



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

July 12, 2007

#### **CALL TO ORDER:**

Chair Charmaine Jacobs called the meeting to order at 1:05 P.M.

#### **ROLL CALL:**

##### **Present:**

Chair Charmaine Jacobs

Commissioners Bruce Bartlett, John Jostes, Stella Larson, Addison S. Thompson and Harwood A. White, Jr.

##### **Absent:**

Commissioner George C. Myers

#### **STAFF PRESENT:**

Bettie Weiss, Staff Hearing Officer

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Debra Andaloro, Environmental Analyst

Michael Berman, Environmental Analyst

Marisela Salinas, Associate Planner

Roxanne Milazzo, Associate Planner

Kathleen Kennedy, Associate Planner

Pat Kelly, City Engineer

Julie Rodriguez, Planning Commission Secretary

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

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

None.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The 561 W. Mountain Drive appeal will be heard before the City Council on July 24, 2007.
  2. On July 18 2007, there will be a joint meeting with City Council, Planning Commission, Architectural Board of Review, and the Historic Landmarks Commission to consider building heights and neighborhood compatibility.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Jacobs opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

## II. STAFF HEARING OFFICER APPEAL:

### ACTUAL TIME: 1:06 P.M.

#### APPEAL BY CHURCH OF SCIENTOLOGY OF A STAFF HEARING OFFICER APPROVAL OF THE APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR CRAVIOTTO ENTERPRISES, 518 STATE STREET, APN 037-173-046, C-M, COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2005-00477)

The project consists of a proposal to construct a new two-story mixed-use building with 2,487 square feet of commercial space on the first floor and two apartments (one studio unit and one (1) one-bedroom unit) on the second floor on a 3,544 square foot parcel. The existing 302 square feet (net) of non-residential space would be demolished.

The discretionary applications required for this project are:

1. Modification to allow no onsite parking for the residential units instead of two required parking spaces, one for each of the residential units (SBMC§28.90.100); and
2. Development Plan approval for 2,185 square feet of additional non-residential development (SBMC§28.87.300).

On May 9, 2007, a public hearing was held and the Staff Hearing Officer made the required findings and approved the project. This is an appeal of that decision.

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](mailto:KKennedy@SantaBarbaraCA.gov)

Kathleen Kennedy, Associate Planner, and Steve Foley, Supervising Transportation Planner, gave the Staff presentation. Ms. Kennedy noted for the record that one letter had been received for public comment from the neighboring Hotel Santa Barbara.

Chris Hansen, Building and Safety Supervisor, was available for answering questions.

Bettie Weiss, Staff Hearing Officer, recapped the decision made for approval of the project including the added condition of approval regarding vehicle ownership reports.

Rev. Lee Holzinger, Church of Scientology, gave the appellant presentation.

Brian Cearnel, Architect, gave the applicant presentation.

Ms. Hubbell and Mr. Foley answered Planning Commission questions stating that motorcycles can park for free in a designated area; that vehicular access rights to the parking lot were removed; stated the City parking lot kiosk hours of operation; that there has been no discussion regarding view easements.

Mr. Hansen replied to the Commission's question about making the adjacent property's windows bordering the property line inoperable. Scott Vincent, Assistant City Attorney, responded to the Commission's question regarding whether a condition could be stipulated to have the applicant underwrite the cost of any needed changes to the adjacent property's windows for compliance with City regulations. Although Mr. Vincent could not find any case law, he stated that each property is responsible for its own costs.

Ms. Weiss responded to the Planning Commission's question about monitoring resident parking and stated that the vehicle ownership reports are to be used for informational purposes only.

Chair Jacobs opened the public hearing at 1:44 P.M.

Jim Craviotto, Property Owner, spoke of the historic use of the property and the need for development to mitigate transient and public urination issues onsite. He added that any request for a total redesign of the project would be unreasonable and costly and requested that the Commission uphold the Staff Hearing Officer's approval of the project.

The following people spoke in support of the appeal:

1. Patricia Hiles would like to see parking for the proposed residential units.
2. Trevor Martinson was concerned with soil contamination, parking, inclusive of motorcycles and bicycles, and number of residential units.

With no one else wishing to speak, the public hearing was closed at 1:53 P.M.

Staff responded to the Planning Commission's questions regarding soil contamination, reaffirming that the issue has been adequately addressed by a report reviewed by Staff.

Mr. Craviotto stated that any underground tank would have been under neighboring properties, presently occupied by Holdrens and Pierre Lafond, where a gas station had once existed and not under his property.

Commissioners' comments:

1. One Commissioner favored the project noting that more commercial development could occur without need for parking spaces. If the need for residential parking surfaced, it could be resolved with parking availability at the applicant's other properties.
2. In reference to the elimination of residential parking, one Commissioner referenced a study which showed that people are not giving up their cars, just storing them when not in use.
3. The parking modification granted is in line with the guidance and consistency the Commission has provided for recent projects and therefore cannot uphold the appeal.
4. Two Commissioners referenced the property owner's right to build something larger and choosing not to exercise that right, opting to build apartments for the community. Supports no parking on the property location.
5. Two Commissioners supported the blockage of the windows for the site, and looked for a mitigation fee, similar to one given to the Sojourner property, to offset the loss of residential parking.
6. Commissioners were supportive of the project. One Commissioner would like to see a condition made that the rental units remain as rental units and not converted to ownership units over time.
7. One Commissioner reflected on the owner's historical concessions made to improve pedestrian circulation and eliminate curb cuts, and felt that the parking modification request is a reasonable request. Window issues can be resolved between the parties.
8. Use of a modification is necessary because of the uniqueness of Santa Barbara. A modification is usually linked to a public benefit and this project provides a public benefit to connect to the public parking lot and provide rental units.
9. The majority of Commissioners could not support the appeal, especially when considering the larger-scale options that could have been built on the property.

Mr. Vincent stated that a condition requiring the rental units to remain as rentals would be contrary to the Ellis Act; however, there are sufficient inherent impediments that would impact any future condominium conversion application at the site.

**MOTION: White/Larson**

**Assigned Resolution No. 027-07**

Deny the appeal and uphold the Staff Hearing Officer's decision to approve a Modification to allow no onsite parking for the residential units instead of the required one space for each residential unit and a Development Plan for 2,185 square feet of additional non-residential

development for the mixed-use development proposed at 518 State Street with the conditions of approval as listed in Staff Hearing Officer Resolution No. 038-07.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

### III. NEW ITEMS:

#### ACTUAL TIME: 2:12 P.M.

To avoid any perceived conflict of interest in hearing the following item, Chair Jacobs stepped down because her husband was involved in the sale of the subject property and Commissioner Bartlett stepped down because an adjacent property owner is a client of his architectural firm. Commissioner Jostes assumed the Chair.

A. APPLICATION OF MARK LLOYD, AGENT FOR SANTA FE COURT LLC, PROPERTY OWNER, 1400 ROGERS COURT, APN: 035-180-070, E-1, SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACRE AND 5 UNITS PER ACRE (MST2006-00736). RESCHEDULED FROM JUNE 21, 2007

The project consists of a request to initiate a Zone Change and a General Plan Amendment for an existing lot at 1400 Rogers Court (formerly known as 1418 Cliff Drive) from E-1, Single Family Residential, Zone to R-2, Two-Family Residential, Zone and from a General Plan Designation of Residential - 3 Units per Acre and Residential - 5 Units per Acre to Residential - 12 Units per Acre. The project site is a 16% slope lot, 44,600 square feet in size, and located in the Alta Mesa Neighborhood of the City, accessed from Santa Fe Place.

If the initiation request goes forward, the proposed project, which involves a 12-unit, one-lot subdivision would include eight units proposed at market rate and four units proposed at affordable rates. This would require a Tentative Subdivision Map, Modifications, and a Public Street Frontage Waiver. Final approval of the rezone and General Plan Amendment would subject to City Council review.

The discretionary applications required for this project are:

1. Initiation of a Zone Change from E-1 (One-Family Residence Zone) to R-2 (Two-Family Residence Zone); and
2. Initiation of a General Plan Amendment from Residential – 3 Units per Acre and Residential - 5 Units per Acre to Residential – 12 Units per Acre.

The Planning Commission will not take any action on the proposed project nor make any determination regarding environmental review of the proposed project.

Case Planner: Marisela G. Salinas, Associate Planner  
Email: MSalinas@santabarbaraca.gov

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

Mark Lloyd, Agent, gave the applicant presentation.

Ms. Hubbell commented on Mr. Lloyd's presentation citing the history of properties on the Mesa as related to affordability.

Staff answered Planning Commission's questions regarding access to parcels excluded from the project, and the basis for designating the project site as one single family residential unit.

Mr. Lloyd responded to the Planning Commission's question about a proposed private road.

Chair Jostes opened the public hearing at 2:42 P.M.

The following person spoke in support of the project:

Andy Chapman, neighbor, was supportive of the project as long as he could maintain the ingress/egress he has had to his property that is needed for maintenance and that would be of mutual benefit.

The following people spoke in opposition to the project or with concerns:

1. Kathy Sheffield: Affordable housing already offered by SHIFCO, Impact on neighbor's rights and neighborhood character.
2. Rosie Conaway: Increased traffic and safety issues. Suggested City reduce Cliff Drive to one lane in each direction.
3. Dan Hankey: preservation of wildlife nesting in trees on site.
4. Angela Bell: would like to see units built for Habitat for Humanity. Urged safety consideration be given to Santa Fe Place and for neighboring seniors.
5. Mary Norton: concerned with over development on Mesa; increased traffic, dust, and noise.
6. Kathy Carmel: increase in population density for area.
7. Cathie McCammon: La Mesa Neighborhood Association: incompatibility with neighborhood, amendment would be precedent setting. Concerned with increased traffic and erosion of views.

8. Mike Jordan, Creeks Advisory Committee: No watershed; collected water is not filtered and goes directly into the ocean.
9. Barbara Silverander: impact to environmental resources and wildlife endangerment; density.
10. Anthony Purpero, adjacent land owner: concerned with the elimination of necessary easements to neighboring properties.

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

Commissioners' Comments:

1. Two Commissioners felt that it was premature to initiate a General Plan Amendment and Zoning change when the City is in the process of updating the General Plan and should be part of the general plan process.
2. One Commissioner was supportive of the development but felt it lacked sufficient affordable housing.
3. One Commissioner felt that, without knowing surrounding neighbors' future plans, granting the zone change and General Plan Amendment would not be in the best interest of Santa Barbara, and would inappropriately increase density in the neighborhood.
4. Two Commissioners stated that the proposed density was too high and stated that they might be able to support a two-lot subdivision.

**MOTION: Thompson/Larson**

**Assigned Resolution No. 028-07**

Deny initiation of the Zone Change and General Plan Amendment because its analysis should be a part of the current General Plan Update process.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Myers, Jacobs, Bartlett)

Chair Jostes announced the ten calendar day appeal period.

Chair Jostes called for a recess at 3:15 P.M.

During the break, Commissioner Jostes left for the remainder of the meeting. Commissioners Jacobs and Bartlett returned to the dais.

Chair Jacobs reconvened the meeting at 3:40 P.M.

**ACTUAL TIME: 3:40 P.M.**

- B: **APPLICATION OF HAL HILL, AGENT FOR CITY OF SANTA BARBARA, PUBLIC WORKS DEPARTMENT, CITY OF SANTA BARBARA, 00 EAST CABRILLO BOULEVARD, 033-111-011 AND 033-120-015, P-R/S-D-3 and**

**HRC-2/S-D-3 ZONES, GENERAL PLAN DESIGNATION: OPEN SPACE  
(MST2004-00878)/CDP2007-00001)**

The project would replace the existing structurally deficient Cabrillo Boulevard Bridge over Mission Creek and improve the hydraulic conveyance of Mission Creek from State Street to the Pacific Ocean. The banks of Mission Creek from Cabrillo Boulevard to State Street would be rebuilt in compliance with the approved Lower Mission Creek Flood Control Project. The discretionary application required for this project is a Coastal Development Permit in the appealable jurisdiction of the coastal zone and a recommendation to the California Coastal Commission (SBMC § 28.45.009).

The Planning Commission will consider adoption of the Negative Declaration prepared for the project (MST2004-00878) pursuant to the California Environmental Quality Act Guidelines Section 15074. The MND contains mitigation measures that reduce potentially significant avoidable impacts to a less than significant level.

Case Planner: Michael Berman, Project Planner/Environmental Analyst  
Email: MBerman@SantaBarbaraCA.gov

Michael Berman, Project Planner/Environmental Analyst, gave the Staff presentation, joined by Pat Kelly, City Engineer.

Staff answered Planning Commission questions on impacts to the creek wall and neighboring restaurant; cooperation between property owners and the City; timing of restoration with Coastal Development Permit; any consideration made for value of right-of-way by not buying Rusty's; and the absence of a landscape plan. Additional questions were answered about any option for approval of an alternative; any cost of delay in construction; consideration for the Arts and Crafts Show; consideration of construction impact on Fiesta; and inclusion of an educational public awareness sign.

Mr. Vincent noted that eight to ten artisans are impacted. The Arts and Crafts Show is self-governed by an artisan's committee and the committee will come up with a resolution based on knowing what remaining area will be available for showing.

Chair Jacobs opened the public hearing at 4:24 P.M.

The following people spoke in support of the project:

Virginia Castagnola Hunter was supportive of the project, but concerned with the long construction period and the economic impact on local businesses; would like to see the Rusty's patio grandfathered in place.

With no one else wishing to speak, the public hearing was closed at 4:28 P.M.

Staff answered additional Planning Commission's questions on considerations made for impacts by the length of the construction timeline; Commissioners ability to review landscape plan at a later time; and factors behind the timing of the bridge closure.

Commissioners' comments:

1. The Consensus among Commissioners was that this project is critically needed for our region and we need to get on board with the construction of this bridge.
2. Commissioners were appreciative of a very thorough Mitigated Negative Declaration that covered many complex issues and the attention to detail.
3. Two Commissioners felt that we need to keep sight of the alternative that makes the bridge look more like a bridge and less of a culvert under a bridge.

**MOTION: White/Bartlett**

**Assigned Resolution No. 029-07**

Adopt the Final Mitigated Negative Declaration, and approve the Coastal Development Permit making the findings in the Staff Report, and recommend that the California Coastal Commission approve the portion of the project in their jurisdiction with revised conditions to include adding: 1) No construction during Old Spanish Days Fiesta; 2) Educational signage solicited through the Sea Center, Maritime Museum or Watershed Center that explains the lagoon's annual cycle and how construction is planned to respond to it; and 3) A report back to the Planning Commission in 9 months to review the impact on the Arts & Crafts Show, the landscape plan, and feasibility of an alternate design involving straightening the creek by Bengal Engineering.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Myers, Jostes)

Chair Jacobs announced the ten calendar day appeal period.

**IV. ENVIRONMENTAL IMPACT REPORT SCOPING HEARING:**

**ACTUAL TIME: 4:45 P.M.**

**APPLICATION BY PEIKERT GROUP ARCHITECTS, AGENT FOR BERMANT HOMES AND THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 535 E. MONTECITO STREET, APN 031-350-010; M-1 LIGHT MANUFACTURING, ZONE; GENERAL PLAN DESIGNATION: INDUSTRIAL; MST 2004-00235**

The proposed project consists of 48 residential condominium units (24 two-bedroom and 24 three-bedroom units) in six, three-story buildings. The total development is 90,966 square feet (net). Each building is 15,161 square feet (net) and includes eight units (4 two-bedroom units and 4 three-bedroom units) and eight two-car garages in a tandem configuration. Two additional parking spaces would be provided onsite for guests, for a total of 98 parking spaces. Vehicular access to and from the site is provided by two driveways along Calle Caesar Chavez and one driveway on E. Montecito Street. All units are to be sold at below-market prices, with prices to be determined by the total costs to develop the units.

The purpose of the hearing is to receive comments on the proposed EIR scope of analysis. Written comments on the EIR scope of analysis identified in the Initial Study should be sent at the earliest possible date, but received not later than Thursday, August 2, 2007 at 4:30 p.m. Please send your written comments to the attention of Kathleen Kennedy, Associate Planner, at the City Planning Division.

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

Kathleen Kennedy, Associate Planner, gave the Staff presentation joined by Debra Andaloro, Environmental Analyst.

Lisa Plowman, Peikert Group Architects, gave the applicant presentation, joined by Scott Schell, Associated Transportation Engineers.

Staff answered Planning Commission's questions on perceived nuisance odors from the recycling plant stating that no odors have been identified, nor complaints received.

Chair Jacobs opened the public hearing at 4:58 P.M.

The following people spoke:

1. Allen Williams, Owner of ServiceMaster of Santa Barbara, spoke to the dangers of current and increased traffic at Olive Street and Gutierrez Street; suggested a traffic light. Does not feel that there is any off-street parking available to support additional development. ServiceMaster is presently looking at leaving Santa Barbara when their lease ends in one year due to lack of available daytime parking. He stated that the odor does not come from the recycling plant, but from the Garden and Yanonali Streets composting site. Mr. Williams responded to one Commissioner's question stating that the daytime is the time of day that parking is the biggest problem.
2. Judy Orias submitted a letter and spoke about needed consideration for children and private and common open space; requiring green building standards; public safety; parking requirements; use of existing available water and safety services; and landfill capacity.
3. Jeffrey Sipress, Owner of Machine Arts, confirmed that the odors come from the compost site on Yanonali Street. He is not in favor or opposed to the project, but

feels that the area is historically an industry and manufacturing area and cannot envision residential development. Concerned with dust and noise that would come with future development and the impact on neighboring businesses. The Garden and Gutierrez signal light only lasts 12 seconds. Spoke about the existing traffic hazards brought on by delivery trucks that have no place to park and impact traffic. Concerned with lack of parking for proposed development. 48 units added to the area will add to traffic and parking. Project needs more on-site guest parking.

With no one else wishing to speak, the public hearing was closed at 5:15 P.M.

Commissioners' Comments:

1. Found public comments useful. Concerned with loss of ServiceMaster to community.
2. One Commissioner questioned the analysis of residential traffic impacts. Inquired about the historical industrial use of the property and any trip banking.
3. Approves of the size, bulk and scale, but would like to see a higher unit count with smaller size units. Would like to have options presented.
4. One Commissioner would like to see guest parking addressed as part of the parking with an option in the EIR that shows the guest parking requirement met.
5. One Commissioner could not support a subdivision until health and safety issues were addressed, including safe routes to schools for children.
6. One Commissioner stated that the main issues to consider are the traffic and parking. Open space needs further consideration since closest park is Ortega Park.
7. Residential changes will impact traffic and parking; the coloring of curbs and parking enforcement would need to be considered in the EIR, along with mitigations. Perhaps residential parking permits would need to be restricted. Would like to see more alternatives presented for parking in the neighborhood. Would like study to include consideration of separate purchase of parking spaces from residential units. Perhaps increased schedules in the Cross-town Shuttle could be considered.
8. Suggested looking at a signal for the Olive and Gutierrez Streets intersection.
9. Would like to see consideration for skyline tree with the loss of the concrete.

Staff answered additional Planning Commission questions regarding traffic analysis impacts stating that residential and commercial impacts are treated differently. Commercial traffic impacts cannot be overridden.

Ms. Plowman and John Campanella, Bermant Development, answered the Commission's questions on the size of the units.

Ms. Andalero reiterated the Planning Commission's concerns stating that dust and noise mitigation and biodiesel are already covered in the Initial Study; more consideration for open space and on-site recreational facilities will be included in the Initial Study and Staff

Report; an alternative that includes more units that would result in more impacts would not typically be included in an EIR; a good alternative would be to have all guest parking onsite; and consideration for solar access and green standards would be included in the Initial Study.

V. **ADMINISTRATIVE AGENDA**

A. Committee and Liaison Reports.

Commissioner Jacobs reported on the new Single Family Design Board. The first meeting will be on Monday, July 16, 2007, at 3 P.M. in the David Gebhard Public Meeting Room. Planning Commission liaisons are Stella Larson and George Myers.

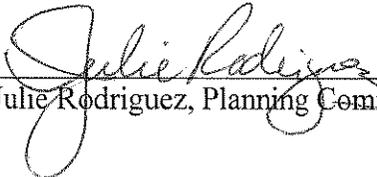
B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White will report at the next meeting.

VII. **ADJOURNMENT**

Chair Jacobs adjourned the meeting at 5:42 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary