



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 18, 2007

CALL TO ORDER:

Chair Charmaine Jacobs called the meeting to order at 1:02P.M.

ROLL CALL:

Present:

Chair Charmaine Jacobs

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

Absent:

George C. Myers

STAFF PRESENT:

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Kathleen Kennedy, Associate Planner

Peter Lawson, Associate Planner

Stacey Wilson, Associate Transportation Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

Senior Planner Jan Hubbell announced the following changes to the agenda:

1. Agenda item III.B, 540 West Pueblo Street, has been continued until November 1, 2007, by agreement of Staff and the applicant.

- B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The Community Environmental Council will present the Energy Blueprint for Santa Barbara County on October 30th at 6 PM in Council Chambers as a part of the regularly scheduled Council Meeting.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Jacobs opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

II. NEW ITEMS:

ACTUAL TIME: 1:04 P.M.

A. **APPLICATION OF ISAAC ROMERO OF SUZANNE ELLEDGE PERMIT PLANNING SERVICES, AGENT FOR OWNER RAYE HASKELL, 812 ALSTON LANE, 015-120-021, A-2 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE (MST2007-00175)**

The project involves the subdivision of a 74,173 square foot parcel (net) into two parcels totaling 40,059 net square feet (Parcel 1) and 34,114 net square feet (Parcel 2) in the A-2 Zone. The existing single-family residence would remain on proposed Parcel 2. Access to both lots would be via a reciprocal access easement.

The discretionary applications required for this project are:

1. Street Frontage Modifications (two) to allow the two newly created lots to have less than the required 100 feet of frontage on a public street (SBMC §28.15.080 and §28.92.110.A);
2. A Modification to allow Parcel 2 to have less than the required lot area for slope density in the A-2 Zone (SBMC§28.15.080); and
3. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC § 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (minor land divisions).

Case Planner: Kelly Brodison, Assistant Planner
Email: kbrodison@santabarbaraca.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Isaac Romero, Suzanne Elledge Permit Planning Services, gave the applicant presentation.

Mr. Romero answered Planning Commission questions about how the proposed dividing line between the two properties was determined and if any other configurations were considered.

Staff answered Planning Commissions questions about considerations made for any grading prohibition during the rainy season stating that a “Best Management Practices” policy is followed; the customary permit path for properties in that area; clarification about recreation of the dividing line between properties; and dedication of more land to the public.

Chair Jacobs opened the public hearing at 1:21 P.M. and, with no one wishing to speak, the hearing was closed.

Commissioners’ comments:

1. One Commissioner was supportive of the project but would like to see the conditions placed on the building envelope, size, bulk and scale of the future house, and green building requirements included.
2. Appreciated not wanting redundant work on the conversion of the guest house to a single family residence. Asked if bonding could be considered a possibility in deferring the condition.
3. One Commissioner could not support the option presented for lack of consistency with the General Plan and Zoning Ordinance.
4. Some Commissioners would like to see some kind of building envelope provided.
5. One Commissioner could not see why the property line cannot follow the driveway, since the topography and current conditions with the buildings that exist are not addressed. Could not support deferring the conditions of approval.
6. Most Commissioners could support reinstating the lot split, but felt that it needed to be consistent with the Zoning Ordinance and felt that it would work better if it followed the driveway. Needs to reflect the neighborhood.
7. One Commissioner suggested an additional condition be included using the 340’ contour line as the southerly edge of the building envelope and standard setbacks for the remainder of the property for the new parcel.
8. One Commissioner suggested that the Single Family Design Board (SFDB) review the building envelope.
9. One Commissioner supports removal of the guest house and restoration of the lot to its original state.
10. One Commissioner would like the 360’ contour line be considered for the parcel to the East. Asked if a Road Maintenance Agreement could be part of the lot split.
11. One Commissioner indicated support for the project as proposed.

Scott Vincent, Assistant City Attorney, addressed bonding by stating that, once the map is recorded, the two lots become independent of each other. This creates an instant enforcement case for an accessory building that does not exist as a primary single family home on a lot. The Commission's findings require finding consistency with the Zoning Ordinance and the General Plan. To defer the actions creates an inconsistency with the General Plan and Zoning Ordinance.

Mr. Vincent stated that private covenants address maintenance in common areas. Whatever configuration is chosen will include a shared driveway with some kind of easement and include a private covenant for maintenance of the driveway.

MOTION: Jostes/White

Assigned Resolution No. 041-07

Approve the project making the findings as outlined in the Staff Report and accepting the Conditions of Approval with amended conditions: 1) Addition of 340' contour line on Parcel 1 as the southern extent of the development envelope with the remainder of the envelope defined by the required setbacks; 2) the 360' contour line as the southern extent of development envelope on parcel 2; and 3). Outside of the development envelope, ornamental landscaping is acceptable in keeping with the natural topography, utilities are acceptable, protect existing native vegetation as long as Fire Management goals are met, and the existing driveway is acceptable.

Mr. Vincent asked the Commission for clarification in the motion on whether the envelope is a building envelope or development envelope.

Mr. Romero raised concerns about limiting the envelope south of the 340' contour line because it would restrict any future owners in their development and access options.

Commissioner White talked about the project being substandard in size and is not showing future development as part of the project, as is customary. Commissioner Larson felt that there is potential for two driveways, but that the real application is not being seen.

Commissioner Bartlett cannot support the motion and that the Commission is tying the hands of the SFDB; feels strongly that the division line should follow the driveway.

Mr. Romero stressed that there is no current plan to develop Parcel 1. Property lines should strive to meet contours at about 90 degrees.

Commissioner White emphasized that the project shall minimize paving and does not want to see two driveways being built or over-paving of the site.

Mr. Romero sought clarification on only one access point on existing driveway. Ms. Hubbell added that it would be one driveway for both parcels, but not necessarily the existing driveway.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Thompson, Bartlett) Abstain: 0 Absent: 1 (Myers)

Chair Jacobs announced the ten calendar day appeal period.

ACTUAL TIME: 2:02 P.M.

B. **APPLICATION OF MARK WIENKE ARCHITECT FOR MARK JACOBSEN, 526 W ANAPAMU STREET, 045-161-030, R-3 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL (12 UNITS/ACRE) (MST2005-00311)**

The project consists of demolition of two single-family residences and one detached garage, and the construction of five attached, two-story condominium units and five attached two-car garages on a 10,199 square foot lot. Two two-bedroom units and three one-bedroom units are proposed; four units would be 1,120 square feet and one unit would be 1,113 square feet. The applicant has requested a modification to allow a single-story portion of each garage to encroach three feet into the interior yard setback.

The discretionary applications required for this project are:

1. A Modification to allow the garages to encroach three feet into the required side yard setback (SBMC §28.92.026.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create five (5) residential condominium units (SBMC 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 Guidelines Section 15332.

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

Peter Lawson, Associate Planner, gave the Staff presentation.

Mark Wienke, Architect, gave the applicant presentation.

Staff answered Planning Commission questions about Transportation's confirmation for adequate turning radius on the lot; storage potential within the garages; and the parking requirements for 1-bedroom units.

Mark Jacobsen, Property Owner, answered Planning Commission questions about the installation of photo-voltaic panels in the project, stating his desire to include a Built Green approach to his project.

Mr. Wienke stated that there would not be any affordable units in the project and also explained the trash locations for each unit, including the handicap accessible unit. He also explained the pedestrian access to the street; the determination for the size of the three 1-bedroom units as compared to the same size of the 2-bedroom units, as well as bathroom considerations; streetscape alternatives being considered to address Architectural Board of Review's concerns; and the location of required storage.

Chair Jacobs opened the public hearing at 2:36 P.M. and, with no one wishing to speak, closed the hearing. Chair Jacobs read a letter of opposition received from Celeste Barber.

Mr. Jacobsen answered additional Planning Commission questions about the relocation of the existing historic house that has been purchased by an interested party.

Commissioners expressed appreciation for Mr. Jacobsen's incorporation of sustainable elements to the project, the recycling of the Historic house to provide housing for others, and use of photo-voltaics. There was still some concern about the project's tightness for the site and the building mass of the 1-bedroom units.

Mr. Wienke addressed the necessity for the access to the front door as being a requirement for the handicap ramp.

STRAW VOTE:

Adopt One and one half bathrooms for the one bedroom units

Ayes: 5 Noes: 1 (Thompson) Abstain: 0 Absent: 1 (Myers)

Mr. Jacobsen stated that to make that change would make the units less marketable and impact the considerations being made for sustainability.

MOTION: Jostes/Thompson

Assigned Resolution No. 042-07

Approve the project, making the findings in the Staff Report for the modification and Tentative Subdivision Map with direction to the Architectural Board of Review (ABR): a) restudy the streetscape and whether the front tower element could be moved back from the sidewalk and the front door visually connect with the sidewalk; b) Study East and West elevations to reduce the mass in 1-bedroom units so as not to appear identical to 2-bedroom units; and 2) require a Zoning Compliance Declaration to be recorded for the 1-bedroom units..

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.

Chair Jacobs announced a break at 3:08 P.M. and reconvened the meeting at 3:28 P.M.

III. CONCEPT REVIEW:

This item was continued to November 1, 2007 at the request of Staff and the applicant.

APPLICATION OF KEN MARSHALL, AGENT FOR THE CANCER CENTER OF SANTA BARBARA, 540 W. PUEBLO STREET, 025-090-005, -008, -022, -023, -024, -031, -039, -040, -046, -047, C-O, MEDICAL OFFICE ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2007-00092)
Continued to November 1, 2007

The proposed project involves an addition to the existing Cancer Center facility located at 540 W. Pueblo Street. The proposed new development will include the demolition of 14,119 square feet of existing floor area and the construction of 42,947 square feet of new commercial space. The project proposes to remove eight existing residential units and construct 12 new residential units to be leased as apartments to Cancer Center employees and/or members of the public. Approximately 141 new parking spaces are proposed, including 84 covered parking spaces and 52 uncovered parking spaces.

The discretionary applications required for this project are:

1. Development Plan Approval to allow non-residential development that exceeds 3,000 square feet (SBMC§28.87.300); and
2. Design Review Approval by the Architectural Board of Review (SBMC §22.68).

The purpose of the concept review is to allow the Planning Commission 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 project scope and design layout. 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.

Case Planner: Irma Unzueta, Project Planner

Email: iunzueta@santabarbaraca.gov

IV. NEW ITEM:

ACTUAL TIME: 3:28 P.M.

APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR HAYWARDS FAMILY PARTNERSHIP, 1015, 1021 & 1025 SANTA BARBARA STREET, APN 029-211-006, -007, -008, & -009, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICES, MAJOR PUBLIC AND INSTITUTIONAL (MST2006-00224)

The proposed project involves the construction of a new three and four-story mixed-use development consisting of 15 residential condominium units (three one-bedroom, six two-bedroom and six three-bedroom units) and two commercial condominium units (one 9,263 square foot unit and one 3,200 square foot unit for a total of 12,463 square feet). Two of the residential units would be subject to the Inclusionary Housing Ordinance (restricted for owner-occupied middle-income or upper-middle income households) and two of the residential units would be live/work units. Parking would be located within an underground parking structure with 55 parking spaces. The four existing parcels totaling 31,310 square feet would be merged and the existing 15,371 square feet of existing commercial space and 45 existing parking spaces would be demolished.

The discretionary applications required for this project are:

1. Modification of the lot area requirement to allow two bonus density inclusionary units on a lot in the C-2 Zone (SBMC§28.21.080); and
2. Tentative Subdivision Map for a one-lot subdivision to create two commercial condominium units and 15 residential condominium units (SBMC§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 (In-fill Development Project).

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@santabarbaraca.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Brian Cearnal, Cearnal Andrulaitis Architects, gave the applicant presentation.

Bill LaVoie, Commissioner, Historic Landmarks Commission (HLC), gave comments for the HLC. While favorable, there were still concerns with the fourth floor. The HLC preferred that it look more like a roof element rather than a fourth floor. The prevailing opinion was that the size, bulk and scale are acceptable.

Mr. Cearnal answered the Planning Commission question about photo-voltaics, stating that they are committed to providing them but more flat roofs may be required. He also explained that the lack of a pedestrian connection at the rear of the property is a result of the adjacent County-owned parcel being at a lower grade than the project site, as well as it being a site that is used for prisoner loading and unloading.

Mr. La Voie answered the Planning Commission question about whether or not the HLC reviewed the project in terms of the Urban Design Guidelines, stating that the first three reviews of the project were held before the July 18, 2007 Joint Meeting of all the review boards ; therefore, it was not taken into consideration. He further stated that the HLC would probably review the project differently now.

Chair Jacobs opened the public hearing at 4:08 P.M.

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

1. Kellam de Forest: opposed to 4th floor in El Pueblo Viejo; height competes with County Courthouse
2. Don Sharpe: opposed to 4th floor in El Pueblo Viejo; suggested tandem parking to reduce the size of the garage to allow more landscaping

With no one else wishing to speak, the public hearing was closed at 4:14 P.M.

Commissioner's comments:

1. Many Commissioners could not support the fourth story.
2. Many Commissioners were concerned with the large unit sizes. One Commissioner specified that units 1, 12, 13, and 15 are too large.
3. There was a consensus that more landscaping around the perimeter of the site is necessary and that it could be accommodated by reducing the amount of parking and by moving the buildings toward the interior of the site.
4. Concerned with project bringing a lot of residents to Downtown without any residential connection to State Street.
5. Additional articulation is needed on the Figueroa Street (North) elevation.
6. Most Commissioners stated that the following were the positive attributes of the project beautiful architecture; appropriately sized live/work space; innovative emulation of Hayward's original storefront; underground parking and garage entrance design; green building techniques; and attention to water issues with bioswale.
7. Suggested removing parking under the courtyard area so as to allow the planting of large trees in courtyard.
8. Could support a fourth floor if more openness is incorporated into the project that fit in with City guidelines, such as a 'Street of Spain' or pedestrian plaza for pedestrian circulation.
9. Most Commissioners wanted to see more pedestrian connectivity.

10. One Commissioner suggested that the 12' floor to floor height is too much for the residential units.
11. Large luxury units do not meet the intent of the R-3 zone and its emphasis on a suitable environment for family life. No one envisioned large luxury units at the time the R-3 zone and allowance for residential development in commercial zones were established.
12. One Commissioner could not make the finding that the project is consistent with the General Plan and sound community planning. Stated that it is not consistent with the Urban Design Guidelines nor is it compatible with the neighborhood. Supports reduced heights in El Pueblo Viejo, stating that heights should be focused on landmark buildings such as the County Courthouse.
13. There was a discussion about unit size and it was determined that the issue was primarily about building mass.

Mr. Cearnal expressed concern about the comment regarding not being able to make the findings given the compatibility previously found for Jerry Beaver's building across the street or the Freitas Building. He stated that four stories are allowed in the zone and that buildings can be built property line to property line. He listed his project units' square footages related to variable density and felt compliance was met.

Discussion was exchanged with the Commission and Mr. Cearnal regarding the unit sizes and the height of the 4th story.

The Planning Commission made the following recommendations that were recapped by Mr. Cearnal:

1. The Santa Barbara Street elevation is overall nice, but should provide better pedestrian connectivity and more landscaping.
2. Provide more landscaping and articulation on Santa Barbara Street
3. Shrink the courtyard a little to provide more articulation on the west side.
4. Provide more articulation on the Figueroa Street elevation.
5. Reduce the height of the 4th floor or recess it back. Either make it more unobtrusive or remove the 4th floor.
6. Reduce the size of most of the larger units, recognizing there could be one larger unit.

MOTION: Jostes/Bartlett

Continue to November 15, 2007

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.

V. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Continued to November 1, 2007.

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 and Resolutions listed in I.B.2. of this Agenda.

1. Draft minutes of August 30, 2007

2. Resolution 032-07
103 South Calle Cesar Chavez

3. Resolution 033-07
20 and 25 David Love Place

MOTION: White/Larson Approve the minutes and resolutions of August 30, 2007 as edited.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Jacobs, Bartlett) Absent: 1 (Myers)

VI. ADJOURNMENT

MOTION: Jostes/Larson Adjourn the meeting of October 18, 2007

This motion carried by the following vote:

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

Chair Jacobs adjourned the meeting at 5:18 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary