN 009-291-RW, C-1 LIMITED COMMERCIAL / SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/ STREET BUFFER / BIKEWAY (MST2006-00156)**

Since 1994, the Santa Barbara Certified Farmers Market (SBCFM) has operated on Friday mornings in various areas along the 1100-1200 blocks of Coast Village Road. On July 19, 2001, the Planning Commission approved a Conditional Use Permit (CUP) for a five-year period, for the operation of a certified farmers market on Fridays on a 4-zone weekly rotational basis in the street public right-of-way of the 1100 and 1200 blocks of Coast Village Road. The market operates from 8:00 a.m. to 11:15 a.m., with street closure allowed between the hours of 6:00 a.m. and 11:45 a.m. The only requested amendment to the CUP is to allow the market to operate the day after Thanksgiving. This application is for the renewal of the CUP for the continuance of the operation of the weekly farmers market.

The discretionary applications required for this project are:

1. A Conditional Use Permit to allow the public right-of-way on the 1100-1200 blocks of Coast Village Road to be used for a Farmers Market on Friday mornings (SBMC §28.94.030.N); and
2. A Coastal Development Permit to allow the public right-of-way on the 1100-1200 blocks of Coast Village Road to be used for a Farmers Market on Friday mornings in the Non-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 15304 (e).

Case Planner: Chelsey Swanson, Assistant Planner

Email: cswanson@SantaBarbaraCA.gov

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

**MOTION: Mahan/Larson**

Waive the Staff Report.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs/White)

Sam Edelman, SBCFMA General Manager, spoke on behalf of the applicant.

Chair Jostes opened the public hearing at 1:07 P.M. With no one wishing to speak, the public hearing was closed at 1:07 P.M.

The Commissioners asked if there have been any complaints from merchants or the public as to the way the Farmers Market has been run or if any issues have been raised in regard to traffic problems.

Ms. Hubbell responded that there have not been any complaints in the last few years.

**MOTION: Thompson/Larson**

**Assigned Resolution No. 031-06**

Approve the project as per the Staff Report.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs/White)

Chair Jostes announced the ten calendar day appeal period.

**III. CONTINUED ITEM FROM JULY 6, 2006:**

**ACTUAL TIME: 1:08 P.M.**

**APPLICATION OF BILL FERGUSON WATER RESOURCES SUPERVISOR FOR CITY OF SANTA BARBARA, 520 AND 525 E. YANONALI, APN 017-540-007, OM-1 ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST06-00290/CDP06-00010)**

The proposed project involves an amendment to the proposed project and conditions of approval to include contribution to the City's Underground Utility Fund in lieu of undergrounding 600 feet of electrical transmission lines.

The discretionary application required for this project is a Coastal Development Permit (CDP2005-00010) 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 change in the project description and conditions of approval would not result in a significant environmental impact since the funds that would have been used to underground utilities in the industrial area would be used to underground utilities that would have a more beneficial effect on visual resources elsewhere in the Coastal Zone. This has been documented in an Addendum to the Final Environmental Impact Report prepared for this project.

Case Planner: Michael Berman, Environmental Analyst

Email: mberman@SantaBarbaraCA.gov

Michael Berman, Environmental Analyst, gave the Staff presentation.

Chair Jostes opened the public hearing at 1:11 P.M. With no one wishing to speak, the public hearing was closed at 1:11 P.M.

Commissioner Jacobs arrived at 1:15 P.M.

Commissioner White arrived at 1:17 P.M.

Commissioners' comments and questions:

1. Did not see a problem with approving the project as stated and recommended that those monies be placed at the front end of the Cliff Drive undergrounding project and be accounted for as clearly as possible.
2. Stated that one of the key elements is that the undergrounding monies should be utilized to implement a Coastal Zone project and would like the assurance that monies will not be used for a non-coastal zone project.
3. Asked if there are other areas within the Coastal Zone that that the City is targeting.
4. Asked when the undergrounding could be expected to start taking place.
5. Commented that the recent approval to underground utilities along Cliff Drive coincides with this proposal to redirect these funds that (ten years ago) were suppose to be used for the desalination plant.
6. Suggested that this additional Coastal Zone funding be frontloaded into the beginning part of the budget for the Cliff Drive area. If there is anything left in the fund, that it not be used to further extend into the Cliff Drive area, but rather that it be set aside for the next priority. It was agreed upon at a Commission prioritization meeting that a second priority would be Mission Street.
7. Expressed appreciation for Staff taking the time to research the history of this project although is disappointed that there was not a clear direction, when the project was approved, that the lines crossing Highway 101 were to be undergrounded.
8. Pointed out that great work is being done on Highway 101 and it would have been beneficial to those efforts if the City had focused on the issue of undergrounding the desalination power lines.

Homer Smith, Principal Engineer, responded that the plan is to create a separate project for these funds that will effectively place a "fence" around them so that they are not applied to any non-Coastal Zone projects. The intent is to fund an extension on the Cliff Drive undergrounding project and it appears that the project can now be extended to Mesa Lane. At this time, no other projects have been identified within the Coastal Zone.

Ms. Hubbell commented that another option would be to further extend along Cliff Drive to the east beyond the original boundary at the fire station, which is still within the Coastal Zone.

Mr. Smith added that the actual cost will not be known until a resolution passes at City Council which creates an underground utility district. The project will be introduced on August 1 and the public hearing will be on August 22, 2006. Southern California Edison (SCE) will then begin the final estimate. The undergrounding is estimated to take 18 to 24 months and then construction would occur within a year; therefore, the project will be completed in 3 to 3 ½ years from now. It is not possible to know what the limits of the project are until SCE provides an estimate, but the Commission will be kept apprised on whether the money can be reserved for a future undergrounding project. Increases in construction costs will play a part in that decision.

Ms. Hubbell responded that one concern with the approach of using monies left over for other priorities is that it would contradict policy consistency since this money was intended to be used for improvements at a particular location within the Coastal Zone.

Mr. Vincent explained that the utility poles along Yanonali Street were installed as part of the temporary desalination project and, as a matter of expediency, they were not undergrounded. The poles were intended to be undergrounded as a condition of approval of the permanent desalination project. The cost of that has created the \$375,000 pool of money. The applicant is now asking the Commission to alter the condition of approval and consider an alternative, keeping in mind the intended purpose of the original condition of approval, which was to ameliorate the effects of the aesthetic impacts of power poles within the Coastal Zone. The proposal intends for the \$375,000 to supplement, not supplant, the monies going toward projects within the Coastal Zone.

**MOTION: White/Thompson**

**Assigned Resolution No. 034-06**

Approve the Coastal Development Permit, making the findings and subject to the conditions outlined in the Staff Report.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

**IV. DISCUSSION ITEM:**

**ACTUAL TIME: 1:30 P.M.**

**APPLICATION OF CAMERON CAREY, AGENT FOR AMERICAN BAPTIST HOMES OF THE WEST (PROPERTY OWNER), 900 CALLE DE LOS AMIGOS, 049-040-050, 049-040-053, 049-040-54, 049-440-015, 049-440-016 , A-1, E-1, and E-3, SINGLE RESIDENTIAL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE & 5 UNITS/ACRE (MST2005-00742)**

The proposed project involves the construction of 34 two-bedroom independent living units on multiple parcels within the existing Valle Verde Retirement Community Campus. The Valle Verde Retirement Community is made up of five independent parcels totaling approximately 59.75 acres. Eight of the units are detached and 26 are attached, with 23 of the units proposed with attached one-car garages. Twenty of the units are proposed on parcel 049-440-015, which is known as the "Rutherford Property". The remaining 14 units are infill and are proposed to be located throughout the existing campus. There are 219 existing residential units. This combined with the 34 units

would bring the total to 253 residential units. The present Conditional Use Permit allows 254 units. The facility's Central Core (Common Area) would be upgraded, including renovations to the existing gazebos, a redeveloped Theater Multipurpose Room, expanded outside dining, a new fine dining component, a café, expanded spa services, resident's business center, and fitness center. The commercial component of the proposed project consists of 2,181 square feet of remodel space and 8,951 square feet of new construction. Approximately 116 new parking spaces are proposed, including a new 51 space staff/guest parking lot. Grading for the project would involve 32,667 cubic yards of cut and 33,625 cubic yards of fill. An existing 1,300 square foot residential unit and 12 Oak trees are proposed to be removed.

Upon review and formal action on the application for the development project, the discretionary applications required for this project would be:

1. Conditional Use Permit Amendment to allow expansion of the Valle Verde Retirement Community (SBMC § 28.94.030);
2. Modifications to allow less than the required distance between main buildings on the project site (SBMC § 28.15.070);
3. Modifications to allow less than the required front yard setback for some of the proposed residential units (SBMC § 28.15.060); and
4. Modifications to allow less than the required interior yard setback for some of the proposed residential units (SBMC § 28.15.060).

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed project scope, design layout, and neighborhood compatibility. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.

Case Planner: Irma Unzueta, Project Planner

Email: iunzueta@santabarbaraca.gov

Irma Unzueta, Project Planner, gave the Staff presentation.

Ron Schaefer, Executive Director, gave the applicant presentation and spoke of the growing need for senior housing both nationally and in the community.

Commissioners' comments and questions:

1. Asked if the applicant is subject to the Inclusionary Housing Ordinance.
2. Asked if the facility pays property taxes.
3. Verified that Staff counts as one unit those that were originally two and have been combined.
4. Requested that Staff remind the Commission of the findings that are necessary for a Conditional Use Permit (CUP).
5. Confirmed that a front yard setback modification is not only being requested for the three units on Torino Drive, but there are others that will seek modifications throughout.

6. Asked if making the proposed new road into a cul-de-sac has been considered or in some other way changing it from being a through road that would connect into the main campus.
7. Asked, if the basic strategy is to replace studios with two bedroom units, how many bedrooms there are now and how many would be proposed by this project.
8. Asked if the bedroom count would increase substantially while the unit count is under the old CUP.
9. Noted that Valle Verde began as a home for retired ministers, but that criteria has changed. Asked what the selection process is for residents and if there are a higher number of couples applying rather than single applicants.
10. Asked if higher plate heights and open space are being applied in the conversion from the current small units into the proposed larger units.
11. Asked if the 66% open space takes into account the four-acre Oak preserve and what the open space is without it.
12. Requested a definition of the creek setback for the new units that run along the creek area.
13. Asked for the number of people on campus since the CUP allows a maximum of 350 residents, including resident staff.
14. Asked if, in addition to the solar panels on some pathway covers, there is a potential for any further green building techniques.
15. Recommended that this project review the checklist for becoming part of the Built Green process to improve the buildings further.
16. Asked if there is an assistance program for people that are on the list, but cannot meet the cost of some of the units.
17. Communicated the need for an exact calculation of the different types of units proposed to clearly determine the range and opportunity for housing.
18. Asked how the project will impact staffing.
19. Asked if the residents pay utilities.
20. Confirmed that a copy of the old CUPs will be provided by Staff for each member.
21. Asked what the slope is of the hillside where the big parking lot is proposed.
22. Requested information about the geology and what plans there are for stabilization of the hillside.
23. Asked how many affordable units will be added since it is a non-profit facility.
24. Asked if employee housing has been considered.
25. Asked about the intent of the Oak Woodland preserve.
26. Emphasized that the general mitigation found in the 1984 EIR was put in place partly as a response to the Oak tree removal that took place as a part of the plan and annexation in order to preserve the area from future development.
27. Asked about any existing programs for employees that encourage them to use alternate transportation or get them to use fewer cars to go to and from work.
28. Asked for preliminary figures on Oak tree removal.

Ms. Hubbell stated that Inclusionary Housing Ordinance provisions do not apply to rental units and explained that this facility does not pay property taxes. She reviewed the six basic findings that are required for Conditional Use Permits under Code 28.94.020.

Ms. Unzueta explained that the proposed road is only a concept and will be looked at later as part of the Development Application Review Team (DART) review.

Mr. Schaefer clarified that the reactive strategy for the last fifteen to twenty years has been to respond to seniors' requests to go away from smaller studios and one-bedroom homes to two-bedroom and larger one-bedroom homes. The homes being proposed are two-bedrooms and two-bedrooms with a den and at least two baths each. The bedrooms would increase by at least 68 from current. The approach has been to create a custom environment and have a variety of pricing and apartment sizes. Some of the units will bulk up in the reconstruction and in others the outside will look the same.

Mr. Schaefer stated that Valle Verde is part of the equal housing program and does not discriminate. The selection process includes a medical screening as required by the State of California as well as a financial screening. The facility has a larger percentage of couples than other retirement communities, but the proposed new homes would not serve a greater percentage of couples.

Mr. Schaefer calculated that the Oak preserve represents 4 out of 60 acres. Ms. Hubbell added that it is included in the broad open space, so that the landscaping is 31% and open space is 35%, but that includes the required preserve plus open space that is not landscaped.

Cameron Carey, Agent, responded that M.A.C. Design, a civil engineering firm, was hired to calculate the top of the bank according to City Code and applied a 50 foot setback from that top of bank calculation.

Mr. Carey provided the campus resident population as follows: 270 in the independent living units, 38 in assisted living, and 59 in the skilled nursing facility, totaling 367. One staff member lives on site, but the other 184 staff members commute in as follows: there are 109 from 7:00 am to 3:00 pm, 40 from 3:00 am to 11:00 pm, and 25 from 11:00 pm to 7:00 am. Mr. Carey noted that, under the original CUP, there was an allowance for 350 people including residents and staff with 182 units. The CUP was amended several times, but the number did not take into account the increase for additional units being permitted on campus. Ms. Hubbell added that Staff's tendency to amend and add on without re-looking at the comprehensive CUP is being corrected and the intent is to update the CUP for this project with accurate numbers.

Keith Nolan, On Design Architects, reported that the possibility of including more green building techniques is being studied and there are components in the project that are green by design. There is an effort to cluster the units, and the paved areas on the infill will be recycled for the new units to be placed. At the Rutherford site, there are plans to create a retention basin under the pavement that will gather the water coming down the hill with the intent to recharge the aquifer.

Mr. Schaefer explained that there are a diversity of housing sizes and pricing that meet the needs of a broad spectrum of applicants. In addition, there are specific endowments and other financial assistance for select individuals. The facility covers the majority of the utilities, but residents pay for telephone and internet charges.

Mr. Schaefer anticipated that the staffing impacts will be relatively minor with a need for an additional one to 1½ housekeepers, perhaps 1½ dining room servers, and one groundskeeper. Employee housing has not been considered. It is felt that the facility's mission is to serve the senior population by looking at the available space and for opportunities to construct new homes.

Mr. Nolan explained that, as soon as the grading plan is received, there will be a better understanding of what the hillside slope is where the big parking lot is proposed.



Ms. Hubbell stated that the dedication of the Oak Woodland was an approach used to protect habitat areas when the Conditional Use Permit was originally approved. The area was not intended to be used by the public, but rather to prohibit development; the preferred method now is to do a development rights restriction. Mr. Carrey added that both residents and the surrounding community use the limited trail network that leads to the top of the hill and would hope that access to that Oak Woodland area will be retained.

Mr. Schaefer responded that seeking alternative transportation for employees has not been looked at recently since many go directly from or to a second job at odd hours. Mr. Carey added that an employee transportation and parking survey was done as part the preliminary preparation and many expressed interest in ridesharing or a bus pass program. This issue will be pursued as part of the DART process.

Mr. Carey estimated that 12 Oak trees will be removed to accommodate this project, but a more accurate count will be available with the preliminary graining plan.

Chair Jostes opened the public hearing at 2:44 P.M.

The following people spoke in favor of the project:

1. Fred Sutphen
2. Carl G. Mueller
3. Reverend Dr. Michelle Woodhouse
4. Henry Jones
5. John Mandle
6. Marian Chuan
7. Louise Carey
8. Norman Boyan
9. Bill Spangler

The following people spoke against certain aspects of the project:

1. Jermaine Chastain, neighbor and vice-president of the Hidden Oaks Home Owners Association: direct adverse affect of the project on her property's main living spaces.
2. Ruth Georgi, neighbor: too much density is being proposed.
3. Richard Davis, neighbor: setback from the property line.
4. Bob Hammett, neighbor: parking and traffic on Torino Drive.
5. Arthur Halenbeck, resident: residents near the proposed hillside parking lot concerned with loss of backyard views, additional traffic and safety.
6. Robert Staley, resident: reported 75% support for the Master Plan is based on a survey that only 76 of residents responded to; concerned with infill units and new residents not advised of future construction.
7. Heike Kilian, resident and president of Hidden Oaks Homeowners Association: consider maintenance facility as location for a parking structure.

With no one else wishing to speak, the public hearing was closed at 3:26 P.M.

Commissioners' comments and questions:

1. Supports additional units at this site, but it will be very important to understand the break-up matrix of the different unit sizes and to see that a variety of incomes are accommodated.
2. Requested the additional units to include affordable/low-income or subsidized housing.
3. Stated that seniors have a difficulty with parking, especially backing out at an angle, and suggested that Staff consider analyzing what would be the best kind of parking for seniors.
4. Considered that the proposed hillside parking area is not appropriate because the site is too steep and there will be problems with retaining walls; and evaluated the need to minimize the amount of circulation so that the parking could be at a 90 degree angle.
5. Suggested that employee parking be stacked next to the Administration building.
6. Stated that the maintenance building is underused and would support a two-level parking structure there.
7. Requested a more precise presentation of applicant's goals for making the campus more green. Emphasized the usefulness of reviewing the Built Green checklist provided by the Santa Barbara Contractors Association.
8. Expressed that, since the owner pays for the utilities and the cost will continue to increase, it would seem there is an opportunity for more photo-voltaic cells.
9. Emphasized that there is a great need for an in depth discussion of where employees live, how far they have to commute, and for employee housing to be considered.
10. Would like Staff to provide information about how the trails can be preserved and how it will happen.
11. Observed that areas of the proposed additions appear to be too dense and applicant may not be able to add as many units as proposed and suggested moving further from Hidden Oaks. Highlighted the need to review the design of the units on the Rutherford property in order to lower the buildings, and pointed out that story poles will be needed to assess the actual heights of those buildings. Commented that there are probably three too many units on the Rutherford property and it would be worth either moving them somewhere else or eliminating them from the project. One Commissioner suggested increasing the Rutherford setback to at least 43 feet so that the configuration mirrors the neighbors' setbacks without losing the number of units proposed. Commented that the three units adjacent to Hidden Oaks are not supportable and would prefer preserving the area for open space.
12. Disagreed that the traffic on campus would justify the need of a round-about or cul-de-sac and believes it would be a waste of space.
13. Appreciates being able to see the entire Master Plan and that the applicant has involved the neighborhood and community.
14. Explained that cost is not generally spoken of by the Planning Commission and, although decisions made on the Master Plan were based on whether the non-profit organization has enough funding, proposed that applicant consider studying other options, such as parking that is relevant to seniors, disabled persons driving capabilities, and the parking demand.
15. Suggested placing all or part of the employee parking underground, such as underneath the administration building that is proposed to be raised up or at the maintenance facility area, to minimize surface parking, reduce pollution and increase green space.
16. Requested a pedestrian circulation study with sidewalks along roads and include what the access to the trail would be in the Oak Woodland area. Would like to see the circulation of

- the entire campus to make sure all areas are accessible; and to give applicant the opportunity to update the accessibility.
17. Stated that the new CUP will need to accurately calibrate the current and proposed number of residents.
  18. Concerned that units will be converted into condos, and requested that the CUP specify that the units are to remain rentals.
  19. Expressed appreciation for applicant's presentation of the concept review.
  20. Pointed out that Valle Verde's single-story development was built in a time when land was not so valuable in the area, so that considering a two-story campus core while retaining a single-story perimeter would be appropriate, and suggested intensifying the administrative building to take pressure off the exteriors.
  21. Stated that the community shares in supporting this facility since it does not pay property taxes.
  22. Commented that the sequencing of development is proposed as residential first and amenities second; there should be a guarantee of amenities, if the residential is going to be approved.
  23. Emphasized the need for Staff housing.
  24. Would like to see, as part of the environmental review, the respect for wildlife access with protection measures.
  25. Requested more information on a transit plan for staff.
  26. Interested in addressing creek setbacks. Asked if putting green is necessary adjacent to creek. Maximize the open space values near the creek.
  27. Explored the idea that the project follow a community model with a mixed-use approach where some employee housing would be placed over amenities.
  28. Stated that parking on the hill site is problematic.
  29. Suggested not increasing the sprawl, but rather increasing the use of buildings for two-story living in some select areas.
  30. Determined that the roof pitches should be lowered in the new area.
  31. Stated that the proposed scope and layout is generally acceptable.
  32. Noted that the amenities proposed should provide a tremendous increase in the services provided to residents.
  33. Requested information from Staff as to whether the parking ordinance speaks of seniors' need for wider-door opening, specifically applied to this project's parking plan.
  34. Directed minimizing retaining walls by reducing cut. Suggested that some parking could be placed on hill site, but none near residents.
  35. Encouraged giving incentives to employees for seeking alternative transportation.
  36. Stated that building heights be kept as low as possible and suggested preserving the low density look if two-story buildings are proposed.
  37. Noted construction will become disruptive to the tranquility of residents, that will probably not be able to enjoy all the rewards, and urged applicant to continue to involve the current residents through further discussion and surveys.
  38. Expressed appreciation for the good intentions of the applicant to fine-tune the project and provide additional amenities.
  39. Stated that the way the project is laid-out is not supportable, particularly the proposal to place a parking lot on a steep slope and the woodland margin

40. Highlighted the need to protect the woodland and to provide additional Oak tree restoration expansion.
41. Stated that traffic impacts may be an issue for the project so that transportation management will be an important factor to consider.

Ms. Hubbell stated that condos are not allowed in single-family zones, except through a planned unit development process, but this project would not meet those standards.

V. **NEW ITEMS:**

**ACTUAL TIME: 4:34 P.M.**

**A. APPLICATION OF BRENT DANIELS, L AND P CONSULTANTS, AGENT FOR JUSTIN J. AND MICHELLE M. PAWL, PROPERTY OWNERS, 40 PINE DRIVE, APN 049-100-019, E-3/PUD, ONE FAMILY RESIDENCE AND PLANNED UNIT DEVELOPMENT ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS/ACRE, (MST2004-00676)**

The project was continued from the March 9, 2006 meeting of the Planning Commission. The proposal consists of a merger of two existing parcels and a subsequent subdivision to create two new parcels. Parcel A is an existing 20,839 square foot lot that contains one single family residence and a shed. Parcel B is an existing 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access along an existing private driveway to Pine Drive. The total lot area of both parcels is 22,781 square feet. The subdivision would result in one 11,216 square foot parcel and one 11,565 square foot parcel. A recommendation to allow the existing private driveway connecting to Pine Drive to become a public street will be considered.

The discretionary applications required for this project are:

1. A Modification to allow Parcel 1 to have no street frontage instead of the required 60 feet or less than the required 60 feet if the private portion of Pine Drive becomes public (SBMC§28.15.080);
2. A Modification to allow Parcel 2 to have no street frontage instead of the required 60 feet. (SBMC§28.15.080);
3. A Public Street Waiver to allow the approval of a subdivision where access is provided by a private driveway that serves more than two lots (SBMC § 22.60.300); and
4. Tentative Subdivision Map for a merger of two lots and a subdivision to create two lots (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 15315 (Minor Land Divisions).

Case Planner: Kathleen Kennedy, Associate Planner  
Email: [kkennedy@SantaBarbaraCA.gov](mailto:kkennedy@SantaBarbaraCA.gov)

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Ms. Hubbell explained that it is rare for Staff to change its recommendation. The main concerns are regarding street maintenance and the fact that public utilities are under the private road extension.

Brent Daniels, agent for the owners, gave the applicant presentation and explained that the owners respectfully disagree with the Staff's perspective.

Justin Pawl, property owner, commented that the owners believe the project offers an alternative that addresses both the neighbors' and City's concerns.

Chair Jostes opened the public hearing at 5:21 P.M.

The following people spoke in support of the project:

1. Bruce Burnworth
2. David Delisle
3. Sam Delisle

The following people spoke in opposition to the project:

1. Paul Moore, neighbor at 38 Pine Drive: cutting of part of his property to meet the 20 foot standard for the road and overbuilding of the neighborhood.
2. Donald Blackwill, neighbor at 2419 Pine Drive: enforceability of the road maintenance, the hammerhead not being completed in order to make a T-turn, and the cumulative traffic impacts.
3. Jerry Nance, neighbor at 2411 Pine Drive: traffic and off-site parking in the neighborhood.
4. Don Adams, neighbor at 43 Pine Drive: length of the private portion of the road and no provisions in the easement to limit the number of subdivisions with access to the road.
5. Martha Hogan, neighbor at 43 Pine Drive: around two years ago there had been conversations with neighbors to establish a homeowner's association for the road maintenance and at least two of the neighbors had shown interest in spite of being on a fixed income.

With no one else wishing to speak, the public hearing was closed at 5:35 P.M.

Commissioners' comments and questions:

1. Asked what section of the site is public and what section is private.
2. Asked how the maintenance can be enforced over time if this street remains private and what remedies are available if road is not maintained.
3. Asked how many similar situations have occurred in the City.
4. Asked which of the owners is obligated to maintain the road.
5. Asked if there are grade or noise conditions that would be of concern.
6. Asked if the applicant is agreeing to maintain this private easement up to City standards.
7. Asked if there are any concerns that other property owners may not agree to maintain the road because they would not want to be disrupted by construction. Asked if the City could proceed in spite of a neighbor insisting on objecting to the improvement of the road.
8. Asked if the road improvements will be in place before the map will be recorded.

9. Asked if there are restrictions where a property owner would not have the right to subdivide and further encumber the easement.
10. Asked if the width of the private street meets City standards.
11. Asked at what point can the residents on the road issue a complaint because the road is not being maintained.
12. Expressed support for the project and thanked the applicant for a proposal that is better than the one previously presented.
13. Commented that this is a large, underutilized piece of property in a good location for a modest-sized home and the resulting lots would be put to good use as appropriate infill housing in the neighborhood; therefore, supports the two lot subdivision.
14. Agreed that the benefits of the waiver that include street paving and protection of the utilities outweigh the Staff's concerns.
15. Proposed that the Neighborhood Preservation Ordinance (NPO) findings be strictly adhered to when the future building is constructed.
16. Stated that an execution of an agreement for the improvements to the road would be appropriate as approved by the City Attorney, but it would be inappropriate to require the road improvements in advance of the recordation of the parcel map.
17. Asked if there are plans to extend the hammerhead turnaround area to the north.
18. Requested a demonstration of how the applicant plans to fit both a garage and a visitor parking stall onto Parcel 2.
19. Supports the addition of the hammerhead and an easement that would protect the hedge along the driveway.
20. Foresees that there is little probability that all ten surrounding property owners will agree to provide financial support to maintain the road.
21. Asked if the City has the ability to limit the use of the properties to not have granny flats as a condition of approval of a subdivision.
22. Observed that the guest parking for Parcel 2 would essentially move the development away from the driveway.
23. Expressed appreciation for the neighbor's concerns about overdevelopment and the applicant's response to concerns and contribution to the improvement of the property and roadway.
24. Highlighted the importance of limiting the potential house size to possibly no more than three bedrooms.
25. Pointed out that, where there are currently two houses, there could eventually be four, so that the construction of the hammerhead turnaround needs some close attention and there may be a need for the 46 Pine Drive owners to dedicate a larger easement to accommodate a larger turnaround area.
26. Asked if an additional condition could include that, if litigation occurs, the losing party shall pay the prevailing party's legal fees.
27. Explained that there was an initial concern with the project because of its awkward location, but it is supportable as long as there is an agreement that the road will be maintained to City standards and the safety issues are addressed with increased paving for fire department and emergency vehicle turnaround.
28. Asked if Staff had an analysis of the neighboring houses to determine compatibility.

29. Observed that this is a special neighborhood with a certain character that will be diminished with a house that is too big and suggested that a condition be included so that a potential house will not exceed 3,000 square feet, excluding the garage.
30. Concerned more about a large house at the end of the road than the compatibility in the neighborhood because it would bring more cars; therefore, would agree with the condition to not exceed 3,000 square feet, but to include the garage.
31. Disagreed about placing a condition limiting the house size and would rather have it conform to the Neighborhood Preservation Ordinance.
32. Stated would not be able to make findings for the modification, expressed concern with respect to not being able to accommodate parking for guests; yet, would agree with the project if it was scaled back.
33. Stated that a project contributing to the cumulative, unavoidable traffic impacts at Las Positas/Mission and Highway 101 is unacceptable.

Ms. Hubbell responded that the applicant has spoken to the neighbors and they are not interested in the road becoming a public street. Occasionally, it has been requested that the owners get together for street maintenance, but it is a difficult process and that is why the City has a preference for public streets. She also stated that there are many similar situations mostly in the Riviera and in the Foothill areas of the City.

Mr. Vincent further explained that the City would look to the owner to maintain the road based on a maintenance agreement. It is a required condition under the Ordinance in order to approve a public street waiver. Mr. Vincent clarified that the obligated party is the owner of the parcel that is to be subdivided. If the parcels are later sold, the new owners would be jointly obligated to maintain the road. He also stated that, if the owner did not, the City would be entitled to do the road maintenance and bill the owner. The other option would be to acquire a court order requiring the owner to comply. He also responded that it would be unlikely for neighbors to object to the improvement of the road since the neighborhood would benefit from it. The use of the roadway is more intrusive on the neighbors than the actual improvements.

Ms. Hubbell explained that there is a small hill at the northern edge of the parcel so that railroad noise is not an issue and the majority of the parcel is reasonably flat grade.

Mr. Daniels responded that the applicant is agreeing to maintain the 20 foot wide by 175 foot long private portion of Pine Drive in perpetuity.

Mr. Vincent explained that the property owners bear the burden of satisfying the conditions of the approval. The public improvements could be either completed prior to the recordation of the map or another agreement could be put in place. He explained that he has not reviewed the current easements, but easements do exist that, by their own language, limit the ability for the dominant parcel to expand its scope. If there is no specified limitation in the expressed easement, it should be anticipated that usable land will be subdivided in accordance with the existing zoning ordinance and that it would not be an unreasonable burden on the subservient parcel.

Stacey Wilson, Assistant Transportation Planner, responded that the City has a practice of custom-designing roads. The private portion of Pine Drive, as proposed, would meet the standard of 20 feet to serve as a two lane road. Ms. Hubbell added that it also meets Fire Department requirements.

Mr. Vincent read a portion of the required conditions of approval of a public street waiver, which includes that “an agreement for maintenance of the proposed private road, subject to the review and approval by the Public Works Director and the City Attorney, shall be recorded.” Mr. Vincent recommended that a specific standard with its terms be stated in the agreement. If there were any future complaints from the neighbors, the City would refer to the agreed standards in its investigation. If the property owners did not comply, the City could take care of the maintenance and then bill the costs to the owners.

Mr. Daniels clarified that the intent has always been to extend the paving of the hammerhead the full 212 feet all the way up to the northerly line of the road. He further stated that the tentative subdivision map shows that the building envelope area has been moved north to create space in the access to provide plenty of room for a two-car guest parking on the south side of Lot 1.

Mr. Vincent responded that a limitation to prevent granny flats is not an allowed condition of approval and explained that the City does not favor attorney fees provisions in its contracts.

Ms. Hubbell referred to the analysis in Exhibit F that was attached to the Staff Report and explained that the FARs in the neighborhood range from 0.05 to 0.42 located at 11 Greenwell Avenue.

**MOTION: Jacobs/Myers**

**Assigned Resolution No. 032-06**

Approve the project, making the findings to support the Tentative Subdivision Map, the Street Frontage Modifications, and Public Street Waiver, as outlined in the Staff Report, subject to the Conditions of Approval outlined in Exhibit A, amended as follows: 1) Require that any future residence on Parcel 2 shall not exceed 3,000 square feet, excluding the garage. 2) A private driveway maintenance agreement shall be required.

This motion carried by the following vote:

Ayes: 5 Noes: 2 (Jostes/Larson) Abstain: 0 Absent: 0

Chair Jostes announced the ten calendar day appeal period.

**ACTUAL TIME: 6:01 P.M.**

**B. APPLICATION OF LISA PLOWMAN, PEIKERT GROUP ARCHITECTS, AGENT FOR ROBIN DAVIDSON, 2553 MESA SCHOOL LANE, APN: 041-311-032, E-3 / S-D-3 ZONES, GENERAL PLAN / LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE (MST2004-00634).**

The project consists of the subdivision of a 25,623 gross square foot lot into two parcels. Parcel 1 would be 15,000 net square feet (15,199 gross square feet) and Parcel 2 would be 8,713 net square feet (10,424 square feet). Parcel 1 would contain the existing residence and an additional dwelling unit. A new three-car garage is proposed and a modification is requested to provide one of the four required parking stalls as an uncovered stall. Parcel 2 would remain undeveloped at this time. Access to both proposed lots would be located along the western property line.

The discretionary applications required for this project are:

1. A Modification to allow one covered and one uncovered parking stall instead of two covered stalls for an additional dwelling unit (SBMC § 28.92.026 A);



2. A Modification to allow a newly created parcel to have less than the required 60 feet of frontage on a public street (SBMC § 28.15.080); and
3. A Coastal Development Permit (CDP2006-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.45.009);
4. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC § 27.07); and
5. A Performance Standard Permit for an additional dwelling unit (SBMC 28.93.030, E).

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: Allison De Busk, Associate Planner

Email: adebusk@SantaBarbaraCa.gov

Allison De Busk, Associate Planner, gave the Staff presentation.

Lisa Plowman, agent, gave the applicant presentation and stated that one of the issues that has come up is the nature of the roadway and the access to the proposed parcels. It is one of the entrances to the Douglas Family Preserve and it is important to the applicant that the road be maintained so that it continues to have a rural feel. There is a question as to whether the first five feet would be graded for a future sidewalk because it would require the removal of several existing skyline Cyprus trees on that roadway. She requested that the conditions regarding the sidewalk grading and the installment of a streetlight be stricken.

Commissioners' comments and questions:

1. Confirmed that the additional dwelling unit could not be sold because it does not have its own property line and could only be used as a rental or family guest house in perpetuity.
2. Asked why Selrose Lane is not considered as an access for Parcel 1.
3. Verified that the Architectural Board of Review (ABR) was in favor of not doing the sidewalk grading.
4. Asked if the neighborhood petition approach is possible regarding the streetlight condition.
5. Asked if there is an overall site plan that shows where the existing sidewalks are along the street.
6. Asked if the ABR did a site visit.
7. Expressed concern over the preservation of the Cyprus trees and suggested either simply trimming to prevent cutting them or replacing with something equally as rural if they are not healthy.
8. Expressed support for a condition that would eliminate the sidewalk because the area is funky enough so that not having a sidewalk would be appropriate.
9. Suggested including a condition that an arborist report be prepared so that in the event the trees are in a declining state they could be replaced, because avoiding the grading does not address the problem of benefiting the trees if they are savable.
10. Requested that the ABR review the arborist report and landscaping.
11. Supports the additional dwelling that will possibly be used as a rental.
12. Observed that the project is well designed and thought-out.

13. Supports installing the new City standard dome light to help guide the pedestrian pathway.
14. Expressed appreciation for the small scale of the proposed additional dwelling unit.
15. Foresees a wonderful landscape plan that incorporates existing plant species.

Ms. De Busk stated that Selrose Lane is considered frontage for the property, but it is only 25 feet in width, therefore it does not meet the minimum 60 foot dimension that is required. It provides pedestrian access; however, in reviewing the configuration Staff did not feel that vehicular access was appropriate given the location at the very end of the curve of Selrose Lane and there is a grade differential between the street and the subject parcel.

Michael Cloonan, Senior Engineering Technician, explained that a petition is generally used where there are no existing streetlights, but there are two existing on this street, so the petition approach would not be appropriate.

Ms. Plowman responded that the sidewalks are intermittent and that there is not a sidewalk directly adjacent to the parcel.

Ms. De Busk responded that the ABR did not do a project site visit, clarified that Staff is not making a recommendation for the installation of sidewalk at this time, and explained that the wording on the condition is that it shall be graded "where possible" with the intent of avoiding trees as much as possible in order to maintain them.

Chair Jostes opened the public hearing at 6:05 P.M.

1. Frank Wascoe spoke in support of the project.

With no one else wishing to speak, the public hearing was closed at 6:07 P.M.

**MOTION: White/Jacobs**

**Assigned Resolution No. 033-06**

Approve the project making the findings for the two Modifications, Coastal Development Permit, Tentative Subdivision Map, and Performance Standard Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A and the following additional conditions: 1) The City standard dome light, not a cobra head, shall be installed. 2) The applicant shall provide a landscape plan and arborist report for the ABR to review and work with applicant to decide what trees are to be removed and which will be trimmed. 3) The 5 foot dedication grading will be performed where and if feasible, per the arborist report and landscape plan.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

**VI. ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

Postponed to the next Planning Commission meeting.

Mr. Mahan requested a reminder to report upon the De la Guerra Plaza Subcommittee at the next meeting.

**VII. ADJOURNMENT**

**MOTION: Myers/Jacobs**

Adjourn the meeting.

This motion carried by the following vote:

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

Chair Jostes adjourned the meeting at 6:21 P.M.

Submitted by,

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Gabriela Feliciano, Commission Secretary