



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

October 12, 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 (left @ 2:58 P.M.)

Commissioners, Bill Mahan, Addison S. Thompson and Harwood A. White, Jr.

Absent:

Commissioners Stella Larson, and George C. Myers

STAFF PRESENT:

John Ledbetter, Principal Planner

Debra Andaloro, Environmental Analyst

Bea Ramirez, Project Planner

JoAnne La Conte, Assistant Planner

Suzanne Johnston, Planning Technician

Adam Nares, Planning Technician II

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Kathleen Goo, Alternate Commission Secretary

I. PRELIMINARY MATTERS:

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

No requests.

- B. Announcements and appeals.

Ms. Andaloro made the following announcements:

1. Reminder that there will be a community workshop on the Upper State Street Study from 9:00 a.m. – 12:30 p.m. this Saturday, October 14th at the Hope School Multi-Purpose Room.

2. The same community workshop on Upper State Street Study will repeat from 5:30 – 9:00 p.m. on Thursday, October 19th at the Hope School Multi-Purpose Room.
 3. A poll was taken for Commission attendance for the Upper State Street Traffic Study - Joint Meeting between the Planning Commission and the Transportation and Circulation Committee at 6:00 p.m. on November 9th; with all Commissioners present available to attend (Jostes, White, Mahan, Jacobs, and Thompson).
 4. St. Francis Cottage Hospital Workforce Housing has a pending appeal before the City Council on November 21st, 2006.
 5. 40 Pine Avenue has a pending appeal before the City Council on December 5th, 2006.
 6. Veronica Meadows has a hearing before the City Council on December 12th, 2006.
 7. 625 Flora Vista and 3408 & 3412 State Street from the Staff Hearing Officer have pending appeals before the Planning Commission on November 2nd, 2006.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Jostes opened the public hearing at 1:09 P.M, and, with no one else wishing to speak, the public hearing was closed at 1:10 P.M.
- Chair Jostes welcomed graduate students from Professor Paul Wax's UCSB Environmental Planning class auditing the meeting.

II. NEW ITEMS:

ACTUAL TIME: 1:10 P.M.

A. APPLICATION OF JASON GRANT, DESIGNER FOR JOHN L. RUIZ AND ANGELI M. RUIZ, 2020 EL CAMINO DE LA LUZ, 045-100-005, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL FIVE UNITS PER ACRE (MST2006-00159)

The proposed project is comprised of a 751 square foot first floor addition, a new 839 square foot second-story addition, and associated improvements to an existing 1,096 square foot single-family residence with a detached 364 square foot two-car garage. The subject project site is a 10,500 net square foot lot (14,000 gross square foot lot) located in the Appealable Jurisdiction of the City's Coastal Zone.

The discretionary application required for this project is:

A Coastal Development Permit (CDP2006-00006) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301.

Case Planner: JoAnne La Conte, Assistant Planner
Email: jlaconte@SantaBarbaraCA.gov

Jo Anne LaConte, Assistant Planner, gave the Staff presentation.

Commissioners' comments and questions:

1. Requested clarification from Mr. Vincent regarding any *in lieu fees* which might be proportionately correct to impose for sidewalk installation by the property owners.
2. Requested clarification from Mr. Vincent regarding requirements for single-family residences and if the right of way requirement is a reinterpretation of an existing law.
3. Requested clarification from Mr. Vincent on public right of way requirements regarding obstructions, and if the Commission can make recommendations or decisions in considering public right of way requirements.
4. Requested further clarification from Mr. Vincent regarding efforts by the City to install sidewalks at the City's expense despite property owner's possible objection to sidewalk installation.
5. Requested clarification from Mr. Vincent and Rob Dayton, Transportation Supervisor, regarding right of way requirements for the unique lot layout with a roadway easement of the proposed project at 2020 Camino de la Luz.

Mr. Vincent advised the Commission that the required nexus did not exist to require the applicants to install the proposed sidewalk as an *ad hoc* exaction despite the City's policies on right of way or encouragement for connectivity, and alternative modes of transportation.

Mr. Vincent explained that in lieu fees are subject to the same standard of review and cannot be required due to lack of right of way and pedestrian circulation impacts.

Mr. Vincent distinguished prior projects where sidewalk installation occurred and explained that this advice is not the result of a change in the law or a reinterpretation of existing law.

Mr. Vincent stated that each property owner has an existing legal obligation to keep all public right of ways clear of all private encroachments. The City's Public Works Department has the legal right to require removal of private encroachments within the right of way pursuant to Chapter 10.55 of the Municipal Code. The Commission can request the Public Work Department to remove offending encroachments from the public right of way for property owners.

Mr. Dayton responded that irrespective of the unique property lot line which extends to the far side of the street or subsequent road way easement, the public right of way still exists across the property with the City's right to propose and construct public improvements within that public right of way.

Chair Jostes opened the public hearing at 1:31 P.M.

Mr. Mark Depledge, neighbor, corrected and clarified a point off Santa Monica Way on the second floor plans presented to the Commission.

The public hearing was closed at 1:32 P.M.

Commissioners' comments and questions:

1. Commented on already addressed privacy window issues by the Architectural Board of Review (ABR), and would like to see more cohesiveness and connectivity in the overall sidewalk plan of the City, and support the proposed project as submitted.
2. One Commissioner commended the proposed parcel upgrade and the neighborhood compatibility of the site.
3. Requested removal of Item C2 of the Conditions of Approval requiring sidewalk improvement, and all other requirements including driveway aprons should remain, and to specify removal of any and all obstructions within the public right of way and detail any future minor encroachment requirements.
4. Requested more connectivity in the overall sidewalk plan regarding future construction on the street.
5. Requested clarification on the existing fireplace.

Mr. Grant stated that the existing fireplace will be removed with a new fireplace to be located at a later time.

MOTION: White/Mahan

Assigned Resolution No. 041-06

Approved the project, making the findings for the Coastal Development Permit, subject to the Conditions of Approval in Exhibit A, and amended with a change in Condition C2 removing the sidewalk requirement, "approximately 32 feet (length) and 5 feet (width) of sidewalk at the back of the road easement," and to remove any obstructions or encroachments within the public right of way in order to maintain to the best extent pedestrian access.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

ACTUAL TIME: 1:46 P.M.

B. APPLICATION OF JAMES LECRON, FOR BRUCE AND AMY TAYLOR, 1936 EL CAMINO DE LA LUZ, 045-100-010 , E-3/SD-3 ONE-FAMILY RESIDENCE/COASTAL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL FIVE (5) UNITS PER ACRE (MST2004-00727/CDP2006-00017)

The project consists of a 178 square foot, first floor addition, a 731 square foot, second floor addition and the expansion of an existing raised porch to an existing 1,079 square foot one-story residence, the construction of a detached 400 square foot two-car garage with 41 square feet of accessory space and a 405 square foot roof deck above, and the removal of a 13-inch Olive tree. The project includes the legalization of the 399 square foot, as-built garage conversion to habitable space, a 240 square foot as-built addition to the rear of converted garage; and a 105 square foot as-built raised deck and spa. The project will result in a two-story 2,627 square foot, two-story, single-family residence with a detached 441 square foot, two-car garage with storage and a roof deck on a 14,503 square foot lot.

The discretionary applications required for this project are:

1. A Modification to allow a detached accessory structure to be located in the remaining front yard. (SBMC § 28.87.160.2); and
2. A Coastal Development Permit (CDP2006-00017) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (e) (Existing Facilities).

Case Planner: Suzanne Johnston, Planning Technician
Email: sjohntson@SantaBarbaraCA.gov

Suzanne Johnston, Planning Technician, gave the Staff presentation.

Commissioners' comments and questions:

1. Requested clarification whether the deck on the proposed garage or the access stair to the deck is included in FAR ratio calculations.
2. Requested clarification regarding the City's policy on hedge growth proximity requirements along the front property line with regard to visibility safety issues.
3. Requested clarification regarding any neighborhood roof decks along the street frontage within the context of the proposed project.
4. Requested clarification regarding how many residences have garages facing the street, and on the unusual floor-to-floor and podium height measurements.
5. Asked how the applicant would accommodate parking on the site without the requested modification.

Ms. Johnston clarified that neither the deck on the proposed garage nor the stairs to the deck are included in the FAR ratio calculations, but the storage under the stair is included in the FAR ratio calculations.

Ms. Johnston and Ms. Andaloro clarified that all hedge height requirements of three and half feet within the ten foot proximity of the front property line will be requested of the applicant per City Ordinance during the review process.

Mr. Dayton stated that the Transportation Division can ask the applicant to provide or suggest on their plans a pedestrian passable area within the public right of way in the area where the hedges currently are located.

Ms. Johnston clarified that there are two roof decks located across the street with one located on an interior parcel and not readily visible from the street frontage, and the other located directly on the street, both are located out of the required setbacks, above and part of the main residential structure.

Mr. LeCron addressed privacy concerns and informed the Commission that the ABR preferred the hedge to remain and regarded it as an aesthetic improvement. Other improvements, such as the decking and wrought iron balcony at the rear of the residence are meant to mitigate the vertical façade of the residence which is adequately screened by vegetation, but the applicant is willing to comply with adjacent neighbors on privacy issues.

Mr. LeCron clarified that the area presents a mixed preference of one or two-car garages with several residences with rear detached garages, and some with flag lots or available carports, but it was preferred that the proposed garage face to the side rather than toward the street.

Mr. LeCron clarified that one other residence in the area has a higher floor-to-floor height than the applicant's, but that the requested floor-to-floor (with a second floor plate height of eight feet) are to accommodate desired second floor ocean views and maintain vaulted ceilings as part of the original 1920's design, and with sufficient setback from the street. The unusual podium height is also part of the original 1920's design.

Mr. LeCron clarified the modification is for the roof deck on the garage which would be changed to tile if they were not granted the modification, but the garage is allowable in the front yard as a separate structure.

Chair Jostes opened the public hearing at 2:14 P.M.

Mr. Mark Depledge, neighbor, expressed concern regarding privacy issues of the proposed balcony and the rear windows of the proposed project.

Ms. Shari Schubot, adjacent neighbor, spoke in support of the proposed project.

The public hearing was closed at 2:19 P.M.

Commissioners' comments and questions:

1. Stated that hedge heights may on occasion predate the 1957 Ordinance requirements which may allow them to "grandfathered in" or granted.
2. Appreciated that the project has moved forward.
3. Expressed concern that removal of the hedge from the public right of way to satisfy safety issues would result in a problem with the location of the garage in the middle

- of the front yard setback which would not be compatible with the rest of the neighborhood.
4. One Commissioner suggested the garage be re-designed to face the street in order to be consistent with the rest of the neighborhood, and believed an addition on the site would be acceptable but may require more redesign to accomplish.
 5. Stated that the scale of the proposed project seems to be compatible with the neighborhood.
 6. One Commissioner felt the setback from the street mitigates the hedge height issue and did not agree with the suggestion to re-design the garage to face the street.
 7. One Commissioner commented that the hedge provides a screening service for the interior front yard.
 8. Suggested a structure with a roof line without the decking instead of a boxy structure in the middle of the front yard and suggests the garage be connected or tucked into the structure.
 9. Suggests a reduction of pavement permeable surfaces to improve access by relocating the garage to one side of the lot.
 10. Consensus of Commissioners expressed concern that the floor-to-floor height of the proposed project may not be compatible with Neighborhood Preservation Ordinance requirements and may require more ABR review.
 11. Desired improved pedestrian connection from the residence to the street.
 12. Consensus of Commission on the size of the project as appropriate for site, and support to remove impediment to public use of the public right of way, but expressed concern on garage orientation and location on the site if hedge is removed.
 13. Suggested a continuance back to ABR for further review on the height of the hedge or its removal.

Mr. LeCron responded to Mr. Depledge's concern and stated that the previous balcony design was much larger, but has since been significantly redesigned down in size and scale, and the intended use would only be as an aesthetic improvement and not for gatherings of any size.

Mr. Dayton responded that the 1957 Ordinance is applicable to the hedge requirements, but that the right of way takes precedence over the 1957 Ordinance.

Mr. LeCron stated he would like the issue of the height of the structure to return to the ABR, and would agree to relocate the hedge if so required.

Mr. David Grokenberger, applicant's attorney, commented on issues of the height of the structure was proposed to recapture ocean views, and the proposed hedge height has been established for a considerable length of time, and requested that the hedge height be reviewed by the City's Public Works Department.

STRAW VOTE:

Keep the hedge.

Ayes: 1 Noes: 4 (White, Mahan, Jacobs, and Thompson) Abstain: 0 Absent: 2
(Larson/Meyers)

STRAW VOTE:

Plate height question referred back to the ABR for further review.

Ayes: 4 Noes: 0 Abstain: 1 (Thompson) Absent: 2 (Larson/Meyers)

Mr. Vincent suggested two solutions: to either make a decision with conditions and possible appeal or refer the proposed project back to ABR for further review; with the appeal process the same for either result.

Mr. LeCron stated he could agree and comply with a continuance back to the ABR, as long as it is clarified whether the proposed project should return to the Commission or not. He also pointed out to the Commission that the hedge has ten feet of right of way space for mitigating landscaping instead of removal of the whole hedge.

Ms. Andaloro made a request from staff for action by Commission with regard to the Modification and Coastal Development Permit, including possible conditions for review by the ABR.

MOTION 1: White/No Second

To approve the Coastal Development Permit with a statement included in the Conditions of Approval that the hedge in the public right of way shall be removed, and the recommendation for the ABR to review the plate heights of the building with the intent of reducing them to make the height more compatible with the neighborhood.

Commissioner Thompson questioned whether the motion should include the Modification or not.

Chair Jostes stated that the motion proposed by Commissioner White had not been seconded because the Modification could not be included in the motion.

MOTION 1: Withdrawn

MOTION 2: Thompson/No Second

To approve the Modification and the Coastal Development Permit with a statement included in the Conditions of Approval that the hedge in the public right of way be removed, and the recommendation for the Architectural Board of Review re-evaluate the project and review the plate heights of the building with the intent of reducing them to make the height more compatible with the neighborhood.

Chair Jostes recommended the motion include that the ABR re-evaluate the appropriateness of the roof deck considering the loss of the front yard hedge.

It was clarified by Commissioners White and Thompson that the Modification concerned the stairs and the roof deck.

Chair Jostes withdrew his inclusion into the motion that ABR review the roof deck as a result of the hedge removal.

MOTION 2: FAILED from lack of Second

Mr. LeCron suggested a continuance back to the Planning Commission after ABR review.

Mr. Grokenberger requested that the Commission's motion for continuance include "recommendations" or "directions" for ABR review instead of "requirements" regarding issues of redesign.

Commissioner Mahan declined Mr. Grokenberger's request to amend the motion for

MOTION 3: Mahan/White

To continue indefinitely the proposed project back to the Planning Commission after review by the Architectural Board of Review, with the following requirements: 1) The architect to redesign and lower the floor plate heights to be more compatible with the neighborhood. 2) Removal of the hedge and subsequent consideration by the ABR regarding the front yard, garage orientation and location, driveway design, stair way, and appropriateness of the roof deck.

This motion carried by the following vote:

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

Chair Jostes announced that continuances **do not** have a ten calendar day appeal period.

**** THE COMMISSION RECESSED FROM 2:56 P.M. UNTIL 3:09 P.M. ****

III. DISCUSSION ITEM:

SEMI ANNUAL MEASURE E UPDATE

Planning Staff will present a bi-annual update for 2006 on Charter Section 1508 (Measure E) including status on the use of square footage in the various categories.

Case Planner: Adam Nares, Planning Technician II
Email: anares@SantaBarbaraCA.gov

Adam Nares, Planning Technician II, and Beatriz Ramirez, Project Planner, gave the Staff presentation.

Ms. Andaloro stated that Mr. John Ledbetter, Principal Planner would also be available for answering questions from the Commission.

Commissioners' comments and questions:

1. Requested clarification regarding the possible utilization of unused square footage for economic development projects once Measure E expires, and the possibility of renewal once it does expire in the year 2010.
2. Requested clarification regarding if Measure E should be continued beyond the year 2010.
3. Requested clarification regarding the future use and development throughout the City of the un-allocated portions of Measure E.
4. Requested clarification on the implications of pending approvals and un-allocated Measure E (Living Within Our Resources) regarding the effect of location on the pace of development and the best allocation within limited development areas for the types of developments with the best Community benefit.
6. Requested clarification regarding the number of occurrences or specific periods where Measure E exhausted all available allocations.
7. Commented that if past emphasis had been on commercial development, the recent market demand might not have declined as far as presently. Measure E raised the bar on environmental impact and requirements for commercial development, which might also have had an effect on current levels of development.
8. Requested clarification by Mr. Vincent on the possibility overriding or limiting Measure E commercial requirement components.
9. Commented that a major reason for the drop in residential applications is the excessive commercialization of large residential developments.
10. Commented that Measure E seems to be accomplishing what it was designed to do which is to measure growth based on community needs, drawing attention to the future trend of urban activity toward areas of previous growth resistance as new opportunities open up to satisfy growing community needs.

Mr. Ledbetter responded that Measure E has come close to depleting allocations in the area of community priority, where the City has since used methods of either dual designation (Cottage Hospital) or requested applicants that were not utilizing their community priority designations relinquish them.

Mr. Ledbetter commented that commercial allocations have not been fully utilized because the recent market demand has shifted toward private residential development and focused on mixed-use in the downtown along the commercial corridors with low demand for office and retail. There has been some discussion of creating a zoning overlay to allow affordable housing in the industrial/manufacturing zone.

Mr. Ledbetter responded that the likelihood that the economic development category will fully deplete its allocations is minimal since it has a system of replenishment, and areas not using small additions are rolled over into economic development. This has been an effective growth management tool, and therefore should be considered as a part of the SB 2030 General Plan Update.

Mr. Ledbetter commented that the other component of growth management ("Living within our Resources") is the Housing Element build-out number of 40,005, a growth management tool. To date the City has been able to meet state-mandated housing allocation requirements for demonstrating zoning capability. However, the City is fast approaching 40,000 units which will be another key consideration during the SB 2030 process.

Mr. Ledbetter commented that Measure E has not been fully utilized due to the lack of market demand.

Ms. Andaloro reminded the Commission that staff had previously issued, the Conditions, Trends, and Issue reports on the status and limitations of resources, and that this information is still relatively current.

Mr. Vincent explained that there exists a Measure E Charter Amendment and a Measure E Ordinance implementing that Charter Amendment. To amend the Charter requires City Council to place the amendment on the ballot and the public to vote in favor of the amendment. To amend the Ordinance, and as long as the amendment of the Ordinance is done in a manner consistent with the remaining portions of the Charter, the City Council would only need the required five vote approval to change Measure E.

Mr. Ledbetter clarified that the only exception would be Community Priority where overriding findings can be made.

Ms. Andaloro further clarified that the Measure E Charter Amendment contains a limitations component regarding not being able to override significant impacts to water resources, traffic, and affordable housing.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Jacobs reported that the walking tour of Upper State Street on October 14th was well attended and organized, and encouraged attendance at the pending Upper State Street Workshop on Saturday, November 14th.

Mr. Rob Dayton, Principle Transportation Planner, announced that those interested should check the broadcast schedule on Channel 18, since City TV's Inside Santa Barbara will be broadcasting video information regarding the Upper State Street Study, and the City's website will also be broadcasting it as a webcast throughout the month.

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

Comm. White requested the results of the 9 Skyline Circle item at the Staff Hearing on Wednesday, October 11th.

Ms. Andaloro responded that the specifics of that proposal were that the lot was less than 5,000 square feet, and held to the standard for an open yard area for what would normally be required of a 7,500 square foot lot, but the reductions were allowed in the open space area since the overall percentage would be approximately the same as what would be normally sized for that zone district, and also due to the shape of the lot and that large setbacks were required.

The project was approved with the condition that all hedges would be brought into compliance with zoning height regulations, the unpermitted trellis would be removed from the setbacks, and that the plans show removal of all habitable materials from the existing utility/laundry room area.

V. ADJOURNMENT

MOTION: Mahan/Thompson

Chair Jostes adjourned the meeting at 3:43 P.M.

This motion carried by the following vote:

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

Submitted by,



Kathleen Goo, Alternate Commission Secretary