



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

October 19, 2006

### CALL TO ORDER:

Chair John Jostes called the meeting to order at 1:05 P.M.

### ROLL CALL:

#### **Present:**

Chair John Jostes

Vice-Chair Charmaine Jacobs

Commissioners George C. Myers, Addison S. Thompson and Harwood A. White, Jr.

#### **Absent:**

Commissioners Stella Larson and Bill Mahan.

### STAFF PRESENT:

Bettie Weiss, City Planner

Jan Hubbell, Senior Planner

Andrew Bermond, Assistant Planner

Kathleen Kennedy, Associate Planner

N. Scott Vincent, Assistant City Attorney

Kathleen Goo, Alternate Planning Commission Secretary

### **I. PRELIMINARY MATTERS:**

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

No Requests.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The 40 Pine Drive appeal, originally scheduled for next week, has been continued to December 5, 2006.
2. The 210 Miegs Road appeal is scheduled for December 12, 2006.

3. The Cottage Workforce Housing Project appeal is scheduled November 21, 2006. Planning Commissioners will be needed for representation.
  4. Introduced Andrew Bermond, Assistant Planner, who is working at the Airport.
- C. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:07 P.M. and with no one wishing to speak, the public hearing was closed at 1:08 P.M.

Chair Jostes welcomed graduate students from Professor Paul Wack's UCSB Environmental Planning Class auditing the meeting.

## II. CONSENT ITEM:

ACTUAL TIME: 1:09 P.M.

**APPLICATION OF DAVE RUNDLE ON BEHALF OF THE GOLETA WEST SANITARY DISTRICT, 1 ADAMS ROAD, 073-045-003, A-F/S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2006-00474, CDP2006-00474)**

The proposed project involves the construction of a 2,000-gallon above-ground diesel fuel storage tank to store diesel fuel for Goleta West Sanitary District vehicles and a back-up generator. This fuel is currently stored in a 3,000-gallon leaking underground storage tank scheduled to be removed under an emergency permit waiver issued by the California Coastal Commission. The project would be located at the Goleta West Sanitary District facility located on Santa Barbara Airport property near the University of California, Santa Barbara Public Safety Building. The project would consist of a nine-inch thick concrete pad supporting a double-walled diesel fuel tank and pump with appropriate connections. The discretionary application required for this project is a Coastal Development Permit to construct an above ground storage tank in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303 and 15304.

Case Planner: Andrew Bermond, Assistant Planner  
Email: [abermond@SantaBarbaraCA.gov](mailto:abermond@SantaBarbaraCA.gov)

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

**MOTION: Jostes/Myers**

Waive the Staff Report. This motion carried by the following vote:

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

Commissioners' comments and questions:

1. Asked about the height of the catch basin wall and expressed concern regarding the adequacy of 6-inch wall in the case of a major leak.
2. Asked about bio-diesel as a substitute for diesel.

Carrie Collins, project engineer from Penfield and Smith, responded that 6-inches is for extra protection and added that the tank is double-walled for containment along with other measures in case the tank leaks.

Ms. Collins stated that, at this time, bio-diesel has not been considered; this diesel tank serves an existing back-up generator and existing District vehicles are not configured for bio-diesel.

Chair Jostes opened the public hearing at 1:12 P.M. and with no one wishing to speak, the public hearing was closed at 1:13 P.M.

**MOTION: White/Myers**

**Assigned Resolution No. 042-06**

Approved the project, making the findings for the Coastal Development Permit, and approved the project subject to the Conditions of Approval as outlined in the Staff Report.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

**III. NEW ITEM:**

**ACTUAL TIME: 1:14 P.M.**

**APPLICATION OF PEIKERT GROUP ARCHITECTS, AGENT FOR JOHN R. DEWILDE, 113-117 W. DE LA GUERRA STREET, APN 037-082-003, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND RESIDENTIAL, TWELVE UNITS/ACRE (MST2005-00126)**

The proposed project consists of the demolition of the existing buildings onsite (except for the front façade of 115 W. De la Guerra Street) and the construction of a mixed-use building, composed of a 2,027 square foot (net) commercial condominium unit and nine residential condominium units. The proposed mix of units consists of six (6) two-bedroom market rate units, one (1) three-bedroom market rate unit, one (1) two-bedroom moderate

income affordable unit and one (1) three-bedroom moderate income affordable unit. Six of the nine residential units would have 120 square feet of attached commercial space. The project includes a request for two additional residential units pursuant to State Density Bonus law. A parking garage with twenty parking spaces is proposed on the first floor.

The discretionary applications required for this project are:

1. A Modification of the lot area requirement to allow one of the moderate income affordable units (Unit #6) and one of the market rate units (Unit #9) to have three bedrooms instead of two bedrooms (SBMC§28.21.080.G); and
2. A Tentative Subdivision Map for a one-lot subdivision to create nine residential condominium units and one commercial condominium unit (SBMC Chapters 27.07 and 27.13).

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

Case Planner: Kathleen Kennedy, Associate Planner

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

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Detlev Peikert, from the Peikert Group Architects, presented some of the views from De La Guerra St., additional information, and gave a brief history of the project's development process.

Commissioners' comments and questions:

1. Asked if all parking is at street level and not subterranean.
2. Commented that this project qualifies for incentives under Bonus Density Ordinance and inquired about the practice.
3. Asked about economic feasibility.
4. Asked if parking for the westerly parcel drops underground or not. Asked about whether underground parking would work when considering the access ramps. Asked about partnering with the adjacent garage and sharing the expense of garage construction.
5. Asked how the maximum roof line height for the project compares with adjacent projects.
6. Asked for plate height clarification. Asked if the higher plate height for the second-floor podium level will be utilized for offices. Asked about the ground-floor plate height and minimum ceiling height.
7. Asked about the historic structure preservation of the sidewall, and how far it extends to include the ridgeline of the forward roof-line and possibly the west side chimney detail as part of the façade of the building.
8. Asked about the connectivity of the 10-foot eastside paseo and bio-swale drainage issues.

9. Asked about the possible exits to street level either down the elevator and the 10-foot walkway through the arcade or down the stairs to the sidewalk level, and possible commercial use at the ground level.
10. Asked for clarification on the requested six extra parking spaces and any plans for the excess parking.
11. Asked about any impacts to the surrounding structures such as solar shading.
12. Asked about "green" building elements.

Ms. Hubbell responded that the burden of proof belongs to City Staff to do the necessary research on cost feasibility for affordable housing incentives under State bonus density law and whether there are any adverse effects resulting from the increased density.

Mr. Peikert explained the financial constraints of underground parking: that it is more expensive than surface parking structures with other logistical elements requiring consideration, such as handicapped ramps and trash enclosures, and factors like height of the podium's effect on space allotted to the access ramps.

Ms. Hubbell clarified that the area that the sloped ramp requires affects the number of parking spaces created. She further commented that sharing the construction expense of a mutual parking garage would have to be agreed upon between owners if they were on similar development tracks, but it could not be required, especially not with the difficulty of matching grades; the easterly parcel being at surface grade and the westerly parcel below grade at one point.

Mr. Peikert stated clarified that the highest ridge line would be at 46.6 feet at the back of the property with only the top-most point visible from street level. Mr. Peikert clarified that the plate heights are 12-feet on the ground floor from grade, 9-feet for the residential units on the second floor, 9-feet for the third floor, and 9-feet for the fourth floor with a vaulted ceiling for larger units. Mr. Peikert stated that the second-floor podium level would be used for commercial space.

Mr. Peikert clarified that the west-side chimney detail behind the mansard ridge of the existing historic structure will be preserved and that the first 17-feet of sidewall includes the ridgeline of the forward roof-line.

Mr. Peikert responded that the bio-swale drainage with landscaping and visibility through the 10-foot corridor could be kept open to satisfy connectivity issues with the westerly development.

Mr. Peikert explained that there are no plans for the tenant of the ground floor commercial space at this time, and considered the feasibility of incorporating the side door on the property line as a secondary opening into the arcade area.

Mr. Peikert clarified that the plate height for the parking area and the first floor was derived from considering the 8.2 foot height standard for handicapped vehicle clearance, and other

structural elements of commercial use for minimum ceiling plate height measurements to allow for dropped ceilings with duct work and lighting above.

Mr. Peikert clarified that there would be no solar shading impacts from surrounding structures given the width of the street and the 6-foot front setback.

Mr. Peikert responded that they are committed to reducing energy use as much as 50% below Title 24, and that "green" elements will be considered, such as recycling building materials, job site recycling during construction, water saving devices, and that they would welcome suggestions from the HLC regarding the use of photo-voltaic devices.

Chair Jostes opened the public hearing at 2:03 P.M. and, with no one wishing to speak, the public hearing was closed at 2:04 P.M.

Commissioners' comments and questions:

1. Commented that the proposed project is very well designed, but expressed concern regarding the mass or "weight" and overall height of some of the proposed structural elements, the impact to the neighborhood, and requested that the applicant consider the interfacing factors such as mutual parking.
2. Commented on the over-maximized bedroom count, possible lower structures other than four-storied buildings along Chapala Street, underground parking issues, possible over-density and non-commercial -use of the commercial space in mixed-use units, concerns regarding over-development of similar types of units, plate heights resulting in increased height, bulk and scale, and that the Commission should be informed on trends for live-work-space issues. Some paseo-scape elements might also mitigate over-parking issues.
3. Commented that project is acceptable for consistency with City's housing and circulation goals, but difficult to make findings for the lot area modification for the extra bedrooms. Asked Mr. Vincent to clarify the requirement. Concerned that the commercial spaces could become extra bedrooms and the proposed project is already bulked out.
4. Commented on other successful paseo-scape projects, and felt the issue of over-parking is not applicable for the proposed project.
5. Requested clarification of use of right-of-way during construction issues raised by the applicant.
6. Commented that streetscape variety is lacking and should perhaps remain three-story through the use of underground parking which would lower plate heights and keep streetscapes at a lower level.
7. Requested clarification on limited Commission discretion on environmental and design factors with regard to State regulation on bonus density quid pro quo issues.
8. Encouraged connectivity between projects and suggested it might be too late to implement a mutual parking lot, and that right of way details should be determined with Public Works.
9. Commended the applicant on suggestion that the Commission meet with the HLC for a discussion about balancing historic preservation and architectural issues with

- “green” building techniques and use of solar voltaic panels, but that the applicant should be more explicit on green building techniques; and commended applicant on modest unit sizes, balancing market units with below-market units.
10. Commented on the benefit of tax incentives for mixed-use housing. Also suggested that the southeast wrap-around corridor element should lead somewhere other than the rear of the building.
  11. A majority of the Commission felt that the proposed structure is too tall as development progresses away from Chapala Street, and that the plate height should be lowered while preserving the project design. More incentives should be found for bonus-density.
  12. Requested clarification of commercial uses of the podium level units, and suggested a trade-off of commercial level spacing for ground level spacing in order to lower the plate height of the fourth floor.
  13. Consensus of Commission that the proposed project is approvable by either: a) reducing the garage plate height by up to two feet; or b) reducing the fourth floor plate height by one foot and reducing some of the live-work portion floor area of the front two units on the second story.
  14. Expressed concern that there is not sufficient setback since large buildings usually require larger setbacks to reduce mass, bulk and scale.
  15. Commented that the location of commercial spaces at the front of the building alleviates concerns that the space would be used as unapproved bedrooms.
  16. Consensus of Commission that the gate to the second floor should remain open during business hours to facilitate access, and that conditionals be clarified to resolve live-work space issues and prohibit residential use.

Ms. Hubbell commented on the use of the commercial space attached to the residential units in the Chapala Street Lofts project and possibility of strengthening CC&Rs to examine over-density issues for enforcement over time. She also noted that most four-story elements along Chapala Street are 60 feet in height, including their roof lines and are mitigated by being set back from the street toward the center of the block for less visibility, with mainly three-story at the street. The proposed project is much lower and is also set back to minimize visibility from the street.

Mr. Vincent clarified that, when a project provides a qualifying percentage of affordable units under the State Bonus Density Law, the project is entitled to the corresponding bonus density as a matter of law. In addition, the project is entitled to additional “incentives” under the State Bonus Density Law. The extra bedrooms requested by the applicant under the City’s Variable Density Ordinance are an allowable incentive.

Mr. Vincent stated that the State has intentionally supplanted its own vision of zoning and land-use planning for the local communities in the context of bonus density for affordable housing. The State law sets the qualifying percentages of affordable housing and grants the bonus density based on a sliding scale corresponding to the percentage of proposed affordable units provided. The City is bound to accept the increased density if the project complies with the provisions of the State law.

Mr. Vincent further stated that once a project provides a qualifying percentage of affordable units, the project is *entitled* to certain benefits including bonus density units and zoning incentives or concessions. Another incentive to which the applicant was entitled, but did not request, was a reduction or alteration of the off-street parking requirements. The language of the Statute states "...that the granting of the concession or incentive shall not be interpreted, in and of itself, to require a zoning change." The City uses the lot area modification process to document bonus density for affordable units. Although the bonus density units and additional bedrooms are documented through the City's lot area modification process, the Planning Commission's discretion when considering these modifications is limited. Despite this limited discretion regarding the modifications, the Commission can still decide on the design and improvement of the subdivision agreements by making a ruling and findings on proposed Subdivision Tentative Maps.

Mr. Michael Cloonan, Engineering Tech II, provided some right-of-way information from the submitted Preliminary Traffic Control Plan on the draft construction schedule. The plan proposes closure of the right-of-way for the duration of project construction, which is not acceptable to Public Works. Temporary closures for purposes of delivery of materials, concrete pours and short term crane work can be accepted. The Public Works Department does not allow permanent storage or staging of construction materials in the right-of-way.

Mr. Peikert clarified the commercial use of the podium level units, and that it was determined impossible to comply with suggestions to trade-off commercial level spaces for ground-level spaces.

Ms. Hubbell clarified that the proposed second floor setback is more than required in the R3 zone, and that the setback for a completely multi-family development would be 15 feet for the third story.

Ms. Hubbell clarified that recording associated conditional public and private CC&Rs with the Subdivision Agreement ensures City enforcement power for these conditions.

**\*\* Chair Jostes announced a break from 2:58 P.M. The meeting reconvened at 3:15 P.M. \*\***

Mr. Peikert suggested changes to the project design that he could accept in response to the concerns raised by the Planning Commission.

**MOTION: White/Jacobs**

**Assigned Resolution No. 043-06**

Approve the project, making the findings for the lot modifications and the tentative subdivision map as outlined in the Staff Report and amended Conditions of Approval to include: 1) Graffiti abatement will be required of the contractor during construction. 2) Street light specifications and removal of any cobra head lighting. 3) Stipulation that the gate to the stairs leading to the second floor shall remain open during business hours. 4) Public right-of-way access shall be maintained during construction 5) Future interior

connections shall be prohibited between commercial and residential areas. ; 6) Require that the gate to the upstairs remain open during business hours; and 7) Additions to the design review provisions shall include: a) Limiting the total building height to 46'6", and b) Limiting the second story plate heights for the front structure on the podium to 8 feet.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

#### IV. ADMINISTRATIVE AGENDA

##### A. Committee and Liaison Reports.

1. Commissioner Jacobs reported that the Upper State Street Traffic Study continues its public outreach. There was also a workshop last Saturday at the Hope School Multipurpose Room that incorporated input from individuals and community groups. A final public workshop is scheduled tonight at 5:30 P.M., also at the Hope School, to gather more public input on the Upper State Street Design Study.

Ms. Hubbell announced that a Joint Meeting of the Planning Commission and the Transportation and Circulation Committee is scheduled for November 9, 2006 at 6:00 P.M. to consider the traffic study related to the Upper State Street Study. Commissioner Myers added that October 26, 2006 is the deadline for submitting written comments.

2. Commissioner Jacobs reported that, on Tuesday, October 17<sup>th</sup>, City Council approved the Airline Terminal Design Subcommittee's new plan of action that includes no temporary terminal, but instead moves forward with a new footprint and circulation plan.

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

None were requested.

##### C. Action on the review and consideration of the items listed in I.B.4 of this Agenda.

2. Draft Minutes of September 14, 2006.
3. Resolution 038-06  
295 Santa Monica Way
4. Draft Minutes of September 21, 2006. Resolution 039-06601 E. Micheltorena Street

**MOTION: Myers/Jacobs**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

**Ayes: 4 Noes: 0 Abstain: 1** (as noted below) **Absent: 2** (Larson/Mahan)

Commissioner White abstained from the draft minutes and resolutions of September 14, 2006.

V. ADJOURNMENT

MOTION: Myers/Jacobs

Adjourn the meeting.

This motion carried by the following vote:

**Ayes: 5 Noes: 0 Abstain: 0 Absent: 2** (Larson, Mahan)

Chair Jostes adjourned the meeting at 3:45 P.M.

Submitted by,



\_\_\_\_\_  
Kathleen Goo, Alternate Commission Secretary