



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

February 12, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:08 P.M.

I. ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Staff Present:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Jake Jacobus, Associate Planner/Urban Historian

Melissa Hetrick, Project Planner/Environmental Analyst

Kathleen Kennedy, Associate Planner

Gabriela Feliciano, Commission Secretary

Staff absent:

Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

No requests were made.

B. Announcements and appeals.

No announcements were made.

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

Chair Larson opened the public hearing at 1:08 P.M. and, with no one wishing to speak, closed the hearing.

ACTUAL TIME: 1:11 P.M.

III. NEW ITEM:

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2007-00140)

The proposed project is a Revised Master Plan consisting of the following components: 1) a predominantly underground utility distribution facility and a surface valet parking lot with an operations facility below in the northwest corner; 2) Mission Village, consisting of 5 cottages with a valet parking garage below in the northeast corner; 3) Cottages 27 and 28, which were previously approved and eliminated; and 4) a swimming pool with a fitness center below. The proposal also includes a realignment of a small portion of the sandstone wall at the main driveway entrance on Alvarado Place to provide better circulation. Also, a new trash enclosure, screening gate, retaining walls and landscaping are proposed for the service area adjacent to the Main Building. The four parking spaces that were previously approved in the service area would be relocated to the Mission Village parking structure.

The discretionary applications required for this project are:

1. Modification to allow the utility distribution facility and Mission Village to encroach into the front setback along Mission Ridge Road (SBMC§28.27.050);
2. Modification to allow the utility distribution facility and surface parking lot to encroach into the front setback along Alvarado Place (SBMC§28.27.050);
3. Modification to allow Mission Village and Cottages 27 and 28 to encroach into the interior setback on the east side of the property (SBMC§28.27.050);
4. Modifications to provide less than the required distance between buildings (SBMC§28.27.050.2);
5. Development Plan Approval, as defined within R-H Zone standards (SBMC§28.27.100);
6. Development Plan Approval to allocate 7,021 square feet of non-residential square footage from the Minor Addition and Small Addition categories (SBMC§28.87.300); and
7. Transfer of Existing Development Rights of 10,000 square feet of non-residential floor area to the project site (SBMC§28.95).

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

Case Planner: Kathleen Kennedy, Associate Planner

Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Suzanne Elledge, Suzanne Elledge Planning and Permitting Services, made some opening statements.

Trish Allen, Suzanne Elledge Planning and Permitting Services, gave the applicant presentation; and Jim Lefever, Architect, Gensler, and Doug Fell, Legal Counsel, answered questions.

The following Design Review board members spoke:

1. Donald Sharpe, Vice Chair of Historic Landmark Commission (HLC), stated that he was not on the HLC for the original Master Plan approval and that the HLC has been dealing with the fragmentation of the project and reviewing it in bits and pieces. He read the motion made at the December 10, 2008 HLC meeting, which were in regard to revisions to the service area and driveway entry. Mr. Sharpe mentioned that the letter distributed to the Planning Commission from HLC member, Robert Adams, landscape architect, represented his personal comments and were not a part of any HLC meeting or minutes.
2. Fermina Murray, HLC member, stated that Commissioners were concerned about the piece-mealing of the project, that this was part of the process in the beginning because it was a very difficult project, but as the project developed, things got away from them and it was difficult to understand from month to month what was really happening. She stated that the HLC minutes reflect only the highlights of all the meetings. She stated that she joined the HLC in 2004 so obviously this began well before she was there. She stated that one of the biggest issues that Commissioners expressed at the various meetings was the entrance and the row of eucalyptus trees at the northwest corner and Alvarado Place. She stated that she had voiced strong emotions about these character defining elements for the site, as well as the neighborhood and that is why a lot of people were speaking about it. She stated that on the east or northeast side, all of the letters are for it because the encroachments there are very minimal, the row of trees will be preserved and because of the dip into the Mission Village. She expressed her personal opinion and concern that the character of the northwest corner is being exchanged for a utility and laundry facility. She stated that for the rest of the Revised Master Plan, the HLC, with Bill LaVoie, worked diligently to improve the appearance of the buildings. She stated that the HLC did not talk much about Mission Village but that most of its comments were in regard to the northwest corner. When asked by Chair Larson whether she was referring to the row of trees that were proposed to be preserved, she stated that the HLC has a problem with the condition that states that an arborist

determines whether or not they are diseased. She further stated that because the trees are the character defining part of the site and need to be preserved, there is a need to look at how the revised project is going to impact the trees.

Chair Larson opened the public hearing at 1:54 P.M.

The following people spoke in support of the project:

1. Jim Knight, Riviera Association President, commented that the Orient Express has well-known credentials in preservation of historic properties all over the world; many of the residents were excited to hear about the much-needed renovation; and the concerns of the immediate neighbors have been evaluated, addressed and mitigated.
2. Brigitte Forssell, neighbor, commented that El Encanto property should be restored and functioning as soon as possible; the planning process has been attentive to the historic significance of the property; the concerns regarding noise issues have been studied and evaluated by certified professionals and scientific methodologies were applied; and other controversial projects in the area turned out to be beneficial to the neighborhood.
3. Peter Jordano, former Riviera resident, commented that noise should be expected if residents choose to buy property next to a hotel; although the narrow entrance is historical, it is not safe to drive through; and expressed concern with the delay's affect on the community.
4. Paul Cashman, former Riviera Association President, urged the approval of the project for it to move forward; the Orient Express has been attempting to mitigate the negative impacts and provide a world class hotel; and the Riviera Association feels that concerns have been addressed
5. Edward Cooper, neighborhood resident, commented that the new proposal will be beautiful and classy; not all the residents are opposed to proposal; and the applicant has listened to neighbors.
6. Greg Parker, neighbor, commented that the environmental impacts of the proposed Modifications have been adequately addressed; the efficient use of property should be approved by the City; supports transfer of development rights because it will increase the quality; and a partially constructed project for an extended length of time is not needed.
7. Steve Cushman, Executive Director, Santa Barbara Region Chamber of Commerce, commented that the Chamber of Commerce supports the project; and due diligence and science has been done.

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

1. Elizabeth Leslie, neighbor, expressed concern with tandem parking, requested parking be underground; the tranquility and charm of the northwest corner is lost; and suggested that the cottages and plantings that were removed should be placed back.
2. Ronald Hays, neighbor, commented that all neighbors want the hotel to open, but do not want a monolith operating facility in an area which historically had quiet and sedate cottages; concerned with parking lot to be used when the original parking lot was

- illegally placed in that area; and the proposed Modifications are not supported by the Historic Landmarks Commission.
3. Dawnna Boo, neighbor, commented that the delay of the hotel's opening gives time for the applicant to give the neighbors' concerns merit; a petition was signed in December by neighbors and others in the City; and the main issue was in regard to the proposed changes to the previously approved plans for the quaint, low-key resort.
 4. Lynn Cederquist, speaking on behalf of Ray and Olga Cockel, neighbors, expressed concern with changes made to the original approved project; the parking lot is in the middle of neighborhood, not downtown; and a proposal smaller in density would be more compatible with the surrounding tranquil and peaceful neighborhood.
 5. Jan Marco Von Yurt, neighbor, expressed opposition to what is being proposed for the northwest corner; there is no need to have the utility plant the farthest away from the hotel and proposed buildings; and to be efficient the utility plant should be in the center.
 6. Tim Angulo, neighbor, is opposed to above ground parking and the utility facility being placed where proposed.
 7. Joanna Von Yurt, neighbor, commented that what is proposed is in violation of the Zoning Ordinance; underground parking should be as originally offered; the laundry operation and office should be distributed throughout the site; and just because setback Modifications were encroached in the past, does not mean it should now be allowed.
 8. Allan Blair, former Riviera resident, commented that the quasi-industrial complex in the northwest area of the site is not in consonance with the City's aims; requested denial of placement of these activities where proposed because of the impact and degradation on the quality of life of the residents.
 9. Margo Kenny, neighbor, commented about the preservation of the rural quality; and suggested consideration of the Orpet Park on the south end part of the site for the utility facility.
 10. Farrokh Nazerian, neighbor, commented that the project would violate the zoning ordinance by putting all the noisy, polluting, and undesirable aspects of the project on the northwest corner; the site plan should be revised; the Mitigated Negative Declaration is legally incorrect and defies common sense; and the concentration of the back office, utility, laundry and parking could be disbursed throughout the site.
 11. Marc Chytilo, attorney at law, representing some neighbors, requested a denial of the Modifications in the northwest corner and stated that the following are issues of concern: visual, historical, noise with valet parking, traffic and car alarms, cumulative impacts, planning issues, deed restrictions imposed; the HLC's statement that the "acceptance of the Historic Structures Report does not confer the Commission's acceptance of the current configuration of the Utility Distribution Facility (UDF) and garage as shown in the drawings"; the loud generation of sound from the UDF; and the lack of an EIR preparation shortcuts the ability to understand the project's impacts.

Dana Morrow completed a request to speak form, but did not speak.

With no one else wishing to speak, the public hearing was closed at 2:45 P.M.

Staff and/or applicant responded to the Commission questions about:

1. The applicant stated that the noise level while the El Encanto Hotel was in operation was not analyzed as part of the noise study.
2. Staff stated that the proposed structure would have a 17 foot setback instead of the required 30 foot setback on both Alvarado Place and Mission Ridge Road at the northwest corner of the utility distribution facility.
3. The applicant stated that the distance between trees and the construction has not been surveyed; however, if the trees have to be saved, an arborist would be consulted to make sure the footings do not kill the trees.
4. Scott Vincent, Assistant City Attorney, stated that the 2004 deed restrictions refer to the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) filed at the County Clerk-Recorder's Office that is intended to memorialize intentions of the Planning Commission and City Council regarding land use actions. CC&Rs do not forever freeze the development of a property.
5. Staff stated that the Fire Department has commented that all eucalyptus trees being preserved should be trimmed, the crowns separated, all dead wood removed and maintained. The five eucalyptus trees in the northwest portion of the property are to remain unless an arborist report determines that they should be removed because of disease, safety, or fire hazard.
6. The applicant stated that the cottage will have 1,000 square feet and the area underground to be devoted to the laundry facility would be approximately 1,000 square feet as well. Its purpose is related to laundry service for guests on site, and washing of bathrobes and towels. All other linens will be cleaned off site.
7. The applicant stated that the Master Plan design with no back house was the failure of the architect at the time. The new design will allow the hotel to operate properly. Keeping some of these services on site has environmental benefits as well.
8. The applicant stated that they assessed other places where the utility distribution facility could be placed and concluded that other areas would result in potential impacts to the historic areas of the site. No other areas would work as well as the northwest corner.
9. The applicant stated the project is called a "Revised Master Plan" because there was already a developed Master Plan project that was previously approved.
10. The applicant stated that the 92 units include lock out units.
11. Staff clarified that, as to an unforeseen need for more square footage, this project is using all its Measure E square footage. The applicant cannot get more square footage without Planning Commission review. It would require another Development Plan Approval. Almost all units are historical and must remain in their historical configurations. There is no freedom to change the footage. Those not considered historical would allow changes.
12. Staff stated that the visual aesthetics do not refer to what was in the first Master Plan that was reviewed by the Planning Commission in 2004, but rather what is seen presently.
13. Staff stated that the parking structure in the northeast corner is a separate underground facility and the buildings on top are on separate foundations; therefore, the distance between buildings requirement applies.
14. Staff indicated that the closest house to the northwest corner is 73 feet from the road.

15. Staff stated that the Commission would need to determine whether the proposed area for the back house is appropriate.
16. Scott Vincent, Assistant City Attorney, explained that Measure E allocations deal with non-residential use, anticipates the merger and division of land, and sets parcels as existed in 1999 when Measure E was adopted. If the parcel is divided after Measure E, the allotment is divided amongst the divisions of the original lot. There is a conservation of the square footage.
17. Staff stated that the removal of historically significant trees at the end of their lifespan or because of disease would not constitute a significant impact, because it is the nature of the resource. That is not to say that they could not be replaced by trees in-kind to replace the historical character.
18. Staff stated that El Encanto Road ends at the hotel's property line.

The Commissioners made the following comments:

1. El Encanto has been in existence longer than most of the structures surrounding it. It should be cherished and the City should do whatever possible to encourage it for both the public and economic benefit.
2. The Orient Express' commitment to move forward with a project is appreciated, particularly in the face of what is seen with other hotels in the city in various states of disrepair and wounding the region's economic and general way of life.
3. The fragmentation process inherited from the previously approved plan is difficult.
4. The proposed change to the driveway entry is very noticeable.
5. The extent of disruption of the site to date substantially exceeds the original plan in terms of topography and eligible historic structure demolition.

Modifications:

6. One Commissioner supports a Modification to allow the utility distribution facility and Mission Village to encroach into the front setback along Mission Ridge Road;
7. One Commissioner supports a Modification to allow the utility distribution facility and surface parking lot to encroach into the front setback along Alvarado Place;
8. Two Commissioners support a Modification to allow Mission Village and Cottages 27 and 28 to encroach into the interior setback on the east side of the property;
9. Two Commissioners support Modifications to provide less than the required distance between buildings.
10. One Commissioner is supportive of Modifications in principal to provide less than the required distance between buildings. Also, expressed concern regarding the location of outdoor fireplaces directly under pine trees.
11. Could not support proposed Modifications along Mission Ridge and Alvarado Place for the utility distribution plant because the Commission did not feel that the modifications were appropriate..
12. The encroachment of Mission Village buildings into Mission Ridge Road and Cottages 27 and 28 are different from the utility distribution site because they have a less intense use.

13. The purpose of the 30 foot setback is to make a resort hotel more compatible with the surrounding residential neighborhood.
14. If there was a parking lot or other uses along Alvarado Place, it does not mean a Modification should continue. This is important in order to maintain the historic character of the site.
15. The surface parking lot is an improvement from the 2004 proposal because it has been lowered further into the grade, hidden behind the wall, and it is reduced in capacity.
16. The setbacks came into being long after the project was built. Most of the project is in the setbacks because the setbacks came later.
17. The encroachments below grade are improvements.
18. The distances between buildings are encroachments to a much lesser extent than the historical buildings many of which are being replaced. The HLC supports them, other than the UDF at the northwest corner.
19. The facilities could be arranged in such a way that the Modifications would not be necessary.
20. The applicant should consider what would be done if the Modifications are not approved.

Development Plan Approval:

21. One Commissioner supports the Development Plan Approval, as defined within R-H Zone standards.
22. Two Commissioners support the Development Plan Approval to allocate square feet of non-residential square footage.
23. Three Commissioners believe that the R-H zone standards that are about neighborhood compatibility are not seen in the proposal.

Transfer of Existing Development Rights:

24. Three Commissioners support the Transfer of Existing Development Rights.
25. One Commissioner stated that it was never the intent to take square footage from an industrial zone and place it in a residential area.
26. All transferred footage is subterranean and is not impacting neighborhood.

Mitigated Negative Declaration:

27. Five Commissioners support the approval of the Mitigated Negative Declaration.
28. One Commissioner stated that it is not realistic to ask that car alarms be turned off when valet parking.
29. One Commissioner stated that the tandem parking would increase the intensity of use that would be more detrimental to the neighborhood.

Utility Distribution Facility location:

30. Construction of the facility in such close proximity to the eucalyptus trees would negatively impact their life expectancy.

31. The requirement to prepare an EIR could be avoided if there were design recommendations integrated into the project to reduce problems and environmental impacts. These would include relocating the utility distribution facility further to the south.
32. The northwest facility is of concern and could not support the project due to a lack of demonstration of necessity.
33. The "industrial strength" central heating plant is problematic next to houses in the R-H zone.
34. The above grade structure serves the purpose of buffering subterranean sounds as well as the sounds and headlights from the valet parking lot.
35. The valet parking lot is sunken down better, but still changes the streetscape. Before there was a sense of open space and landscaping.
36. If the cottages that existed in the northwest area had not been demolished, it would have avoided a sense of encroachment now that UDF is being proposed there.
37. It would be an advantage to not have so many back house activities located at the northwest corner.

**** THE COMMISSION RECESSED FROM 4:07 P.M. TO 4:25 P.M. ****

Mr. Fell stated that the applicant is willing to relocate the above grade portion of the utility distribution facility out of the setback, so that it no longer would require a Modification. Mr. Fell also mentioned that if the utility distribution facility was no longer part of the project description, a 52 space surface parking lot with Modifications has already been approved at this location, when the Orient Express did not own the property. The proposed wall around the proposed parking lot and the lowering of the grade was actually requested by the Historic Landmarks Commission.

The Commissioners concluded with the following comments:

1. With regard to the Development Plan Approval in the R-H zone, when a use is intensified in an established neighborhood, the project should be adjusted to reduce the adverse external impacts that it causes on the neighborhood.
2. Would be able to support the project if the applicant would place the new utility distribution facility structure out of the setback.
3. As long as the subterranean facility encroaching into the setback area below grade is covered with dirt and not visible to anyone, it would be supportable.

The Modification requests to allow the above ground portion of the utility distribution facility to encroach into the setbacks along Alvarado Place and along Mission Ridge Road were withdrawn by the applicant.

STRAW VOTES:

1. How many Commissioners would agree with a Modification to allow Mission Village to encroach into the front setback along Mission Ridge Road?

2. How many Commissioners would agree with the approval of the Mitigated Negative Declaration prepared for the project, making the findings in the Staff report?

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

MOTION: Jostes/Bartlett

Assigned Resolution No. 004-09

To make the findings and adopt the Mitigated Negative Declaration prepared for the project.

This motion carried by the following vote:

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

MOTION: Jostes/Bartlett

Assigned Resolution No. 004-09

Approved the project, making the findings for approval of: 1) a Modification to allow Mission Village to encroach into the front setback along Mission Ridge Road; 2) a Modification to allow the surface parking lot to encroach into the front setback along Alvarado Place; 3) a Modification to allow Mission Village and Cottages 27 and 28 to encroach into the interior setback on the east side of the property; 4) Modifications to provide less than the required distance between buildings; 5) Development Plan Approval, as defined within R-H Zone standards 6) a Development Plan Approval to allocate 7,021 square feet of non-residential square footage from the Minor Addition and Small Addition categories; 7) a Transfer of Existing Development Rights of 10,000 square feet of non-residential floor area to the project site; making the findings as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

ACTUAL TIME: 4:49 P.M.

IV. ADMINISTRATIVE AGENDA

- A. Committee and Liaison Reports.

Commissioner White reported on the Water Commission meeting that occurred on Monday, February 9. A document was circulated to the Planning Commission of the Water Commission's comments with regard to the desalination facility.

- 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 following Draft Minutes and Resolutions:
 - a. Draft Minutes of January 8, 2009
 - b. Resolution 001-09
600 Block of State Street and 119 E. Cota Street
 - c. Resolution 002-09
1600 Cecil Cook Place
 - d. Resolution 003-09
3885 and 3887 State Street

MOTION: White/Lodge

To continue the approval of the January 8, 2009, Draft Minutes to the Meeting of February 19, 2009.

This motion carried by the following vote:

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

MOTION: White/Jostes

To approve Resolutions 001-09, 002-09 and 003-09 as corrected.

This motion carried by the following vote:

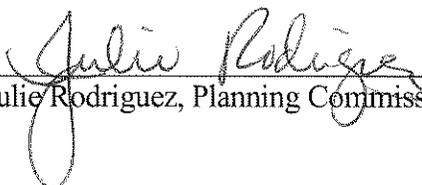
Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

V. **ADJOURNMENT**

Chair Larson adjourned the meeting at 4:57 P.M.

Prepared by Gabriela Feliciano, Commission Secretary

Submitted by,



Julie Rodriguez, Planning Commission Secretary