



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

July 19, 2007

CALL TO ORDER:

Chair Charmaine Jacobs called the meeting to order at 1:15 P.M.

ROLL CALL:

Present:

Chair Charmaine Jacobs

Vice-Chair George C. Myers

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

STAFF PRESENT:

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Steve Foley, Supervising Transportation Planner

Peter Lawson, Associate Planner

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. Dan Gullett was introduced as the new Associate Planner in Community Development.
2. Tony Nisich is retiring as the Director of Public Works.
3. Tim Downey has been hired as the new Urban Forest Superintendent.
4. Mark Morando, Assistant Planner, is leaving the City.

5. The 561 W. Mountain Drive appeal will be heard by City Council next Tuesday. Commissioners Bartlett and Jostes will represent the Commission.
6. The 1829 State Street appeal will be heard by City Council on August 14, 2007.

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

Chair Jacobs opened the public hearing at 1:17 P.M. and, with no one wishing to speak, the hearing was closed.

II. NEW ITEMS:

ACTUAL TIME: 1:18 P.M.

To avoid any appearance of a conflict of interest, Commissioner Jostes stepped down from the hearing the following item.

A. **APPLICATION OF CONCEPTUAL MOTION, ARCHITECT/AGENT FOR DBN YANONALI LLC, 116 E YANONALI, 033-083-018, OC/S-D-3 OCEAN-ORIENTED COMMERCIAL ZONE/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCIAL (MST2006-00231)**

The project consists of demolishing an existing 7,343 square foot commercial building and construct a 19,935 s.f. (gross) mixed use, three story, 42 foot tall building. Six commercial units totaling 4,456 s.f. (gross) and six residential dwellings, totaling 9,446 s.f. (gross) are proposed. Three residential units are proposed as one bedroom units, two units would be two bedroom units and one unit is proposed as a studio. The ground level would consist of commercial usage and a 17 space, 6,033 s.f. (gross) covered parking area. Additionally, 2 uncovered parking spaces are proposed, for a total of 19 on site parking spaces. The second level would be a mix of commercial and residential use and the top level would include two residential units, each with a roof deck. The applicant is requesting a modification to the parking requirements to reduce the number of spaces by eleven.

The discretionary applications required for this project are:

1. A Modification to reduce the required number of parking spaces from 30 spaces to 19 spaces (SBMC §28.90.100.G.3);
2. A Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC§28.45.6); and
3. A Tentative Subdivision Map for a one-lot subdivision with six condominium units (SBMC §27.07).

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

Case Planner: Peter Lawson, Associate Planner

Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation, joined by Steve Foley, Supervising Transportation Planner, and announced changes in numbering to the Staff Report.

Steve Yates, Conceptual Motion, gave the applicant presentation, joined by Gerhard Mayer, Project Architect.

Staff answered Planning Commission's questions on the rationale behind the modification for parking; changes to the conditions of approval regarding use limitations; and the inclusion in the conditions for potential of a future parking district.

Mr. Yates and Mr. Mayer answered Planning Commission's questions on the clarification of "open for business" in the Covenants, Conditions, and Restrictions (CC&R)'s inclusion of the commercial space hours of operation. Other questions answered included tree landscaping and inclusion of canopy trees; explanation of the increased height of floor levels; any use of solar components on the roof; a landscape plan near the stairwell; explanation of the increased appearance of sloped roofs over stairwells; and the feasibility of underground parking.

Steve Delson, Owner and Developer, responded to the Commission regarding the net gain of one space by changes in the parking configuration.

Chair Jacobs opened the public hearing at 2:11 P.M. and, with no one wishing to speak, closed the hearing.

Commissioner's comments:

1. One Commissioner appreciated the use of light in the project, but was challenged by: 1) the size of the units relative to the number of bedrooms, and 2) the parking modifications not including a public benefit, such as affordable housing units, or increased open space. Would like to see more feedback from Staff on the live/work projects that are currently in place.
2. The Commission expressed appreciation of the applicant's response to comments made at the concept review.
3. One Commissioner was satisfied with the size, bulk, and scale changes made; however, wanted to see smaller units. The live/work relationship

- is still an issue; would like to see stronger language in the CC&R's stating that commercial space is to be used for commercial use only and not become residential use. Would like to see the landscaping plan revisited; softening of building with canopy trees.
4. Many Commissioners would like to see the inclusion of solar photovoltaics in project.
 5. Consensus of Commissioners approved of the live/work concept.
 6. Two Commissioners liked the project, but would like to see the height reduced by 1'. Concerned with the precedent of leasing and monitoring uses in this facility. Suggested offsite mitigation for use of the five commercial parking spaces.
 7. Landscape plan does not match up with architectural plans. Would like to condition that the landscape plan go back to Architectural Board of Review (ABR).
 8. One Commissioner was concerned with lack of affordable housing offered by the project.
 9. Appreciated inclusion of gardens and outdoor fire pit. Remained frustrated with parking modification request and inability of Commission to support parking restraint in the Funk Zone. Concern expressed over lack of public benefit.
 10. One Commissioner could not support the project because the parking modification was obsessive and the parking modification did not provide a public benefit and the residential units were __in size.

Ms. Hubbell reminded the Commission that the findings for the parking modification do not include or result in a public benefit. A public benefit can be tied to the Tentative Map or the General Plan, but not parking modification.

Mr. Yates answered additional Planning Commission questions about consideration for photovoltaics on the roof.

MOTION: Thompson/Barlett

Assigned Resolution No. 030-07

Approved the Parking Modification, Coastal Development Permit, and Tentative Subdivision Map making the findings in the Staff Report with added conditions of approval to include: 1) Amending Condition #7 Use Limitations to include prohibition of high intensity uses that include fast food, small stores selling liquor and/or groceries, and no catering without further environmental and /or Planning Commission review and approval. Also, no residential use of commercial spaces; 2) One garage parking space shall be assigned to each residential unit; all other spaces shall remain available to all site users; 3) A landscape plan to add a canopy tree and other landscaping on Gray Avenue to soften the architecture and be in sync with the architectural presentation, subject to review by ABR, 4) Photovoltaics in project design; 5) Reduction of height by 1' of the Yanonali Street elevation.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

ACTUAL TIME: 2:39 P.M.

Commissioner Jostes returned to the dais.

To avoid any appearance of a conflict of interest, Commissioner White stepped down from the hearing the following item.

B. **APPLICATION OF JYL RATKEVICH, ARCHITECT/AGENT FOR PROPERTY OWNER, 2519 ORELLA STREET, 025-021-007, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 UNITS/ACRE) (MST2007-00038)**

The proposed project involves a proposal to convert six (6) existing one-bedroom units and one (1) studio unit to seven (7) condominium units. The proposal includes small additions to each of the seven units of approximately 50 to 60 square feet, new paving and landscaping, and conversion of an existing garage to storage space. Seven parking spaces currently exist on site and one additional parking space for guest parking is proposed for a total of eight parking spaces. A modification is requested for a change of use of an existing building from a garage (partially located in the interior yard setback) to storage areas for each of the units and two new door openings on the storage space located within the interior yard setback. Exceptions to the physical standards for condominium conversions have been requested for one of the units to be less than the required unit size, the location of the storage space and for having less than the required number of parking spaces per unit.

The discretionary applications required for this project are:

1. A Modification of the required interior yard setback to allow the conversion of an existing non-conforming garage to storage space located within the required interior yard setback (SBMC §28.92.110.A);
2. A Tentative Subdivision Map for a one-lot subdivision to create seven (7) residential condominium units (SBMC 27.07 and 27.13); and
3. A Condominium Conversion Permit to convert seven (7) existing residential units to seven (7) condominium units, including an exception to reduce the required parking for each unit from 1.5 to 1.0 space per unit, the unit size requirements for Unit 2519 C and an exception of the storage space location requirement (SBMC 28.88).

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: Peter Lawson, Associate Planner

Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

John Holehouse, Owner, gave the applicant presentation.

Staff answered Planning Commission's questions on studio size considerations for storage; the oak tree drip line variances shown on the plan sheets; clarification of non-conformity with condominium conversion ordinance; and unit sizes per the condominium conversion ordinance.

Mr. Holehouse agreed to take additional storage for the studio units into consideration and answered the Commission's questions about the projected market rate which is in the \$500K range, and considerations made for lack of covered parking.

Chair Jacobs opened the public hearing at 3:00 P.M.

Richard Drosehdahl spoke in opposition to the project stating that it would reduce the rental housing market by seven units. He also stated that there is not enough off-street parking. Listed alternatives for use of the property that included upgrading the existing site; a tear down with replacement by a new development; maintaining existing property use; or selling off the property.

With no one else wishing to speak, the public hearing was closed at 3:04 P.M.

Commissioner's comments and questions:

1. One Commissioner listed the pros and cons of the public benefit; could not find that approval of this project would contribute to good public policy.
2. Most Commissioners could not make the findings for any of the requested exceptions.
3. Lower cost units for sale to public were appreciated, but were not sufficient to offset requested modifications.
4. One Commissioner could not support the incorporation of laundry space in bedroom; took away from living space.
5. Suggested the applicant look at revising plans.

6. Request for exemption should be for unit sizes rather than adding square footage.

Staff stated that the rental units do not meet affordability criteria and therefore affordability is not a requirement. The change in use of the garage to utility structure is compliant. Parking exception and parking requirements were explained; the one space parking demand per unit is clear with the units less than 750 square feet.

Mr. Holehouse addressed the Commission by stating that the garage structure would remain the same; it would be the use that would change. The open space being provided is greater than what is required by the Condominium Conversion Ordinance. This project presents an opportunity for the sale of smaller size Santa Barbara condominiums.

MOTION: Thompson/Myers

Continued the project for applicant revision and Commission review prior to October 10, 2007.

Commissioner's recapped the positive and made suggestions to the applicant:

1. Delete the studio.
2. Consolidate the storage/laundry area.
3. Consider keeping the garage for parking units.
4. Like that the applicant is retaining the bungalow court with its lush landscaping.
5. Consider offering a reduced price to existing tenants.
6. Keep units sizes at existing square footage – helps affordability and protects the oak tree dripline.
7. Remove laundry from units and provide a shared laundry area.
8. Would like to see some public benefit to offset loss of rental housing.

Ms. Hubbell reiterated the condominium conversion ordinance.

STRAW VOTE:

Favor applicant returning with exception of all the unit sizes.

Ayes: 4 Noes: 2 (Jostes, Larson) Abstain: 0 Absent: 1 (White)

This motion carried by the following vote:

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

Chair Jacobs called a recess at 3:37 P.M. and reconvened the meeting at 3:55 P.M.

III. CONCEPT REVIEW ITEM:

ACTUAL TIME: 3:55 P.M.

Commissioner White returned to the dais.

To avoid any appearance of a conflict of interest, Commissioner Bartlett stepped down from the hearing the following item.

**APPLICATION OF RICK FOGG, AGENT FOR AMERICAN TRADITION,
103 S. CALLE CÉSAR CHÁVEZ, 017-113-020 ,OM-1/SD-3 ZONES, GENERAL
PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2004-00791)**

The proposed project is the construction of a 106 stall parking lot with a 100 square foot unenclosed kiosk on a vacant lot. The parking lot would provide part of the required parking for the approved Waterfront Hotel located to the south of the site at the corner of Calle César Chávez and Cabrillo Boulevard. As part of the project, a habitat restoration of the portion of the El Estero Drain located on the project site is proposed. This would include removal of non-native vegetation, an approximate ten to twenty foot separation between the top of bank and the parking lot and detention basin to capture runoff from the parking lot. Access to the site would be directly from Calle César Chávez.

The purpose of this concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.

Upon review and formal action on the application for the development proposal, the proposed project will require the following discretionary applications:

4. Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060); and
5. Conditional Use Permit to allow development other than that specifically expressed in the Ocean-Oriented Light Manufacturing Zone (SBMC §28.73.030.B);

Case Planner: Peter Lawson, Associate Planner
Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation, joined by Steve Foley, Supervising Transportation Planner.

Rick Fogg, Counsel for the American Tradition, gave the applicant presentation.

Staff answered Planning Commission questions on whether the proposed parking spaces meet the parking requirement for the approved Waterfront hotel; City ownership of

neighboring property; pedestrian access and language in the Pedestrian Master Plan for use of the Union Pacific right-of-way; clarification of prior parking plan for Waterfront hotel and hotel parking requirements to meet demand; sensitivity to Shore Acres in excavation; and underground parking; Other questions answered included impacts by valet traffic crossing Calle Cesar Chavez; use of stacked parking at site; and comparison of parking lot stacking with City parking lot standards.

Chair Jacobs opened the public hearing at 4:28 P.M.

Mike Jordon, Chair of the Creeks Advisory Committee, spoke in support of the project, citing that the original Waterfront Hotel plan did not encompass this site and did not place conditions on this site. There is still an opportunity to address drainage improvements on this site. Called for a formal restoration plan to be implemented. Recommended fencing the area off. Asked for consideration of native plantings in the bioswale and restoration area.

Mr. Lawson noted that a restoration plan had been submitted.

With no one else wishing to speak, the public hearing was closed at 4:32 P.M.

Commission's comments:

1. Providing public access adjacent to the railroad right-of-way should be considered.
2. Some Commissioners expressed interest in seeing the inclusion of photovoltaics, perhaps a photovoltaic farm to provide energy to the hotel. One suggestion was photovoltaics over the cars.
3. Suggested a grass roof over the lot to reduce the asphalt span.
4. Expressed concern for pedestrian crossing and safety. Pedestrian right of way should be more defined, either with crosswalks, or differentiated pavement.
5. Approve of Creek restoration.
7. One Commissioner supports the EIR addendum, and supports the first CUP finding. Felt the second finding needed more data.
8. Valet concept is OK, but expressed concern over kiosk location, operations, and security.
9. Does not support chain link fencing facing along the street. Would like to see more substantial fencing and landscaping.
10. Drainage improvements to El Estero drain are a plus.
11. Emphasized the detention basin replaced with bioswale and suggested the restoration plan be reviewed by the Creeks Division.
12. Use of the land is acceptable, but not optimal.

13. Some Commissioners expressed preference for a parking structure, as opposed to a black asphalt lot. Suggestions were made for including amenities for employees by adding a second floor.
14. Requested that more information be included on lighting and landscaping and reviewed by Architectural Board of Review (ABR).

Staff added that consideration is being given to changing Calle Cesar Chavez to one lane in each direction and allowing street parking.

Mr. Fogg stated that it was the City that approached the Parker family to construct a park in 1995, thus the development agreement was adopted. The proposed parking lot is laid out oddly due to the protected wetland habitat areas. Consideration was given to a parking structure and solar farm. However, intensive use would create more issues with Fish and Game and the Army Corps with close proximity to the habitat and increased intensive use. Timing was also an issue with the impending expiration of permit approvals. The Specific Plan area does not encompass the proposed property in review due to City Council Ordinance 4920. Physical limitations imposed by the habitat limit the options of what can be done with this property and impact the CUP considerations.

Ms. Hubbell added that because the property has not been used, the homeless population has made use of it. A public benefit from this project will be the increased security and restored drainage.

Mr. Fogg was commended for his articulation of the findings for the CUP in his letter.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

1. Commissioner Thompson reported on the Airport Terminal Design Subcommittee and the construction schedule. Construction will start in 2008.
2. Commissioner Larson reported on the first Single Family Design Board (SFDB) meeting and the Single Family Design guidelines. Bill Mahan is the new Chair of the SFDB.
3. Commissioner Jostes reported that he and Paul Casey, Community Development Director, recently met with the Allied Improvement Association regarding the General Plan Update and a survey done by their members is available for viewing on their website, www.allied-sb.org.
4. Commissioner Jacobs stated that the www.YouplanSB.org site is working very well. She reported on the Joint meeting of the City Council, Planning Commission, Architectural Board of Review and Historic Landmarks

Commission held on July 18th and commented that the meeting will be available for viewing on the site.

5. Commissioner Myers recognized the value of the web links and asked that they be made available to the public.
- 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 draft minutes of June 21, 2007.

MOTION: Larson/Myers Approve the minutes as corrected.

This motion carried by the following vote:

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

VII. ADJOURNMENT

MOTION: Jostes/Thompson Adjourn the meeting of July 19, 2007

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jacobs adjourned the meeting at 5:15 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary