



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

March 13, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 1:05 P.M.

ROLL CALL:

Present:

Chair George C. Myers

Vice-Chair Stella Larson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Addison S. Thompson and Harwood A. White, Jr.

STAFF PRESENT:

Jan Hubbell, Senior Planner

N. Scott Vincent, Assistant City Attorney

Peter Lawson, Associate Planner

Stacey Wilson, Associate Transportation Planner

Chelsey Swanson, Assistant Transportation 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 announced that the 1236 San Andres Street appeal was not upheld by the City Council on Tuesday and that the Planning Commission decision was upheld.

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 heard the following speakers:

1. Chris Wilkinson acknowledged appreciation for the work of the Commission and started to discuss the project before the Commission today. Chair Myers stated that Mr. Wilkinson was out of order.
2. Tony Fischer spoke to the Commission with concerns over 'expired' concept comments given to other review boards before being seen by the Planning Commission. Recommended policy change for projects that have not received current comments from the other review boards.

With no one else wishing to speak, Chair Myers closed the hearing at 1:13 P.M.

II. CONTINUED ITEM:

ACTUAL TIME: 1:13 P.M.

This following item was previously noticed for January 17, 2008, continued to February 7, 2008, and rescheduled for March 13, 2008.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

1. Commissioner Jacobs recused herself due to her husband's firm has representing the client.
2. Commissioner White recused himself due to the applicant being a client of his for an extended period of time.
3. Commissioner Bartlett recused himself due to a longstanding personal and business relationship with the applicant.

Commissioners Jacobs, White, and Bartlett left the dais at 1:13 P.M.

EX PARTE COMMUNICATION: Commissioner Larson disclosed communication with the applicant to clarify building height.

APPLICATION OF JEFF GORRELL ARCHITECT FOR JOHN PRICE, APPLICANT, 1298 COAST VILLAGE ROAD, 009-230-043, C-1 & R-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (MST2004-00493)

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. Approximately 38 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot lot is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

The discretionary applications required for this project are:

1. A recommendation to City Council for Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);
2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the emergency stair way to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);
7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300);
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13);

The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Case Planner: Peter Lawson, Associate Planner

Email: plawson@santabarbaraca.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

Staff answered Planning Commission questions about clarification of the two parcels creating zoning splits on a single parcel; clarification of the two parcels with a single assessor number, plan for the accessory building on the neighboring lot crossing the project

lot line; clarification of Measure E allocations referenced in Staff Report; and clarification of conditions of approval found in the Staff Report. Additional questions were answered about wheel chair accessibility on Coast Village Road and proposed changes to the median; and a review of valet-only parking restrictions.

Jeff Gorell, Lenvik and Minor Architects, gave the applicant presentation, joined by Scott Schell, Associate Traffic Engineers and Sam Maphis, Landscape Architect.

Mr. Gorrell answered Planning Commission questions about plans for solar photo-voltaic panels on the roof; location of trash receptacles; and considerations for terminating sidewalks further south to allow for service vehicles, such as the trash companies.

Chair Myers stated that there are 200 letters received by the Commission and approximately 4 to 1 ratio in favor of the project. Public hearing opened at 2:49 P.M.

The following people spoke in support of the project:

1. Leone Murphy
2. Frank Viera
3. Ernie Sandoval
4. Masoud Emamy
5. Jeff Overeem
6. David Pintard
7. David Reardon
8. Ed Edick
9. Sean Checketts
10. John Lane
11. Hewson Gadsby
12. Jaime Melgoza, could not stay, but expressed support for the project.
13. Brad Foley
14. Linda Uellner
15. Peter Richards could not stay, but expressed support for the project.
16. Brian Richards
17. Susan Subject could not stay, but expressed support for the project.
18. Todd Berlinger
19. Michael Silva
20. Brian Barnwell could not stay, but expressed support for the project.
21. Alex Weathers could not stay, but expressed support for the project.
22. Roy Handleman could not stay, but expressed support for the project.
23. Kevin Goodwin could not stay, but expressed support for the project.
24. Mike Underwood
25. Kathy Odell
26. Mike Viera could not stay, but expressed support for the project.
27. Richard Berti
28. Rob Vance

29. John Bull
30. Scott Perry
31. Darren Wilson

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

1. Derrick Westin, representing Sandy and John Wallace, reminded the Commission that the zone change is discretionary. Due to opposition by the Montecito Association and Salud Carbajal's office, the project should be denied. He asked that the project be submitted to the Montecito Planning Commission given that the majority of the neighboring area is in the County. Encourage a long range plan to be developed for the area. A focused EIR should be prepared and the Negative Declaration is not correct due to the fact that the City standards are being applied, which is not appropriate. Size, bulk, and scale are not appropriate for the neighborhood. Project should be developed to current R-2 zoning. Concerned with the ficus hedge that would separate properties and suggested that it be lowered.
2. Bob Acknefeckie, Environmental Law Attorney, spoke to the water supply analysis and made three points: 1) There have been a number of changes to the original Mitigated Negative Declaration (MND) on water usage numbers and, at a minimum, the (MND) should be recirculated to contain the new information; 2) The revised Negative Mitigated Declaration does not address availability of water; and 3) there is not an analysis of water supplies; provides a fair argument that there needs to be an Environmental Impact Report (EIR). Looking at other projects approved in the Montecito Water District service area is hearsay and does not provide concrete evidence that there is available water.
3. Jeff Farrell, neighbor, would like to retain 'village' character of the neighborhood. A zoning modification would need findings that have not been seen. Would like to see a smaller version of the project that did not violate the zoning and setback ordinances; project requires an EIR.
4. John Wallace, immediate neighbor, submitted pictures, and expressed concern about the modifications requested; specifically, the northern setback causing an impact on privacy. Further, the hedge will not survive the development and replacement with 5 gallon trees is not appropriate. He would like to see a shorter project developed in keeping with a 30'ft proposed limit. The interior courtyard makes the building look larger. Encourages the Commission to make history and preserve the neighborhood character.
5. Lloyd Applegate, Coast Village Road Business Association, feels that development on Coast Village Road needs to be consistent with the future Vision Plan.
6. Jim Kahan, Friends of Outer State Street, submitted a letter and spoke to the Commission about the 30'ft restriction in single family residence zoning areas. The Tentative Map must be consistent with Zoning Laws, the Coastal Plan and the General Plan. The ABR did not state that the project is compatible with the neighborhood.

7. Naomi Kovacs, Executive Director, Citizens Planning Association, expressed concerns about traffic. The project requires a full EIR, not a Mitigated Negative Declaration.
8. Judy Orias, Allied Neighborhood Association, does not believe that Commission can make findings that this is good zoning practice. Concerned with the height; residential zones in the area are under siege; the project is not compatible with the neighborhood. Asked for an EIR to be done.
9. Phoebe Alexiades, speaking for Martha Kay, who opposed the project's height, density and traffic impact in this area. Cited a waterfall that can only be viewed from that corner. This building cannot be compared with the Montecito Inn that has historical significance to the community and was built in the 1920's. The Montecito Inn is the only building with a visible third story from Coast Village Road. Does not see a need for 8 new condos when there are currently 17 vacant new condos in Montecito and 74 condos currently on the market in the South Coast, not including Goleta and Carpinteria. Read a notice from her Montecito Water District bill asking residents to reduce their water consumption by 10%.
10. Michele Michaelson, left Chambers, but was opposed, saying that the project was too large in scale for the neighborhood. Ms. Michaelson returned to Chambers and added that the public view need to be considered, much of it has been lost to walls and hedges over time.
11. Judith Eshkanian, encouraged Mr. Price to stay within the City's zoning limits and build a remodeled gas station.
12. Sally Jordan asked that the Commission grant no modifications. Expressed concern for impeding the view for drivers at the intersection from five streets and potential need for a streetlight that would further impact traffic. Also expressed concern for public safety that would be impacted by the traffic to Olive Mill Road, which is one of two main arteries to the area; would impact access by fire, sheriff, and emergency vehicles.
13. Delfina Mott would support a 2 story building, but not the proposed 3-story project. Development of this project would have 3rd story occupants looking into her residence and vice-versa. Concerned with construction impacts once the project starts.
14. Robert Miller stated that this area was not always a part of the City of Santa Barbara, only later annexed for sewer access; would like consideration for retaining its Montecito character.
15. Jane Van Dyke Deering just relocated to Montecito for the village character. Does not see how Montecito Inn could be compared to the proposed project. Each has a different profile and different backdrops. The Montecito Inn serves as a noise barrier; the proposed project would not. Wants preservation of mountain views.
16. Roxanne Nomurra requests an EIR. She works in neighboring building and would not only lose all views, but would have project imposing on her window.
17. Joe Atwell challenged the consultant's traffic report stating that it was created using data from a San Diego matrix. There are only two gas stations. Removing one would increase traffic. Would like to see a local traffic study done.
18. Martha Maxi Decker could not stay but wants a lower building.

19. Danny Copus expressed concern over significant public view loss. Concerned with traffic increase.
20. Juergen Boehr, neighbor, concerned with size, bulk and scale of the project. Ficus hedge will be impacted by either loss or damage and will impact the neighbor's privacy. The project will cast a large shadow over the gateway to the community. Concerned with construction parking that is not in the City's purview and would impact parking on the County side of Olive Mill Road. Would like to see project reduced and parking on Olive Mill Road made off limits to construction workers.
21. Sally Kinsell echoed the size, bulk and scale concern, but was even more concerned with the traffic impacts and circulation. She recapped existing traffic concerns on Olive Mill Road and suggested that the applicant reconsider the entrance on Coast Village Road.
22. Kathleen Lauriau could not stay but is opposed to the project, stating that there should be a 2-story height limitation for Coast Village Road.
23. Jerre Stetson could not stay but expressed that the building is too big.
24. Bill Palladini, President, Montecito Association, had concerns with the proposed building and believes that there are other options for the property. Appreciates that Mr. Price and Mr. Gorrell attended the meetings and provided information to the Association. Concerned with the impact on Montecito and the surrounding neighborhoods; traffic impacts to Coast Village Road and Olive Mill Road intersection; water usage; and blockage of mountain views. There are other options for developing the site, including a park or leaving it as a gas station. Requests that the Commission not approve project as proposed and suggests a revised project. Would like to see a comprehensive plan for Coast Village Road that would address parking, height and design. Montecito Association would like to participate in that process. Consistent with a letter sent by Supervisor Carbajal's office to Mayor Blum, this project should be reviewed by the Montecito Planning Commission
25. Paul Dinkel believes that we should maintain current regulations.
26. Henry Kinsell could not stay, but felt that the project would increase car density
27. Marco Ferrell, speaking on behalf of Sybil Roberts, spoke for 'Save Coast Village Road'. He submitted a printout of an online petition with 172 signatures against the project, excluding "spam" signatures.
28. Chris Wilkinson could not stay, but opposed current project and negative impacts on his residence.
29. Thomas Bollay, former City of Santa Barbara Historic Landmarks Commissioner, expressed concern for the size of the three stories and the mass, bulk, and scale of the project. Stated that when you no longer have all of your parking below grade and need to put some parking at grade, then the Floor Area Ratio (FAR) explodes. Suggested a redesign to get all the parking below grade to reduce the size, bulk, and scale to create an El Paseo type building.
30. Christina Allison was concerned with the potential impact of traffic gridlock on Coast Village Road and the impact on public safety during an emergency.
31. Doris Kuhns was concerned with the impact on Olive Mill Road with delivery trucks and use of the entry and exit. Very concerned with potential parking issues by construction workers using Olive Mill Road.

32. Jim Westby was most concerned with the preservation of the existing charm of Coast Village Road, the loss of open space, and the use of modifications and rezoning to accommodate the project.
33. Holly Makenna could not stay, but was concerned with more traffic, more congestion, blockage of mountain views, loss of small village feeling, and not holding fast to City regulations.
34. Deborah Branch, Tennis Shop of Montecito, feels that the building is too large and not compatible with the neighborhood. Believes that there should be two gas stations on Coast Village Road.
35. Diane and James Giles could not stay, but expressed concern for the size of the project and the setbacks.
36. Dick Thielscher could not stay, but felt that the project did not meet requirements of Montecito.
37. Michael Self could not stay, but felt that the City should not continue granting zoning changes and modifications.
38. Dennis Ohanian could not stay, but is against the construction project and felt that it would be blight on Coast Village Road.
39. Rob McGee could not stay, but felt that it would bring too much traffic and blocked views.
40. Harold Hattier expressed concern that all Santa Barbara development is increasing in size. He is opposed to this project and feels that it is too big. Would support a gas station on the location.
41. Michael Vance lives on the eastern side of Olive Mill Road and expressed concern about building within a flood zone.
42. A person with the initials WFM could not stay, but left a note opposing the project because it added to the abundance of available commercial and residential units in a poor economy.

Courtney Dietz, Walk Santa Barbara, was still gathering information on the project and could neither support, nor oppose the project, but commented that the project increased pedestrian walkability.

Public comment speaker slips were also submitted by the following persons could not stay and who did not indicate support or opposition on the speaker slip:

1. William Northrup: Project economically inadvisable
2. Barbara Garner: Concerned with traffic flow, poor site lines, and increasing potential for traffic accidents.
3. Kellum de Forest.
4. Linda Macneil

Ms. Hubbell informed the Commission of two phone calls that were received by Staff in support of the project; Amy Ruiz and Meagan Wooton.

With no one else wishing to speak, the public hearing was closed at 5:20 P.M.

Chair Myers called a recess at 5:20 P.M. and reconvened at 5:35 P.M.

Chair Myers gave the applicant and his team the opportunity to address public comment:

Scott Schell, ATE, responded to the Commission on some of the public's concerns over the methodology that was used in the traffic analysis. The proposed driveway will be out of the busy intersection. The morning trips will be from residential use.

Doug Fell informed the Commission that the property is miszoned, and the R-2 portion of the property is not consistent with the General Plan and Local Coastal Plan designation of General Commerce. Therefore, the request for rezoning is to be consistent with the General Plan and the Coastal Zoning Plan.

Bill Spiewak, Arborist, stated that the ficus trees are cut back to the edges of the sidewalk and have surprisingly survived. He does not believe that the project will significantly impact the roots of the trees as there will be additional planter area for the trees as part of the landscape plan. He also noted that the ficus trees have been severely cut back at an angle to the property line on the north side and should be trimmed further on the south side to provide balance to the trees. The two Eucalyptus trees will not decline due to tree protection measures that are proposed.

Ms. Hubbell stated that, if the front balcony was uncovered that it would not require a modification. Stated that the traffic engineer hired by the opponents of the project and the project traffic engineer are both in agreement on the traffic analysis related to trip reduction. Spoke to the difficulty or infeasibility of canyonization of Coast Village Road, due to the current, existing built environment that is currently at or beyond the maximum allowable height. Ms. Hubbell stated that a park could not be considered due to City's inability to financially maintain any new park. Also, while the City could not condition the parking on Olive Mill Road, the applicant could be encouraged to work with the County on the parking issue. Staff can include conditions that there would be no construction parking within the residential neighborhood.

Mr. Vincent spoke to the water supply concerns and how Staff analyzes the water supply based on the whole record. Staff has corrected all misinformation on water usage on this project and identified that the overall increase of water would be very small. The Montecito Water District acknowledges that it continues to supply its customers with water, even in a low rain fall year. Further, the District has not rescinded their can and will serve letter. It is appropriate to look at other projects within the District for staff's analysis to determine whether there is an adequate supply.

Staff answered additional Planning Commission questions about researching any agreement that was part of the annexation of Coast Village Road which required new development to be approved by a vote of the people. Staff responded to the request by the 1st District Supervisorial Office to submit the project to the Montecito Planning Commission for

comments. There has been input by Montecito Association on this project on several occasions. Staff stated that review by another agency would set a precedent, and it needs to be considered on a more global basis, since the City borders Montecito on several areas. Further, the Montecito Planning Commission would need to review the project based upon the City's regulations, not the County regulations..

The Commissioners deliberated on requesting a continuance to review all the material received, including information distributed during the course of the hearing, for a future discussion, deliberation, and decision.

Staff asked the Commission to provide direction on what additional information they would expect if the item was continued. Staff agreed to provide the Commission with additional information on flooding, and any agreements associated with the original annexation of Coast Village Road.

Mr. Fell asked that the public comment be closed if a continuance were issued.

Commissioners asked that they not be contacted in support, or opposition, to the project and that all discussion take place publicly in the hearing.

MOTION: Jostes/Larson

Continued the project to March 20, 2008 noting that the public hearing on the project has been closed. The continuance of the meeting will be to consider all of the information provided up to and during the hearing and, at the next meeting, to address the issues posed for the project.

This motion carried by the following vote:

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

III. ADMINISTRATIVE AGENDA

MOTION: Jostes/Larson

Continue the Administrative Agenda to March 20, 2008.

This motion carried by the following vote:

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

A. Committee and Liaison Reports.

None were given.

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

None were requested.

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 6:03 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

