



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

October 16, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 1:04 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:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Peter Lawson, Associate Planner

Stacey Wilson, Associate Transportation Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

Senior Planner Danny Kato announced that, at the request of Staff, 124 Los Agujes has been continued indefinitely to resolve a CEQA issue.

- B. Announcements and appeals.

Mr. Kato made the following announcements:

1. The 1298 Coast Village Road project will be returning to the Architectural Board of Review (ABR) on Monday, October 20, 2008. Commissioner Bartlett, the ABR liaison, was recused due to working with the applicant on another project. Commissioners Jostes and Myers offered to attend after Commissioner Larson, the back-up liaison, realized she could not attend.

2. The City Council discussed hedges and the possible suspension and enforcement of hedges. At the request of Council members Schneider and Francisco, Council initiated a Zoning Ordinance amendment that would suspend the enforcement of hedge heights for two years, with the exception of safety issues, to the Ordinance Committee. Scott Vincent, Assistant City Attorney, clarified the suspension of enforcement of the ordinance over a period of time, as opposed to a repeal of the ordinance.
 3. The Council agenda also had a closed session on security with a briefing by the police department on how to handle various security scenarios.
- C. Comments from members of the public pertaining to items not on this agenda.
- Chair Myers opened the public hearing at 1:14 P.M. and, with no one wishing to speak, closed the hearing.

II. CONTINUED ITEM: The following item has been continued indefinitely.

APPLICATION OF PETER EHLEN, FOR MARK EDWARDS, 124 LOS AGUAJES, 033-041-007, HOTEL AND RELATED COMMERCE/COASTAL OVERLAY (HRC-1/SD-3) ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE/HOTEL AND RESIDENTIAL (MST2004-00725)

The project consists of the demolition of an existing single-family residence and detached garage, and the construction of three new condominium units in the Appealable Jurisdiction of the Coastal Zone. The proposed structure would be three stories with two two-car garages and a one-car garage on the first floor, and a 1,525 square foot two-bedroom unit, a 1,432 square foot one-bedroom unit, and a 1,092 square foot one-bedroom unit on the second and third floors.

The discretionary applications required for this project are:

1. A Modification to allow the building to encroach into the front setback (SBMC §28.21.060 and §28.92.110.2);
2. A Modification to allow the building to encroach into the interior setback to the east. (SBMC §28.21.060 and §28.92.110.2);
3. A Modification to allow the building to encroach into the other interior setback to the west. (SBMC §28.21.060 and §28.92.110.2);
4. A Coastal Development Permit (CDP2005-00021) to develop a three unit residential condominium project located in the Appealable Jurisdiction of the Coastal Zone. (SBMC §28.44.060)
5. A Tentative Subdivision Map for a one-lot subdivision to create three (3) 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 15303. (New Construction of Small Structures)

Case Planner: Suzanne Johnston, Assistant Planner
Email: SJohnston@SantaBarbaraCA.gov

III. NEW ITEMS:

ACTUAL TIME: 1:14 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to working on a neighboring project.

A. **WESTERN SIDE OF 600-800 BLOCK OF MILPAS STREET, C-2 ZONE DISTRICT, GENERAL PLAN DESIGNATION: RESIDENTIAL (MST2008-00228)**

City staff is proposing a General Plan Amendment which involves lots between Cota and Canon Perdido Streets, located on the west side of Milpas Street, which are currently zoned Commercial (C-2) and are designated Residential under the General Plan. The proposed General Plan Amendment would change the General Plan designation from Residential to General Commerce. The proposed designation would only apply to those lots that are currently zoned C-2 and no change is proposed to this zoning. The Planning Commission initiated the General Plan Amendment on June 12, 2008 and will now consider recommending to City Council adoption of the proposed General Plan Amendment.

The discretionary applications required for this project are:

1. A General Plan Map Amendment to change the General Plan Land Use Element and Map for the designated area from Residential, 12 units/acre, to General Commerce (SBMC §28.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305, Minor Alterations in Land Use Limitations, which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

Staff clarified for the Planning Commission the action being taken today as the recommendation to City Council of adoption of the General Plan Map Amendment, whereas the earlier Planning Commission action in June was solely an initiation of the amendment.

MOTION: Jostes/Thompson

Assigned Resolution No. 037-08

Recommended the adoption of the General Plan Map amendment to City Council.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

ACTUAL TIME: 1:22 P.M.

B. **APPLICATION OF TRISH ALLEN AGENT FOR JOHNMAN HOLDING LLC, 15 S. HOPE AVENUE, 051-040-058 COMMERCIAL (C-2/SD-2) ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2006-00682)**

The project consists of the demolition of an existing 8,368 square foot single story commercial building and construction of a new three story mixed use building with underground parking. The proposed 28,005 square foot building would be comprised of sixteen residential condominiums and one 1,150 square foot commercial condominium. The height of the building would be approximately 40 feet. Two of the units would be designated as moderate income affordable housing as required by the Inclusionary Housing Ordinance. While not required, an additional unit would be provided and designated as upper middle income.

The project includes a request for two Modifications. The first Modification is to reduce the required 20 foot front setback, in order to allow a portion of the first and second floor, a fountain, a planter and parking spaces. A lot area Modification is also being requested to allow two moderate income affordable units on the lot under the Bonus Density provision.

Access to the site would be provided by a driveway from Hope Avenue to a surface parking lot for the commercial use and also to an underground garage. A secondary driveway that connects to State Street would become an emergency access lane and a pedestrian path for the residents of the development. A total of 40 parking spaces would be provided, which includes five spaces in a surface parking lot. Additionally, six bicycle parking spaces will be provided. A four-foot wide public dedication along the front property line would be provided for additional sidewalk area.

The project includes a 35 foot setback from the top-of-bank of Arroyo Burro Creek, which would also be part of the required 15% common open space. The project includes restoration of Arroyo Burro Creek, which will be consistent with the restoration plan being developed on the adjacent lot on the east side of the bank. A 28" Eucalyptus tree would be removed and the 30" Oak tree adjacent to Arroyo Burro Creek would remain.

The discretionary applications required for this project are:

1. A Modification to allow the encroachment of the building and associated development into the front setback (SBMC §28.21.060);
2. A Modification of the lot area requirements to allow over-density units on a lot in the C-2/SD-3 Zone (SBMC § 28.21.080); and
3. A Tentative Subdivision Map for a one-lot subdivision to create sixteen (16) 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, Infill Projects, for the development of a mixed use condominium.

Case Planner: Peter Lawson, Associate Planner

Email: PLawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation.

Staff responded to the Planning Commission's request to see a noise compliance report showing noise contour lines; explained the right-of-way expansion to allow for a sidewalk and parkway as being a requirement of the city's Pedestrian Master Plan; and acknowledged that the Creeks Committee reviewed the project as part of the building permit review process.

In discussing the SD-2 setback, one Commissioner recalled the modification to the front setback approved for the neighboring Fidelity building was based on the opinion that the Upper State Street area was to be developed in a similar fashion as Downtown with a grid system. However, once the Fidelity building was constructed it was determined that this was not the right approach for outer State Street.

Stacy Wilson, Associate Transportation Planner, reviewed left turn activity on Hope Avenue and determined that no additional improvements are required for Hope Avenue.

Staff confirmed for the Planning Commission that the expansion of the right-of-way is a surface right-of-way for pedestrians. The rear buffer setback was not a requirement under the Municipal Code, but offered by the applicant. In response to the Commission's question on consideration for pervious paving being used in the emergency access and being consistent with Fire Department regulations; staff stated that typically the paving shall meet the 50,000 pound requirement, which usually does not allow pervious paving.

Trish Allen, Suzanne Elledge Planning and Permitting Services, gave the applicant presentation, joined by Dave Jones, Architect; Bob Cunningham, Landscape Architect; and Scott Schell, Transportation Planner.

Mr. Cunningham answered additional Planning Commission questions about the removal of non-native vegetation as including the Eucalyptus Tree; responded to the suggestion for decomposed granite pads to be included for common open space and stated that the plant cover is designed to sustain some traffic, but is intended to be passive space.

Mr. Jones responded to the Commission's questions. He stated that maintenance access to the rear would be through the common open area, the irrigation of native landscape would be necessary for initial planting but removed once the plants are established and clarified that the open space as being for the benefit of the residents and not for public access. Mr. Jones stated that they would not seek LEED certification, due to the cost of the paper work to obtain certification; however, the project would be designed consistent with the LEED requirements. Mr. Jones stated that the whole project could be moved further back on the lot, and that this alternate design would not require a front yard Modification, and would still provide the required outdoor space; however the ABR liked the additional creek setback. Mr. Jones also provided a conceptual redesign plan of the fire lane in response to comments by the Commission at the site visit and addressed Fire Department access; the possibility of studying the potential for the catchment system being redirected for irrigation, instead of pumped directly to the creek; and the location and accessibility to the trash area.

Chair Myers opened the public hearing at 2:44 P.M. and acknowledged receipt of a public comment letter from Paula Westbury, Santa Barbara.

Paul Hernadi, Citizens Planning Association (CPA), summarized the letter submitted by CPA, prior to the hearing, which included five points of concern that CPA had with the project, which included requesting denial of the Modification to the front setback, and requested a reduction in the size of the project.

With no one else wishing to speak, the public hearing was closed at 2:52 P.M.

Mr. Jones clarified for the Commission that the proposed pedestrian staircase would not be built if Whole Foods was not built, but if an alternative proposed stairway is located adjacent to the emergency fire lane, it would be built regardless of the Whole Foods Project.

Since the project would result in a reduction of commercial square footage on the project site, Mr. Vincent responded to the Commission's inquiry about their ability to limit or eliminate the density transfer option. The Commissions' concern is that the transfer of development rights is aggravating the jobs housing balance. Also, Mr. Vincent was asked if the Commission has the purview to require the change of the existing street light, located in the right-of-way in front of the adjacent lot to the south. Mr. Vincent stated that, with the dedication of the additional sidewalk being proposed and that the street light is not in front of the project site, it would not

appropriate to request the light to be replaced. However, if the applicant volunteered to replace that light, he would not object. He stated that the City Municipal Code section on Transfer of Development Rights addresses the Commission's concerns on how commercial square footage is transferred to a receiving site. Findings have to be made as part of the transfer of development rights. The transfer of development rights provides more flexibility for development, but does not cause increased development since it is existing square footage being transferred, not new commercial square footage. He suggested the Commission add a statement in the Resolution expressing concerns over where transfer of development credits.

The Commissioners made the following comments:

1. Three Commissioners were inclined to approve the modification if it included a reservation for a future public path along the creek.
2. Commissioners supported the project design and found the unit sizes and underground parking favorable, closing the driveway access to State Street would be an improvement to traffic impacts, and the inclusion and design distribution of affordable units is supportable. They appreciated that there was less commercial square footage under the proposed project than the existing building.
3. One Commissioner could not make the findings for the Modification and would have preferred to see the pedestrian access built across the creek to the Whole Foods project.
4. Two Commissioners could support the front yard modification, but one Commissioner did not support the parking in the front yard area. They advocated for active use of the common space area by residents.
5. One Commissioner was supportive of the traffic study and noted that the existing building is not restricted in its use, which could become more intensive.
6. One Commissioner did not support the applicant's requested changes in the conditions of approval for tree protection during construction and inadvertent loss of oak trees, while other Commissioners could agree to the request. One Commissioner could support modification of one condition and the elimination of the other.
7. Regarding the transfer of development rights, one Commissioner would like to see some draft language included that would link those rights to a future project.
8. One Commissioner was not as supportive as the Architectural Board of Review (ABR) in looking for pedestrian connection through the property; and thought that the property should remain private.
9. The Commission generally liked the use of the extra space abutting the fire lane area.
10. Would like to see better design consideration of the rear open space along the creek and what goes into the extra space abutting the fire lane area; how it becomes active outdoor living space. Would like to see ABR study options to provide improvements for active use for the residents, such as, sitting areas, picnic areas and/or walking paths.

11. Two Commissioners could not support the inclusion of transfer rights language in the conditions of approval when due process has not occurred with the General Plan process and do not want to encumber future Planning Commissions.
12. CC&R's should include maintaining the creek area buffers zone and common courtyard areas.
13. Two Commissioners appreciated the unit size and the distribution of the affordable units
14. Would like to see a city park standard established to incorporate into the development standards of a project.
15. One Commissioner sees that the common open space enhances the project. Would like to see more research in the water retention system and possible reuse for landscaping.

The Chair addressed the Commission's concern over the length of time spent on the applicant presentation and felt it appropriate given the public's interest in the Upper State Street area.

Mr. Vincent responded to the Commission's concerns over the inclusion of transfer rights language in the motion by stating that the findings for transfer rights would be looked at by future Planning Commissions. Suggested the Commission include a statement in the resolution regarding the concerns for where the excess commercial square footage would go with the understanding that future Planning Commissions would have to consider the findings before considering the transfer of those development rights.

The Commission debated over adding language into the resolution on the concerns where the excessive commercial square footage would be sent from this site. Mr. Kato and Mr. Vincent both stated that findings for approval of a project will aid in determining the current projects impact and any future project that will incorporate the transfer of development rights.

Straw Poll

Rewrite Item 2 B.1. to include consultation with the city arborist with guidelines that may apply to existing oak trees on the site.

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

Straw Poll

Striking G.15.B.(5), the seedling condition from the Conditions of Approval..

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

MOTION: Jacobs/Bartlett

Assigned Resolution No. 038-08

Approve the Modifications to allow encroachment into the front setback and for the two bonus density units and the Tentative Subdivision Map, making the findings outlined in section 7 in the Staff Report, subject to the Conditions of Approval in Exhibit A, with the following additions: 1) Delete G.15.B (5) regarding oak tree protection, seedlings; 2) Change the language in A.2.B (1) to include that any irrigation shall be installed in consultation with an arborist; 3) Change Condition A.3., usable common space, to include recommending the ABR look at a redesign of the open space area at the rear of the property with an eye toward balancing a useable area, where appropriate, and a resource protection area, where appropriate, and that B.9 Develop Rights Restriction would apply to the portion of the area that the ABR designates as the restricted area; and 4) Applicant will install landscaping into the southern portion of extra space in the existing fire lane and will create in consultation with the Fire Department usable open space. The remainder of the fire lane would provide access from State Street, and would meet Fire Department requirements. The fire lane and open space area shall incorporate permeable paving, which must be reviewed by the ABR; and 5) provisions for a future trail way be made so that in the future when adjacent properties are linked they can provide a pathway along the creek.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

- A. Committee and Liaison Reports.
 - 1. Commissioner Thompson reported on the Water Commission meeting and gave an update on the completion of the survey of the Gibraltar Reservoir.
 - 2. Commissioner Thompson reported on Airport Commission meeting and gave a progress update on terminal construction and the rental car lot.
 - 3. Commissioner Thompson reported that the 3455 Marina Drive project appeal that was denied by the City Council has now been appealed to the Coastal Commission and will be heard tomorrow in Ventura.

- 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 items listed in I.B.1. of this Agenda.
 - a. Draft Minutes of April 7, 2008 Special Work Session

- b. Draft Minutes of August 14, 2008
- c. Draft Minutes of September 10, 2008 Special Meeting
- d. Draft Minutes of September 11, 2008 Special Meeting
- e. Draft Minutes of September 18, 2008
- f. Resolution 035-08
810 Bond Avenue and 516 N. Nopal Street
- g. Resolution 036-08
Mission Creek from Highway 101 to the Ocean

MOTION: Jacobs/White Suspend the draft minutes of August 14, 2008, September 10 and 11, 2008 and approve the draft minutes and resolutions of April 7, 2008 and September 18, 2008.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: As noted. Absent: 0

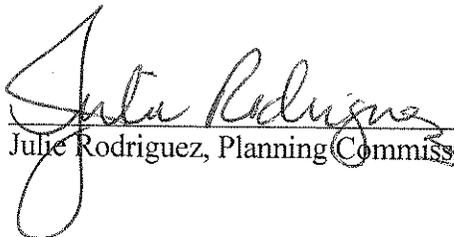
Commissioner Jostes abstained from the Minutes and Resolutions of September 18, 2008

Commissioner Bartlett abstained from the Minutes of September 18, 2008 related to Mission Creek and Resolution 026-08.

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 4:00 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary