



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

November 16, 2006

CALL TO ORDER:

Chair Jacobs called the meeting to order at 1:10 P.M.

ROLL CALL:

Present:

Vice-Chair Charmaine Jacobs

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

Absent:

Chair John Jostes

STAFF PRESENT:

Jan Hubbell, Senior Planner

Danny Kato, Senior Planner

Debra Andaloro, Environmental Analyst

Susan Reardon, Project Planner

Marisela Salinas, Associate Planner

Kathleen Kennedy, Associate Planner

N. Scott Vincent, Assistant City Attorney

Kathleen Goo, Acting Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

Ms. Hubbell announced the following changes to the agenda:

1929 Cliff Drive has been re-scheduled to the December 7, 2006 Planning Commission meeting at the applicant's request.

MOTION: Mahan/Larson

To continue Item III. B., 1929 Cliff Drive to the December 7, 2006 Planning Commission meeting.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 1 (White) Absent: 1 (Jostes)

B. Announcements and appeals.

1. Ms. Hubbell made the announcement that Steve Foley, Project Planner, was promoted to Supervising Transportation Planner for the Transportation Planning Division.
2. 3408 & 3412 State Street appeal decision by the Commission has been appealed to the City Council, but no date has been scheduled yet.

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

Chair Jacobs opened the public hearing at 1:12 P.M.

Mr. Tony Fischer requested a report on adopting regulations regarding expired building permits, the processing of Coastal Exclusion Permits, and Coastal Development Permits, (specifically regarding a detached garage for 122 La Plata) to be agendized for discussion at a future Commission luncheon meeting.

Ms. Hubbell stated that staff will respond to Mr. Fischer.

ACTUAL TIME: 1:17 P.M.

II. CONTINUED ITEM: CONTINUED FROM NOVEMBER 9, 2006

APPLICATION OF LORI A. KARI, ARCHITECT FOR SANTA BARBARA BOWL FOUNDATION, 1130 N. MILPAS STREET, APN 029-201-004, E-1/R-3, ONE-FAMILY RESIDENCE AND LIMITED MULTIPLE-FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, THREE UNITS/ACRE (MST2005-00376)

The proposed project consists of the temporary placement of two 160 square foot storage containers and the installation of six staff parking spaces for use by the Santa Barbara County Bowl located on the adjacent parcel. The storage containers would be screened by the existing hedges. No public access to the project site would be allowed.

The discretionary applications required for this project are:

1. Modification to allow encroachments into the required setbacks (SBMC§28.21.085 and 28.15.085); and
2. Conditional Use Permit to allow a public or quasi-public facility (SBMC§28.94.030.W).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (new construction of small structures).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the staff presentation.

Commissioners' comments and questions:

1. Asked about the use of the word "temporary" and inquired if the length of time stated in the Conditions of Approval indicated a period of two years.
2. Requested that the Conditions of Approval clarify that the site would not be used for outdoor storage.

Ms. Kennedy stated that there was no specific time limit stated in the Conditions of Approval for the Conditional Use Permit.

Ms. Hubbell responded that staff will work with the applicant to determine an appropriate length of time for the temporary facility and will clarify the use of the word "temporary" in the Conditions of Approval.

Mr. Vincent clarified that the two year time limit mentioned in the Conditions of Approval indicates the time limit that the approval remains valid. If the Building Permit is not issued within those two years, the Conditional Use Permit approval will expire. If a building permit is issued and the project is completed, the Conditional Use Permit would have a term specified by the Commission in the Conditions of Approval.

Ms. Kennedy responded that the outdoor storage prohibition is mentioned in Section A2 of the Conditions of Approval and also stated in the plans, and that all storage on site would be in temporary containers and not open storage.

Ms. Hubbell clarified that the prohibition against public use for storage will be further clarified by staff in the Conditions of Approval.

Ms. Lori Kari, Santa Barbara Bowl Foundation Representative, stated it is expected that the Phase I temporary storage facility will be necessary for approximately 3-5 years while plans for the future box office and grand pedestrian walkway are being developed and permitted, and that she would like to request the Commission to grant more than a two-year approval.

Chair Jacobs opened the public hearing at 1:23 P.M.

Mr. Peter Cohen expressed concern regarding parking and a probable increase in storm water run-off and additional debris from the parking lot of the proposed project, and requested the use of crushed stone or other permeable paving be used to reduce the amount of run-off from the site.

The public hearing closed at 1:26 P.M.

Commissioners' comments and questions:

1. Commented that the parking and drainage concerns of Mr. Cohen might be a long – term concern, and requested comment by the applicant.
2. Found it acceptable that the storm water be retained on site.
3. Asked if the parking area will be paved or graveled and whether permeable material will be used.
4. Asked if the parking lot paving material is recyclable.
5. Asked what will happen to the Phase I storage problem after the first 3-5 years, and if this would require a Certificate of Occupancy.
6. Commented that the Commission would appreciate reviewing any new proposals for the County Bowl site at a future meeting.

Ms. Kari responded that when the plans are developed for the Box Office and Grand Pedestrian Stairway, efforts will be made to regrade and restripe the parking area, and to retain the storm water on-site utilizing Type 2 aggregate road base typical of Caltrans' standard which is hard road gravel and permeable for water absorption.

Ms. Hubbell responded that the parking lot paving material would be permeable, recyclable for reuse on site or other use, meets transportation needs, and yet is not excessively costly.

Ms. Hubbell responded that next step would be to obtain the Conditional Use Permit and make it time limited from the approval date since the storage would not be for long-term use.

Ms. Kari clarified that the subject property may be transferred to the County in the future to become part of the County Bowl property, and Ms. Hubbell further clarified that this would take this property out of the City's jurisdiction.

Ms. Kari clarified that the Bowl is open to community outreach and will communicate with organizations and government agencies regarding future long-range plans, which would be available for discussion at future meetings of the Commission.

MOTION: Mahan/Larson

Assigned Resolution No. 048-06

Approved the Setback Modifications and the Conditional Use Permit for the project, making the findings as outlined in outlined in Section VII of the Staff Report, subject to the Conditions of Approval in Exhibit A, and amended as follows: 1) The temporary use shall be valid until December 31, 2011; 2) The staff parking area shall be made of permeable paving and that the City's Public Works and Community Development Departments should work together for an acceptable solution; and 3) There shall be no public use or access to the parcel.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

III. NEW ITEMS:

ACTUAL TIME: 1:40 P.M.

- A. **APPLICATION OF CAMERON CAREY, AGENT FOR THE SANTA BARBARA ZOOLOGICAL GARDENS (TENANT); 500 NIÑOS DRIVE, (017-362-005, 017-363-001 & -002; 017-372-001, & 017-382-001 & -002); PR/SD-3 PARK AND RECREATION, AND COASTAL OVERLAY ZONES; GENERAL PLAN DESIGNATION: OPEN SPACE, COMMUNITY PARK, PUBLIC PARKING (MST2003-00032; MST2006-00331; MST2000-00707; MST2002-00676; MST2002-00004; MST2006-00330)**

PROJECT LOCATION: 500 Niños Drive, Santa Barbara, CA

PROJECT DESCRIPTION: The zoo includes several parcels leased from the City of Santa Barbara. The applicant proposes an updated Master Plan for the Santa Barbara Zoo for the next five years. This consists of six components: 1) the California Condor Exhibit; 2) the Lemur/Langur Exhibit Renovation; 3) the Discovery Pavilion; 4) the Wave Banquet Facility; 5) the Service Yard Facilities; and 6) the Channel Island Fox Renovation.

The new **California Condor Exhibit** and holding area would be located on the site of the original Bald Eagle exhibit between the existing Channel Island Foxes and Bald Eagle Exhibits.

The existing **Lemur/Langur Complex** would be renovated to conform with new federal regulations and would include demolition of the existing animal holding and exhibit spaces and replacing them with two new holding buildings and exhibit spaces.

The **Discovery Pavilion** facility is proposed as a place for conservation education and the exploration of science in two flexible classroom spaces, as well as administrative offices. Phase I is designed to accommodate 18-20 existing staff members including education, collections and animal food preparation, consolidating them with the Zoo's administrative staff. Many of these staff and facilities are currently located in temporary trailers on site. These trailers will be removed upon completion of the project. Proposed construction consists of two separate phases of renovation and addition to existing one and two story administration and staff lounge buildings.

The first phase will require removal of two single-story keeper offices and two animal holding cages, totaling 3,038 sq. ft. of demolition. The existing single-story 1,880 sq. ft. Staff Lounge building will be renovated. The staff lounge facilities will be relocated to an existing 275 sq. ft. feed storage enclosure with 100 sq. ft. of added construction and reconfiguration of the adjacent outdoor patio spaces. New staff restrooms would be built within a 116 sq. ft. addition to the adjacent Administration Building. A new 7,344 sq. ft. single story addition will accommodate two new multi-purpose classrooms of 60 students each, exhibit rooms, animal food kitchen with feed storage, and new education staff administrative office space.

Phase II of the Discovery Pavilion will include renovation of the 5,753 sq. ft., two-story Administration and Retail building with 1,008 sq. ft. of new office construction. Also included will be the addition of an exterior second-story building linkage and accessible

elevator. Completion of both phases of the Discovery Pavilion will result in a net increase of 5,480 sq. ft.

The Wave Banquet Facility: The Zoo proposes to demolish the existing building and trellis courtyard. The new structure will house a concessions facility, catering room, restrooms, storage, and a bridal changing room with a total of 1,450 sq.ft.

The **Service Yard Facilities** project would consolidate and better organize Zoo service facilities, maintenance, and public program storage at the existing service yard. It includes the removal of several temporary storage containers from various locations on the Zoo site, and construction of new storage units, relocation of the existing wood and metal shops and existing office space, a new employee restroom, relocation of the train barn from the northern part of the campus to the service yard, landscape and exhibit materials storage areas and a new estate wall along portions of the Zoo's Cabrillo Blvd. frontage.

The **Channel Island Fox Exhibit** first opened in 1999. The outdoor enclosure needs a complete renovation. The proposed exhibit spaces will be 880 sq. ft. and 1170 sq. ft. respectively. They will also upgrade the mesh enclosure to a finely woven 1"x1" steel mesh.

Master Plan Phasing: The Master Plan will be implemented in three phases.

Phase 1: The applicant estimates beginning construction of the Wave, Condor and Channel Island Fox projects in early 2007. It is anticipated that these projects will be done concurrently and should be completed by Spring 2008. Project staging and construction parking would occur on-site.

Phase 2: The second phase of construction will begin at the end of the first, Spring of 2008 and will continue through the Fall of 2009. Projects included in this phase will be the Discovery Pavilion and Lemur/Langur.

Phase 3: The third construction phase in the late 2009 or early 2010. This phase will include the construction of the Service Facilities Yard.

The following discretionary approvals are required:

1. A Coastal Development Permit for new development in the Appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009);
2. PR Park & Recreation Zone Findings for the new development (SBMC §28.37.010) by the Planning Commission, and the Park and Recreation Commission;
3. A Development Plan for construction of non-residential square footage from the Community Priority Category (SBMC §28.87.300);
4. A Recommendation to City Council for a final Community Priority Designation from the Community Priority Category. (SBMC §28.87.300); and
5. A Final Community Priority Designation from the City Council pursuant to SBMC §28.87.300.
6. Historic Landmarks Commission design review is required for all exterior changes.

Please note that the *Service Yard Facilities (Phase 3)* project is limited to environmental review at this time. It will return for project approval at a later date.

Case Planner: Marisela G. Salinas, Associate Planner

Email: msalinas@santabarbaraca.gov

Marisela G. Salinas, Associate Planner, gave the staff presentation.

Mr. Richard Block, Zoo CEO Director, gave the applicant's presentation.

Commissioners' comments and questions:

1. Asked if the existing parking lot has storm drain interceptors.
2. Asked about the geological aspect specifically pertaining to the liquefaction/flood zone risk or other major emergency with regard to emergency preparedness for possible evacuation of the visitors and animals.
3. Asked about how the parking is incorporated into the Master Plan as an expansion issue.
4. Asked about the memorial for the "Jungleville".
5. Asked about City parcels which comprise the Zoo property.
6. Asked about the elimination of gas-powered leaf blowers and availability of outlets for replacement with electric-powered leaf blowers, with a request to address this topic in the final document as part of the Air Quality issue.
7. Asked about permanent public view easements of the harbor from the Wave Banquet Facility on the grassy knoll, preservation of public views to the mountains with regard to the mesh of the condor exhibit, and whether there will be any change in the kitchen preparation window for viewing or change in the perimeter fencing.
8. Asked for the location of Caltrans' sound wall.

Mr. Block responded that storm drain interceptors will be utilized, and that a comprehensive plan has been prepared with regard to staging and support in response to potential flooding or other perceived threat. This comprehensive plan includes an efficient phone tree, a backup generator capable of supplying over half the Zoo's power, and capable staff trained to focus chiefly on the safe transportation of animals facing the greatest threat to safe and secure higher ground holding areas, including special anesthetizing methods to help relocate predator carnivore animals.

Mr. Scott Schell, Associated Transportation Engineers, responsible for the preparation of the traffic and parking study, responded that their survey resulted in incorporating the City's suggested re-striping concept of the school bus section of the parking lot which would allow 20 additional parking spaces during peak weekends. This, in addition to a Transportation and Parking Management Plan, was sufficient to offset the need for additional parking.

Mr. Block responded that the old "hobo showers" structure, built by volunteers after the death of Mrs. Childs, had been modified numerous times. The Zoo is planning to incorporate a history of "Jungleville" into the zoo's history with a series of interpretive

mural panels along the train route, and additional interpretive murals along pedestrian pathways showing some of the original history of the site.

Ms. Salinas clarified that the parcels which comprise the Zoo are all owned by the City and are treated as one parcel.

Mr. Block clarified that electric-powered leaf blowers are used in the Zoo parking lot and in some exhibit islands. There are additional plans to increase their use and to entirely eliminate gas-powered leaf blowers after being advised of the prohibition of gas-powered leaf blowers.

Mr. Block clarified that none of the planned project will adversely affect the public views and will actually manage more of the vegetation and thereby increase the unobstructed public view of the mountains, ocean and harbor across the top of the knoll area of the hill. The mesh of the condor exhibit should not obstruct public views since the impact lessens with distance and is all but transparent when viewed from outside the Zoo. The Zoo food kitchen preparation window will remain the same. The section will be cleaned up and significantly improved, and one section of the 8-foot perimeter fencing will be replaced with an estate wall utilized for an interpretive mural of the history of the site.

Mr. Cameron Carey, Agent, clarified that the Caltrans' sound wall will extend from the edge of the parking lot where the Zoo service entry gate begins, continue eastward, and terminate at the Zoo property shielding the Discovery Pavilion from the highway noise. This will encompass the existing administrative offices, veterinary clinic, snow leopard and gibbon exhibits.

Chair Jacobs opened the public hearing at 2:13 P.M.

Public Comments received:

1. Ms. Kathleen Weinheimer, representing the El Escorial Owners Association, expressed concern about odors and rodents, noise and music levels related to night time activities held at the Zoo, such as weddings, etc., and traffic issues related to parking concerns by other activities at the Zoo.
2. Mr. Thomas Luria was in favor and expressed his appreciation of staff and the applicant's effort on the proposed project.

The public hearing was closed at 2:17 P.M.

Commissioners' comments and questions relating to the Draft MND analysis:

1. Asked if the City has any control over the number of events at the Wave Facility and if the project requires a Conditional Use Permit.
2. Asked if sound levels for special events are monitored and who would determine the maximum number of events.

Ms. Salinas clarified that currently events are booked to capacity at the Wave Banquet Facility and do not have any limitations on the number of events. The only use limitations proposed are for the Discovery Pavilion which is a new use on the site.

Ms. Hubbell stated that there is no Conditional Use Permit on the Zoo property. Since it is considered a park and is located in the Appealable Jurisdiction of the Coastal Zone, it comes

under the purview of both the Park and Recreation Commission and the Planning Commission.

Mr. Vincent clarified that the Zoo is City property subject to a City lease.

Mr. Block stated that the Wave Banquet Facility would improve the quality of service by the Zoo with food service for visitors, additional bathrooms, and improved facilities for events held at the hilltop. He clarified that security personnel monitor and enforce sound level limits at these events.

Commissioners' comments and questions relating to the Draft MND analysis:

1. Expressed satisfaction with the project. At the site visit, asked about the possibility of incorporating a bikeway and/or hiking path along the north side of the Zoo between the Zoo and the railroad track. Transportation Staff advised that a pathway would not be feasible given the Union Pacific Railroad operation. Appreciated comments on the drainage quality and recommended a future discussion on the merits of reduced parking opportunities vs. enhanced landscaping along Sycamore Creek. Requested that the history of the bird refuge be incorporated into the interpretive history of the Zoo. Expressed some concern that the mesh of the condor exhibit might impede public views from the Zoo and requested additional information on that view corridor.
2. Requested that important public view corridors be identified and preserved from any obstruction in the future, especially of the harbor and mountains from the hilltop.
3. Regretted the lost opportunity to provide a connection to the pedestrian path at the Bird Refuge. Also suggested that hobo village interpretive murals and photos of "Jungleville" from the Historic Structures report be incorporated into the memorial. Requested the applicant to clarify negative contemporary design comments.
4. Commented that there should be panels along the Zoo's train tracks, including photographs of "Jungleville," appreciated the green building techniques in exhibits and encouraged the inclusion of more in the future, that the air quality for bio-diesel use be addressed as a preferred fuel, and that the use of bio-diesel should be encouraged when reviewing competitive bids.
5. Clarified the request to identify and preserve view corridors from the Zoo looking outward onto the City, such as the hilltop view toward the harbor or semi-public view looking outward to a semi-public park or natural vista view corridor.

Mr. Ken Radtkey, Architect, responded that they returned to the HLC to address concerns about the contemporary design of the Wave Banquet Facility. They added more detail with regard to the width of the trellis and changes in the landscaping.

Ms. Andaloro clarified that the "Jungleville" memorial will be addressed and reviewed by the Historic Landmarks Commission. Electric-powered leaf blowers will be used given that gas-powered blowers are prohibited by City Ordinance. The Caltrans' sound wall along the railroad tracks was not addressed in the initial environmental review study since it was still speculative. The parking analysis includes restriping the parking lot to maximize the use of the bus parking area. The Zoo will also implement a Transportation and Parking

Management Plan to reduce the parking demands of the Master Plan. City discussions will continue for improved connections to walkways and trails.

Ms. Hubbell stated the APCD has not required bio-diesel use on a district level since the State prefers to be more uniform in requirements across the State and the type of vegetable oil used may increase ozone emissions.

Mr. Vincent noted that there is adequate review of any changes to the Zoo property since it is zoned PR (Park & Recreation) and is located in the Appealable Jurisdiction of the Coastal Zone. Therefore, most significant development would require approval from the Park and Recreation Commission, the Planning Commission, and/or the Historic Landmarks Commission.

Chair Jacobs announced that the public comment period on the proposed project will close on December 5, 2006. The Final MND and proposed projects will return before the Planning Commission on December 21, 2006.

Chair Jacobs announced a break from 2:48 P.M. The meeting reconvened at 3:05 P.M.

B. THE FOLLOWING ITEM WAS CONTINUED TO DECEMBER 7, 2006 AT THE APPLICANT'S REQUEST.

APPLICATION OF JEFF GORRELL, ARCHITECT FOR JEMESA PROPERTIES, LLC, 1929 CLIFF DRIVE, APN 045-015-016, C-P/R-2/SD-3, RESTRICTED COMMERCIAL, TWO-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL, NEIGHBORHOOD SHOPPING CENTER (MST2004-00492) CONTINUED TO DECEMBER 7, 2006.

The project consists of a proposal to demolish the existing 1,354 square foot (net) service station, six gas pumps, canopy and underground storage tanks and to construct a 2,618 square foot (net) mini mart, 1,272 square foot (net) car wash, 395 square foot (net) equipment room, 1,725 square foot canopy, four gas pumps and eight parking spaces. A variance, approved by the City Council, to allow encroachments into the Cliff Drive setback would be required.

The discretionary applications required for this project are:

1. A Modification to allow less than the required number of parking spaces (SBMC§28.94.030);
2. A Modification to allow the building to encroach into the rear yard setback (SBMC§28.54.060);
3. A Conditional Use Permit to allow a car wash and automobile service station/mini-market in the C-P/R-2 Zone (SBMC§28.94.030);
4. Development Plan approval for 2,931 square feet of additional non-residential floor area (SBMC§28.87.300); and
5. A Coastal Development Permit to allow development in the non-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 Act Guidelines Section 15303 (new construction of small structures).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

ACTUAL TIME: 3:06 P.M.

C. PROPOSAL TO AMEND THE CITY'S MUNICIPAL CODE IN REGARDS TO SETBACKS ALONG ALLEYS AND PRIVATE STREETS, AND BOARDING HOUSES IN SINGLE FAMILY ZONES (MST2006-00582)

The City is proposing to amend the City's Municipal Code to clarify the setback requirements for new development along alleys and private streets. The proposal is to amend the definition of "alley;" add new definitions for "driveway," "street," and "private street;" clarify that an interior setback will be applied to new development that fronts along an alley; and clarify that a front yard setback is required for new development along a private road. The Planning Commission will also discuss boarding houses, including legal and enforcement issues, and make recommendations to Council regarding appropriate Municipal Code amendments.

Case Planner: Susan Reardon, Project Planner

Email: sreardon@SantaBarbaraCA.gov

Susan Reardon, Project Planner, gave the staff presentation.

Chair Jacobs opened the discussion on the proposal to clarify the setback requirements for new development along alleys and private streets.

Commissioners' comments and questions:

1. Asked about clarification the difference between private drives and driveways and how to differentiate between the two.
2. Asked if driveway width was tied to the number of parcels or Fire Department regulations.
3. Appreciated the more concise definition of an alley. Asked about the incorporation of differentiated pavement for a pedestrian path along a driveway (sometimes regarding an alley) and whether the driveway would then be considered a private street per the proposed definitions. If so, the Commission requested clarification in the language so that would be clear that it would still be considered a driveway.

Ms. Reardon responded that private roads and driveways have been difficult to differentiate. Private roads typically have curbs, gutters and sidewalks. The City's Subdivision Ordinance requires newly created lots to be served by a public street unless the road way serves less than two lots or the requirement is waived by the Commission. The Planning Commission has granted waivers of the public street requirement when the proposed roadway serves no more than four lots. In those instances, the roadway is typically considered a driveway. The private drive in question would actually be considered a driveway since it serves four lots.

However, if the driveway abutted the property line, then an interior setback from the property line would be required.

Mr. Kato responded that private driveways are typically a maximum of 16 feet wide and in some instances, 20 feet wide if the driveway is very long and/or serves many lots. In crafting the definitions, staff looked at both existing development and recent new development to propose language that would work in most situations. However, there will always be grey areas. That is why the definition focuses on the form and function of the roadway.

Ms. Reardon responded that requests by the Commission for sidewalks along driveways can still be implemented without causing the driveway to be considered a private road which would require a front setback.

Chair Jacobs opened the public hearing at 3:39 P.M. and, as no one wished to speak, closed the public hearing at 3:40 P.M.

MOTION 1: Thompson/Larson

Assigned Resolution No. 049-06

Approve and forward staff's recommendations to City Council concerning the proposed amendments to the Municipal Code regarding setbacks along alleys, driveways, and private streets, including clarification that driveways serve four or fewer lots, and with the discussion on width and standards to also be included with the Staff Report.

This motion carried by the following vote:

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

Chair Jacobs opened the discussion on proposed amendments to the Municipal Code regarding Boarding Houses in Single-Family Zones

Susan Reardon, Project Planner, gave the staff presentation.

Commissioners' comments and questions:

1. Stated that as people convert garages to units, it becomes a health and safety issue. An example was given of a situation where emergency responders couldn't find a caller because they were located in an illegal garage conversion. The Commissioner spoke to the fact that the City's needs to be tough on illegal conversions.
2. Asked about the terms "guest" versus "renter".
3. Asked whether the renting of rooms in a single-family zone, whether providing meals or not, was a commercial use.
4. Commented that boarding house situations are for food and lodging and for limited periods. Asked about legal options for zoning for renting homes out to college students.

Mr. Kato responded that the focus of today's discussion is on the legal renting of rooms or shared housing. Illegal conversions are different than today's discussion and are enforced immediately they are found.

Mr. Vincent stated that the existing term "guest" is problematic and undefined in the Municipal Code. It could be unintentionally inclusive and encompass too much. He gave an example of a brother and sister-in-law with three kids staying at a house for longer than seven days. That would be considered a boarding house under the existing definition. He outlined a narrow ("permissive") definition of boarding house that would enable property owners to obtain a Conditional Use Permit to allow a boarding house in certain residential zones, but would not cause the unfulfilled expectations of enforcement that result from the current definition. Staff is recommending permissive language for the definition so if an owner of a property zoned for multiple family housing wanted to legally propose a boarding house, they could. The definition would contain key elements: building(s), occupied by paying persons and meals are served as part of the package. Mr. Vincent also clarified that short term rentals for less than 30 days at a time are considered transient occupancies and treated as commercial uses of the property.

Mr. Vincent clarified that, in the single family zones, a house with a 30-day lease is considered a residential use and is a legal use of the property. If the lease is for less than 30 days, then it is considered a transient occupancy or commercial use which is not allowed in single-family zones.

Ms. Hubbell clarified that there might not be a reason to enforce taxing private leases arranged by private property owners to utilize extra empty bedrooms.

Mr. Vincent clarified that the City can regulate the number of leases on a particular property. However, property owners may operate on an oral lease making it difficult to enforce such a regulation.

Mr. Kato stated that the City could legally regulate the number of leases that an individual property owner has on their property per a California Attorney General opinion. The City could tie the number of leases to the number of bedrooms. The concern is that it is administratively difficult to enforce and relatively easy to thwart by property owners. That is why staff's recommendation is to focus on the nuisance issues associated with these tenancies.

Chair Jacobs opened the public hearing at 3:58 P.M.

Mr. Joe Bohnett, 3656 Eileen Way, expressed concern regarding a home that is being rented out in his neighborhood. His concerns relate to illegal conversions, overcrowding, transient use, excessive noise and cars, and no vested interest in the neighborhood by the tenants. He stated that his situation is not just one or two rooms being rented out, it is a commercial business in a residential zone. He suggested that, if the owner doesn't live at the residence, then the house could only be rented to three persons.

Ms. Joan Livingston for the Westside Study Group, 1232 Castillo Street, expressed concern regarding other nuisance issues for boarding houses, and suggested use of photo documentation to substantiate RV parking violations in prohibited zones.

The public hearing was closed at 4:06 P.M.

Commissioners' comments and questions:

5. Commented that a single-family residence should be defined as either owner occupied or not. If not owner occupied, then a limit should be placed on the number of persons per bedroom.
6. Suggested that if an owner-occupied use converts to a rental use, then it could be viewed as a change of use that would require the unit being brought up to Code.
7. Commented that the City of Los Angeles requires owners to register with the City when someone wants to become a landlord or landlady.
8. Commented that problem with nuisance enforcement is that it often occurs when enforcement is not available, such as evenings and weekends. Questioned how to give neighbors an avenue to deal with nuisances.
9. Concurs with boarding house definition and clarifications, and that staff should focus on the enforcement of public nuisance ordinances.
10. Requested the investigation of instituting a blight ordinance.
11. Commented that there should be an opportunity for providing photo documentation of a violation.
12. Since photo documentation would be substantiated by staff, asked why photo documentation itself could not act as an anonymous entity, with the anonymity of the photo-taker preserved.

Mr. Vincent stated that more restrictive occupancy limits have been attempted by another jurisdiction, and the State has declared that they preempt a City from setting more restrictive limits. The State Housing Code places limits on the number of persons based on square footage and design of a residence. However, those limits are not in the realm of a comfortable living environment. They were based on health and safety concerns.

Ms. Hubbell stated that it would be better to enforce against public nuisance and disturbance violations than to attempt to discriminate between ownership and renters.

Mr. Kato stated that staff is researching possibilities to allow the submittal of photo documentation of a violation and a property maintenance ordinance.

Mr. Vincent stated that photo documentation of zoning violations that is submitted by members of the public are not taken by staff and would require authentication by the photographer that the photo was not tampered with and be available for cross examination if the property owner disputes the allegations. The photographer could not remain anonymous because it is a due process issue that that a person has the right to face their accusers and have the opportunity to cross examine or test such evidence.

Chair Jacobs suggested that the Commission leave the current topic of the photo documentation as evidence of a violation as part of the discussion without including it in the motion and the Commission concurred.

MOTION 2: Mahan/Thompson

Assigned Resolution No. 049-06

Approve and forward staff's recommendations to City Council regarding the proposed amendments to the Municipal Code regarding Boarding Houses in Single-Family Zones.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

D.

THE FOLLOWING ITEM WAS CONTINUED INDEFINITELY AT THE APPLICANT'S REQUEST:

APPLICATION OF CHRISTOPHER MANSON-HING, ARCHITECT FOR GARY AND MICHELLE COVINGTON AND HENRY D. WADLEIGH, 157 LA JOLLA DRIVE, APN 041-362-005, E-3/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS/ACRE (MST2006-00208) CONTINUED INDEFINITELY AT THE APPLICANT'S REQUEST

The project consists of a proposal for a new 3,213 square foot (net), two-story, single-family residence with attached 500 square foot two-car garage and 133 square feet of storage space on a 25,391 square foot vacant lot located in the Hillside Design District.

The discretionary application required for this project is a Coastal Development Permit to allow development 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 Act Guidelines Section 15303 (new construction of small structures).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner White reported that the ribbon cutting for the UV installation and diversion facility at Bohnett Park was held. He also reported that the Harbor Commission is considering alterations to the Naval Reserve Center to enclose areas at Chuck's Waterfront Grill, which involves a designated historic landmark building.

Commissioner Mahan attended the De la Guerra Plaza Committee meeting, which that Council has a progress review. This Council progress review occurred on November 14, 2006, and there was unanimous agreement to set a new direction for the Plaza including "just fix it" ideas and hiring design architects and landscape architects to review new visionary plan. The plan would include connectivity to both Storke Placita and Casa de la Guerra, with a parking study for alternative solution to parking issues at the Plaza and also consider reconstruction of the Harmer Adobe. The Committee will return to Council for direction prior to review by the Planning Commission and the Historic Landmarks Commission.

B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.080.

None were requested. Action on the review and consideration of the following minutes and resolution.

1. Draft minutes of October 12, 2006
2. Resolution 041-06
2020 El Camino de la Luz

MOTION: Mahan/Thompson

Approve the minutes and resolutions as amended.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (as noted below) Absent: 1 (Jostes)

Commissioners Larson and Myers abstained from the October 12, 2006, minutes and resolutions.

VII. ADJOURNMENT

MOTION: Larson/Myers

Adjourn the meeting.

This motion carried by the following vote:

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

Chair Jacobs adjourned the meeting at 4:43 P.M.

Planning Commission Minutes

November 16, 2006

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Submitted by,

Kathleen Goo, Acting Planning Commission Secretary