



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

August 24, 2006

### **CALL TO ORDER:**

Pro tem Chair Bill Mahan called the meeting to order at 1:01 P.M.

### **ROLL CALL:**

#### **Present:**

Pro tem Chair Bill Mahan  
Commissioners George C. Myers, Addison S. Thompson and Harwood A. White, Jr.

#### **Absent:**

Chair John Jostes  
Vice-Chair Charmaine Jacobs  
Commissioner Stella Larson

### **STAFF PRESENT:**

Nancy Rapp, Park & Recreation Director  
N. Scott Vincent, Assistant City Attorney  
Bettie Weiss, City Planner  
Jan Hubbell, Senior Planner  
Jill Zachary, Creeks Restoration/Clean Water Manager  
Rob Dayton, Principal Transportation Planner  
Browning Allen, Transportation Manager  
Jim Austin, Fire Inspector II  
Barbara Shelton, Environmental Analyst  
Debra Andaloro, Environmental Analyst  
Allison De Busk, Associate 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 announcements:

1. City Council upheld the Planning Commission's decision regarding the 85 N. La Cumbre condominium project; thus, approving that project.
2. The appeal for the 210 Meigs Road project will be continued.
3. 517 Chapala Street is scheduled for appeal before the City Council on September 26, 2006. Planning Commission representatives were requested.
4. 40 Pine Drive is scheduled for appeal before the City Council on October 24, 2006. Planning Commission representatives were requested.
5. The semi-annual meeting with City Council will take place on September 19, 2006, from 9:00 a.m. to 12:00 p.m. in the David Gebhard Public Meeting Room. The Planning Division Work Program will be discussed with special emphasis on housing issues and policies.
6. Kathy Frye has been hired as a new Associate Planner in Development Review and now the Planning Division is fully staffed.
7. Rob Dayton was promoted to Principal Transportation Planner and a new Senior Transportation Planner will be hired.

Mr. White requested that the housing policy history that has been given by Don Olson and Dave Davis at the Planning Commission/City Council Work Session be made available on CD for training purposes.

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

Pro tem Chair Mahan 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. NEW ITEMS:**

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

**A. APPLICATION OF CITY OF SANTA BARBARA TRANSPORTATION DIVISION, 1221 ANACAPA STREET, APN 039-183-034, -037, AND -038, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/ PUBLIC/ INSTITUTIONAL (MST2006-00457)**

The approved project consists of a new parking structure composed of two floors below grade and four floors above grade. The project would provide approximately 575 parking stalls and would include approximately 10,000 square feet of staff offices, 12 one-bedroom rental units, a bicycle parking station and public restrooms in Parking Lot No. 6, located at the rear of the Granada Theater building.

The applicant has requested a change to the conditions of approval for the Granada Garage project relating to a transit pass program required to offset PM Peak Hour Trips. The applicant is requesting that the existing MyRide transit program be replaced by a number of transit service enhancements.

The Environmental Analyst has determined that an Addendum to the Final Mitigated Negative Declaration prepared for the Granada Garage project (adopted May 1, 2001, MST1999-00909), adequately addresses the requested substitution of mitigation / condition of approval. The Addendum analysis concludes that no new significant impacts beyond those identified in the prior final mitigated negative declaration would result from the proposed project revisions.

Case Planner: Debra Andaloro, Project Planner

Email: dandaloro@SantaBarbaraCA.gov

Rob Dayton, Principal Transportation Planner, gave the Staff presentation and introduced Steve Maas, MTD; Browning Allen, Transportation Manager; and Debra Andaloro, Environmental Analyst.

Commissioners' questions and comments:

1. Asked if the cost of the new program will be coming out of parking fees.
2. Asked what funding will be diverted from My Ride program into the transit enhancement program.
3. Asked if the new program will be monitored over time to see whether the change of strategy is accomplishing its objectives.
4. Inquired how far the Mesa Loop extends.
5. Requested an explanation on how the offset of forty peak hour trips was calculated.
6. Asked if enhancing the bus line to Cottage Hospital is still being discussed.
7. Asked if the number of downtown employees has been determined.
8. Asked if there has been a study to see if the number of 229 peak hour trips at the Granada Garage is accurate.

Browning Allen, Transportation Manager, responded that the cost to provide the new service will be funded primarily out of two programs. Lines 1 and 2 will be funded out of the downtown My Ride parking program fees. The cross-town shuttle will continue to be funded out of the Measure D funds. There is a grant for the Mesa Loop that will pay for the first three years and the City will provide Measure D funding in the fourth year. Mr. Allen added that \$350,000 has been budgeted in the current fiscal year for the My Ride bus pass program.

Mr. Browning stated that quarterly and annual reports are provided to the City and an analysis will be included on the peak hour ridership to make sure that the program is meeting the goals.

Steve Maas, MTD representative, explained the Mesa Loop route will begin by providing service downtown around Anacapa and Chapala Streets, then from the Transit Center will have two lines running in the morning up Carrillo Hill and down Cliff Drive at peak hours with an estimated twenty minute headway, and then back in the opposite direction in the afternoon. There will be one bus line mid-day with a forty-minute headway. Mr. Maas also explained how the headway was calculated and that it is a conservative estimate.

Mr. Allen explained that discussions for enhancing the Cottage Hospital bus line will begin in January 2007. He added that the analysis of the number of downtown employees is still being reviewed, but it is estimated to be between 10,000 and 15,000.

Mr. Dayton explained that the Granada Garage currently operates at 10% of its capacity on a daily basis, but it is expected to increase as people become aware of its existence and begin to see how it is functional and easy to use.

Pro tem Chair Mahan opened the public hearing at 1:23 P.M.

The following person spoke against certain aspects of the project:

1. David Pritchett, resident: requested clearer guidance about how the termination of the MyRide bus pass program will be compensated by another system, expressed concern that 10-ride bus passes will not be cost-effective because they will not be used, and suggested a 50-ride bus pass be made available at several locations.

With no one else wishing to speak, the public hearing was closed at 1:27 P.M.

Mr. Allen responded that the Downtown Parking Program Committee will continue considering other options for a free bus pass program that will also be more user friendly for downtown employees.

Commissioners' questions and comments:

1. Requested that an annual report be provided to the Planning Commission about the transit enhancement as well as the bus pass element.
2. Asked if City Council has designated a budget for a MyRide substitute.

Mr. Allen reassured the Commission that a copy of the MTD annual report that will be presented to the Transportation Circulation Committee, the Downtown Committee, and will be provided to the Planning Commission as well.

Mr. Allen stated that the recommendation to City Council was that the \$350,000 MyRide program funds be used for transit enhancements and the additional \$200,000 budgeted annually for the 10-ride bus pass program will be used for a different bus pass program.

**MOTION: White/Myers**

**Assigned Resolution No. 035-06**

Approve the amendment to the conditions as outlined in the Staff Report, subject to the Revised Conditions of Approval in Exhibit B and an additional condition that the annual report include information about both the transit enhancements and the bus pass program.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jostes/Jacobs/Larson)

Pro tem Chair Mahan announced the ten calendar day appeal period.

**ACTUAL TIME: 1:34 P.M.**

**B. APPLICATION OF PEAK LAS POSITAS PARTNERS FOR THE 900-1100 BLOCK OF LAS POSITAS ROAD (VERONICA MEADOWS SPECIFIC PLAN), APNs 047-010-011, 047-010-016, 047-061-026, AND A PORTION OF 047-010-053, CURRENT COUNTY ZONING: 8-R-1 SINGLE-FAMILY RESIDENTIAL (8,000 SQ. FT. MIN. LOT SIZE), AND RR-20 RURAL RESIDENTIAL (20-ACRE MIN. LOT SIZE); CURRENT COUNTY COMPREHENSIVE PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE AND RESIDENTIAL RANCHETTE, ONE UNIT PER 20 ACRES (MST99-00608)**

The proposed project involves the annexation of approximately 50 acres, located between Campanil Hill and Las Positas Road, to the City of Santa Barbara. Upon annexation, the subject lots would have various General Plan Land Use and Zoning Designations, described in further detail below.

Approximately 35.7 acres would be dedicated open space with a General Plan designation of Major Hillside, Open Space, Stream/Buffer & Pedestrian/ Equestrian Trail. Approximately 14.8 acres would be designated for residential use, with a General Plan designation of residential, 2 units per acre and Specific Plan 9 (Veronica Meadows Specific Plan) as the site's zoning designation. The proposed Specific Plan would permit up to 15 homes with access required from the end of Alan Road. A 50-foot buffer between future parcels and the top-of-bank of Arroyo Burro Creek would be maintained, and creek stabilization and restoration along both banks of Arroyo Burro Creek would be required.

A conceptual proposal and map to show a potential layout for the future subdivision and development of the site has been prepared by the applicant. This plan includes: 15 residential lots, three of which are located near the current terminus of Alan Road; a 50-foot setback from the top of bank, with development envelopes for the homes located 100 feet from the top of bank; a public road connecting the development to Alan Road; creek restoration and stabilization; and an easement for the purposes of constructing a pedestrian and bike bridge at the southern portion of the parcel, spanning Arroyo Burro Creek.

**Items for Consideration, Discussion and Comment by the Planning Commission:**

1. Annexation of the subject parcels (APNs 047-010-011, 047-010-016, 047-061-026 and the 4.49-acre portion of 047-010-053) to the City of Santa Barbara;
2. A Lot Line Adjustment to remove a 4.49-acre portion from APN 047-010-053 and attach it to APN 047-010-016 (Gov. Code §66412);
3. Adoption of Specific Plan (SP-9) – Veronica Meadows Specific Plan;
4. General Plan Amendment, upon annexation, to add the subject parcels to the City's General Plan Map with the following designations: APNs 047-010-016, 047-061-026, and the 4.49-acre portion of 047-010-053 would have a General Plan Land Use Designation of Residential, Two Dwelling Units per Acre; APN 047-010-011 would be designated Major Hillside, Open Space, Buffer/Stream, and Pedestrian/Equestrian Trail;

5. Zoning Map Amendment, upon annexation, to designate APNs 047-010-011, 047-010-016, 047-061-026 and the 4.49-acre portion of 047-010-053 as SP-9, Veronica Meadows Specific Plan. Any portion of the involved properties located within the Coastal Zone would also be designated as SD-3, Coastal Overlay Zone;
6. Hillside Design District Map Amendment, upon annexation, to add the subject parcels to the Hillside Design District (SBMC §22.68.110); and
7. Local Coastal Plan Amendment, upon annexation, to add the portion of APNs 047-061-026 and 047-010-016 located within the Coastal Zone boundary to the City's Local Coastal Plan.

**Required City Council Actions:**

1. Request to Santa Barbara County Local Agency Formation Commission (LAFCO) for Annexation of the properties to the City of Santa Barbara;
2. A Lot Line Adjustment to remove a 4.49-acre portion from APN 047-010-053 and attach it to APN 047-010-016 (Gov. Code §66412);
3. Adoption of Specific Plan 9;
4. General Plan Amendment upon annexation, as described above;
5. Zoning Map Amendments upon annexation, as described above; and
6. Local Coastal Plan Amendment, upon annexation, as described above.

**Actions by the Planning Commission following approval of the above actions by the City Council:**

7. A Tentative Subdivision Map to subdivide the parcel, including a finding of consistency with proposed Specific Plan 9. Potentially, fifteen lots would be developed with single-family homes (SBMC §27.07).
8. A Coastal Development Permit for the subdivision and development (residences, roads, creek bank repair, landscaping, grading, etc.) of the portion of the project within the appealable and non-appealable jurisdictions of the Coastal Zone (SBMC §28.45.009); and
9. Neighborhood Preservation Ordinance Compliance to allow grading in excess of 500 cubic yards outside of a building footprint, and to allow the total aggregate floor area of all structures to exceed 6,500 sq. ft., within the Hillside Design District (SBMC §22.68.070).

A Final Environmental Impact Report (ENV99-00608) has been prepared and certified for the project, and prior to an action on the project, the City Council must make findings pursuant to the California Environmental Quality Act Guidelines Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

Case Planner: Allison De Busk, Associate Planner

Email: [adebusk@SantaBarbaraCA.gov](mailto:adebusk@SantaBarbaraCA.gov)

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

Commissioners' comments and questions:

1. Asked if a formal amendment to the EIR will be needed to reflect the current proposal's new language.
2. Asked if the Alan Road ingress is acceptable to the Fire Department.

Ms. Hubbell responded that Staff is proposing an addendum to the EIR, which should be sufficient since the certified EIR included a variety of alternatives that, for the most part, cover the changes proposed in the project; however, the EIR will be looked at again when the tentative subdivision map is submitted.

Jim Austin, Fire Inspector II, stated that the conceptual plans have been reviewed and they meet the Fire Department's requirements, although they may need minor revisions.

Steven Amerikaner, Hatch & Parent, gave the applicant presentation and introduced project team members Mark Lee, Project Applicant; Jeff Gorrell, Project Architect; Mitchell Swanson, Swanson Hydrology/Geomorphology; and Eva Turenchalk, Project Land Use Planner.

An additional applicant presentation was given by Mitchell Swanson.

Commissioners' comments and questions:

1. Asked why there is a bulb-out shown in the restoration area on the plans.
2. Asked why the restoration does not include the small areas between the restoration boundary and Las Positas Road.
3. Asked how bioswales function and what would happen if in a 100-year storm the bioswale is filled to capacity.
4. Expressed concern with the saturation of land at the base of the mountain in Area D.
5. Asked where the most logical location would be for the pedestrian bridge across the creek.
6. Pointed out that it appears on the plans that a large bridge would be required at the southern end of the site.
7. Observed that somewhere in the middle of the property would be a shorter span across Arroyo Burro Creek to accommodate the pedestrian bridge.
8. Asked if the applicant is proposing to build a path, if it ends up on City land, as part of the restoration of the parkland.
9. Requested information as to whether the traffic study in the EIR addresses what the impact would be if Alan Road was to be used as an access road.

Mr. Amerikaner responded that the bulb-out shown in the presentation follows the creek top of bank and the only restraining factor for the restoration is that the remaining carve-outs on the plans are City owned property.

Mr. Swanson explained how bioswales work and stated that the capacity of the pipes to withstand a 100-year peak event is done through engineering calculations. He also explained that run-off anticipated to go down the hill in Area D has been considered in the design criteria in order to collect it and safely move it down.

Mr. Swanson responded that the lower end of the channel is slightly better from a hydraulic standpoint to place the pedestrian bridge.

Mr. Lee stated that, at the southerly end, the pedestrian bridge would be somewhat longer than at the northerly end so the delta difference may be a 30 to 40 foot difference. He added that the alternative of placing the bridge in the middle has not been looked at, but could be explored.

Mr. Lee conveyed that a path could and should be incorporated into the design for the restoration project if the path is on City property.

Pro tem Chair Mahan opened the public hearing at 2:27 P.M.

The following people spoke against some aspects of the project:

1. Laura Nanna, resident at 541 Alan Road: against project if access is via Alan Road.
2. Katie Szupa, on behalf of Gordon Forbes, read a letter: concerned about a density bonus for expensive homes.
3. Ridge Baccash, Director of Braemar Ranch Homeowner's Association: against access to the proposed development through Alan Road.
4. David Pritchett presented the Creek Advisory Committee recommendations: drainage from Campanil, maintenance enforcement, and so on.
5. Walter and Inge Knapp, residents at 113 Vista del Mar Drive: against Alan Road being used as the access road.
6. Jo Wagner, resident at 18 Solana Court: 1972 resolution regarding Alan Road should be honored.
7. DeLois Cramer, resident at 216 Vista del Mar Drive: current traffic congestion on Cliff Drive becoming worse; the creek restoration went all the way to Cliff Drive in previous designs, and reconsideration of a vehicular bridge.
8. Robert Rice, resident at 495 Alan Road: the vehicle bridge not being built and causing congestion on Alan Road, and maintenance of drainage system.
9. Jeff Ruppert, resident at 561 Alan Road: Architectural Board of Review requested moving the southerly homes further away from the property line, but the plans are yet to reflect that; and larger homes requiring more service people and thereby impacting Alan Road.
10. Patricia Foley, Braemar Ranch Homeowners Association: Alan Road is a narrow, curving road that already serves as access to a number of streets, and noise/pollution compromising the quality of life for the residents.
11. Naomi Kovacs, Executive Director of Citizens Planning Association: project needs greater creek setbacks, and concern with geologic stabilization.
12. Juliana Kayda, resident at 211 Vista del Mar Drive: fragile property that should not be developed.

With no one else wishing to speak, the public hearing was closed at 3:06 P.M.



Mr. Amerikaner responded to the comments made by the public speakers and also explained that the pedestrian bridge is not part of the applicant's proposal. Mr. Amerikaner discussed the issue of restoring the remaining park property on the east side of the creek and agreed to restore the entirety, but emphasized that the long term maintenance cost should be split between the applicant and the City.

Pro tem Chair Mahan announced a break at 3:10 P.M. The meeting reconvened at 3:26 P.M.

Ms. Hubbell responded to the request for information about the traffic study and stated that the EIR did discuss the effects of redirecting the traffic down Alan Road. She also read the 1972 Resolution. The EIR found that there would not be any significant traffic impacts to Alan Road.

Ms. Hubbell stated that creek setbacks are established on a case-by-case basis.

Nancy Rapp, Park and Recreation Director, stated that the City does not intend to place a path along the creek on the park side of the property. The park and Recreation commission and Creeks Advisory Committee recommended that, if there is to be a pedestrian bridge, the path should connect the bridge to the internal road.

Commissioners' comments and questions:

1. Asked why the City does not desire to include a path along the creek.
2. Asked what the cost would be to maintain the path.
3. Confirmed that some money from this project is intended to be used for completing the design of a roundabout.
4. Asked if the path would be used for both bicycles and pedestrians.
5. Asked if the City-owned parkland is intended to be actively used by people.
6. Introduced the need to discuss the issue of access for potential catastrophic events, specifically for the Fire Department, in view of the elimination of the vehicular bridge in the plans, which is effectively creating a 0.6 mile long cul-de-sac in a high fire hazard area. Asked if there are other mitigations applied, other than requiring a turnaround, if access exceeds 300 feet. Asked at what point would a secondary access be required. Verified that the property will be designated as a high fire zone. Asked if any consideration has been given to evacuations.
7. Stated that this project is an annexation first and not a subdivision, which is the bringing in of new land into the City fold into a system that has been investing in its infrastructure. A much higher standard is set for development and acceptance of that annexation. This project does not meet those standards.
8. Stated that there are two impacts on City resources and density drives those impacts: the larger traffic impact and neighborhood compatibility; therefore, the biggest issue being the amount of houses proposed. The broader impact is the Class I adverse, unmitigatable impact of traffic on Highway 101 and Las Positas Road. There are other projects, that are completely car based, competing for the use of those scarce traffic resources. The other impact is neighborhood compatibility so, if a vehicular bridge is not reconsidered, the expectation would be for as few units as possible.
9. Disagreed with the change of zoning designation from "open space" 20 acres per residence for the triangular parcel.

10. Stated that the Campanil drainage proposed is problematic and contradicts the creek preservation efforts by placing the majority of the creek's water into a drain pipe. Those elements are going against the grain of the City's policies and of preserving the Las Positas valley open space.
11. Envisioned a project as low a density and as far south as possible closest to Alan Road.
12. Disagreed with Staff that Charter Section 1507 does not apply to this project and that it only applies to project-specific impacts and stated that this project violates City Charter.
13. Stated that if there is to be an access from Alan Road, the project should be compatible with Alan Road.
14. Commented that the pedestrian bridge belongs at the northern end of the property with the pedestrian access approximately in line with Jerry Harwin Parkway across Las Positas Road, as recommended by Staff, with decomposed granite as an option.
15. Commented that, if the density is reduced, setback issues would somewhat be resolved; therefore, would rather have encroachment closer to the creek with fewer units, equaling between five and ten units, for a more compact footprint.
16. Stated that storm drains should not be on this site. The Campanil drainage should be completely above ground, and added that the outlet proposed on the south end with a bioswale would be supportable.
17. Proposed that City Council reconsider the residents' plea for a vehicular/pedestrian bridge at Jerry Harwin Parkway. Stated that the impact on Alan Road is greater than a direct entrance to the project from Las Positas Road. Recommended a pedestrian/vehicular bridge because it makes sense from a traffic, emergency exit, and pedestrian circulation standpoint.
18. Concurred that if there is only one access off of Alan Road, density and unit size becomes an issue.
19. Agreed that the pedestrian access should be at the north end of the property, opposite Elings Park, should be short in length, and should connect to the project road.
20. Commented that the creek setbacks should be 75 feet since 100 feet is too much and 50 feet is not enough.
21. Agreed that drainage should be open where possible, but if it cannot accommodate a 100-year storm, would consider a subterranean storm drain.
22. Stated that fewer homes are not necessary if home sizes are reduced, so that there is less of an impact on the land.
23. Concerned that the unintended consequences of making a long dead end in a high fire hazard zone were not considered in City Council's mandate to eliminate the vehicular bridge across the creek.
24. Stated that the density proposed is not a problem.
25. Agreed that the creek setback is reasonable.
26. Deferred the drainage issue to best engineering practices, but suggested keeping it as open and natural as possible.
27. Requested an explanation of the yard requirements.
28. Pointed out that the average lot size proposed is 4/10 to 5/10 of an acre and none are an acre size, and concluded that yard setback requirements are meaningful to this project.

29. Emphasized importance of being flexible on setbacks and yard requirements in order to maximize the open space; and explained that developing near the creek is what is driving the drainage underground but, if sizes of the side yards on the south side are kept smaller and away from the creek, the creek would remain natural.
30. Can support entrance through Alan Road given that 15 homes will not be a significant impact.
31. Stated that a vehicular bridge enhances neighborhood compatibility since the project proposes bigger, more expensive houses that almost need their own entrance.
32. Disagreed that a vehicular bridge would be a danger to coyotes, possums and raccoons.
33. Stated that the applicant not building a pedestrian/bicycle bridge at the north end of the property is another reason to support a vehicular bridge.
34. Agreed with the 15 houses in density, but would prefer clustering them to maximize open space alongside the road to give it more of a rural feel.
35. Stated that, as property lines are adjusted, there would be room for an open drainage from Campanil.
36. Commented regarding Charter 1507 and that this property could be annexed, build 15 houses, and still protect resources.
37. Recapped that all agreed there should be a pedestrian/bicycle bridge on the north end of the property. Three Commissioners preferred a vehicular bridge and Commissioner Thompson added it would be safer than access from Alan Road; in contrast, Commissioner White continued supporting access through Alan Road depending on unit density. Two Commissioners agreed with a 50 foot setback, one preferred 75 feet, and one said 100 feet would be acceptable depending on the unit density. Three Commissioners agreed with 15 total units and Commissioner Myers added he would prefer that those units be reduced in size. Commissioner White emphasized he would only support the project, with the Alan Road access as proposed, if the number is reduced to between 5 and 10 units.
38. Commented that both creek restoration and a pedestrian bridge can be achieved.
39. Stated that maintenance of the center point of the creek needs to be better defined and that the applicant should maintain more than only the restored side of the creek.
40. Stated, regarding the pedestrian bridge, all are in agreement that an easement is needed and a subdivision would be an opportunity to obtain the legal right to build that bridge/bicycle path in the future; and reiterated that, if the density is cut down, the pedestrian bridge may not get built, but at least the easement would be available.
41. Stated that peer review is beyond the scope of the Planning Commission.
42. Commented on the issue of the creek's maintenance and stated that something to be considered is that the homeowners association will be more difficult to work with once the properties are sold.
43. Added that the number of houses and their sizes will also have a significant impact on future maintenance done by the homeowners association.

Ms. Rapp responded that the concern with a pedestrian path on the City property between Arroyo Burro Creek and Las Positas Road is about the eroding nature of the creek, the cost of installation and having to maintain it, and concerns about public access in a sensitive area. She added that the City has many challenges having to maintain the trails located in the front country foothills, so that it is an ongoing expensive cost.

Jill Zachary, Creeks Restoration/Clean Water Manager, stated that the City owned parcel adjacent to Las Positas Road is very noisy, loud and steep. If there was to be a trail built along that side of the road, it would likely have to be adjacent to the road and would not be a positive trail experience for pedestrians/bicyclists. If a multiple-use concrete trail was to be installed, it would take a significant portion of the creek setback/restoration area. The Staff recommendation for a pedestrian bridge is to have a path go over the most narrow part of creek, where it most likely is next to an existing Parks & Recreation facility, and where it would link up to a road that is already being maintained.

Ms. Hubbell explained that it has always been the intent to have both a bicycle and pedestrian access from the Westside through Elings Park. She also clarified that the City-owned property had been designated as open space with minimal use anticipated. The primary purpose of the City taking ownership of the property was to provide for creek restoration and protection of that area.

Mr. Austin responded that the Fire Code requires a turnaround with no specific distance and the Municipal Code specifies that a turnaround is required once the distance exceeds 300 feet in length. Therefore, he concluded that the project meets current codes. He also explained that there are instances when turnarounds are required; for example, when there is a driveway exceeding 300 feet. In this case, there is a true turnaround/cul-de-sac at the end of the road, so its design is acceptable. Mr. Amerikaner also stated that a letter from a fire expert will be submitted that supports the same conclusion.

Mr. Austin explained that, in deciding whether a secondary access is required, density and the use of the property are taken into consideration; yet, there is no Fire Code provision that requires a secondary access. He also stated that the extension would be within the required four minute response time from the Cliff Drive station, so response time would not be affected.

Ms. De Busk explained that the Land Development Team reviewed the previous proposal that had access from Las Positas and that was the preferred alternative, but that is not to say that the current proposal is not acceptable.

Ms. De Busk responded that the yard requirements refer to front, interior, and rear yard setbacks. Ms. Hubbell gave the number of feet required for each of the yard setbacks and stated that the lot sizes are proposed to be smaller in order to protect the larger open space areas.

Ms. Rapp stated that the applicant will maintain all of the areas restored, on the private and City property, in the next five years until they are established. She also agreed that splitting the creek down the middle for the maintenance is not reasonable, particularly because the applicant is doing such a significant restoration. Therefore, Staff's position is that the maintenance be done by the applicant in perpetuity from the eastern top of the bank to the west and, after five years, the Parks & Recreation Department will maintain the vegetation on the parkland from the eastern top of the bank to Las Positas Road.

Mr. Amerikaner responded that Ms. Rapp's description of the applicant's maintenance responsibility is not the way the applicant has interpreted the Specific Plan and requested a clarification.

Ms. Hubbell clarified that the recommendation that the applicant be responsible for the complete maintenance of the entire restoration area is described in the Staff Report, not the Specific Plan. Ms. Hubbell also explained that Staff explicitly did not include a maintenance agreement within the Specific Plan since it is believed to be subject to negotiation between City Council and the applicant. The determination of who pays for the maintenance is not a land use issue; therefore, it is not a Planning Commission responsibility.

Mr. Vincent explained that, if the proposed project is approved, the restoration will be handled through an Encroachment Permit that will outline the rights and obligations of the developer and of the City. The consideration that the maintenance will be required by a specific party is covered appropriately in the Specific Plan.

Mr. Amerikaner commented that, if the vehicular bridge is to be reconsidered, the applicant would like to have City Council reconsider the density issue as well in order to cover the cost of that very expensive bridge.

**MOTION: Thompson/Myers**

**Assigned Resolution No. 036-06**

Recommendation to City Council to approve the Annexation, Lot Line Adjustment and Hillside Design District Map Amendment, adoption of Specific Plan, General Plan Amendment, Zoning Map Amendment, Local Coastal Plan Amendment, making the findings outlined in the Staff Report, along with comments from the Planning Commission.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (White) Abstain: 0 Absent: 3 (Jostes/Jacobs/Larson)

**MOTION: Thompson/Myers**

**Assigned Resolution No. 036-06**

Recommendation that City Council reconsider the vehicular/pedestrian bridge across the creek to allow vehicular access to the proposed project from Las Positas Road.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (White) Abstain: 0 Absent: 3 (Jostes/Jacobs/Larson)

Pro tem Chair Mahan announced the ten calendar day appeal period.

**III. ADMINISTRATIVE AGENDA**

**A. Committee and Liaison Reports.**

Mr. Myers reported that the Downtown Parking Committee met last week and under consideration was the Anacapa Street entrance to Granada Garage, a presentation to the Downtown Parking Committee, signage enhancements, and the status of the downtown employee survey. He also pointed out that the meetings have been moved from the David Gebhard Meeting Room to 1221 Anacapa Street, downtown parking conference room.

Mr. Thompson reported that he attended the Transportation Circulation Committee meeting and spoke with the chairman, who indicated he may want to be included at a Planning Commission lunch meeting, and asked that he be invited to consider his questions regarding land use as it relates to transportation and circulation. Staff was asked to inform the chair of future lunch meetings.

Mr. Mahan reported that he attended the De la Guerra Plaza Design Subcommittee meeting about six weeks ago. The well-qualified landscape architects Campbell & Campbell have been hired. The Subcommittee is polarized between those that want to have more done and those that want to only make small functional changes. Mr. Mahan spoke to Councilmembers Williams and Barnwell about this polarization and agreed that the new City Council members should review the list made by the former City Council to see if it should be expanded.

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

Mr. White reported that, at the last hearing, there was a project discussed involving two buildings that were moved to the corner of Salinas and Clifton Streets and is now generating controversy in the neighborhood. One unit ended up being modernized and rehabilitated, but the other was not salvageable so that it ended being demolished. Now the project requires special attention as far as modifications. Mr. Thompson added that he attended that same hearing and the issues with that project are significant, such as parking, access to the parking, and open yard space.

Ms. Hubbell reported that the project at 3408-3412 State Street has been appealed and will be scheduled for review by the Planning Commission when the appellant returns into town.

## **VII. ADJOURNMENT**

### **MOTION: Thompson/Myers**

To adjourn the meeting.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jostes/Jacobs/Larson)

Pro tem Chair Mahan adjourned the meeting at 5:03 P.M.

Submitted by,

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Gabriela Feliciano, Commission Secretary