



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

August 20, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:04 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Sheila Lodge, and Harwood A. White, Jr.

Commissioner Bartlett arrived at 1:08 P.M.

Absent:

Commissioners Charmaine Jacobs and John Jostes

STAFF PRESENT:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Steve Foley, Supervising Transportation Planner

Michael Berman, Project Planner/Environmental Analyst

Susan Reardon, Staff Hearing Officer

Michael Cloonan, Senior Engineering Technician

Kathleen Kennedy, Associate Planner

Peter Lawson, Associate Planner

Chelsey Swanson, Associate Transportation Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

II. PRELIMINARY MATTERS:

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

Senior Planner Danny Kato announced that the application of Item III.A., 1931 El Camino de la Luz was withdrawn so no appeal will be heard.

- B. Announcements and appeals.

Mr. Kato announced that he would cover changes to the upcoming Planning Commission Calendar during the Administrative Agenda in the meeting.

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

Chair Larson opened the public hearing at 1:06 P.M. and David Daniel Diaz spoke to the Commission about the impact of the sign enforcement on the business district in the current economic climate.

With no one else wishing to speak, the hearing was closed at 1:09 P.M.

III. STAFF HEARING OFFICER APPEALS:

The following item was not heard due to the applicant withdrawing the project.

- A. APPEAL OF BRUCE AND JANICE TAYLOR ON THE APPLICATION OF MARK MORANDO, AGENT FOR TOM THOMAS, 1931 EL CAMINO DE LA LUZ, APN 045-100-081, E-3/SD-3 SINGLE FAMILY RESIDENTIAL AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS/ACRE (MST2009-00039)

This is an appeal of the June 3, 2009 approval of a Coastal Development Permit by the Staff Hearing Officer. The site contains an existing 1,731 square foot two-story single-family residence and garage. The proposed project consists of the proposal to construct an attached 361 net square foot, two-car carport addition, and to permit the as-built conversion of the existing garage to habitable space, in order to abate violations listed in the enforcement case (ENF2008-01423). Additionally, a detached accessory building will be relocated to provide a five-foot separation from the main building and will be located outside of the required setbacks.

The discretionary application required for this project is a Coastal Development Permit (CDP2009-00001) to allow an addition which is greater than 10% of the floor area within the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Additions to Small Structures).

Case Planner: Suzanne Riegle, Assistant Planner

Email: SRiegle@SantaBarbaraCA.gov

ACTUAL TIME: 1:10 P.M.

B. **APPEAL OF BRITTA BARTELS AND DANNY MORENO ET. AL ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF GIL GARCIA, ARCHITECT FOR THE SANTA BARBARA PATIENTS' COLLECTIVE HEALTH COOPERATIVE, (SBPCHC) MEDICAL CANNABIS DISPENSARY, 500 N. MILPAS STREET, 031-241-031 C-2 ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2009-00155)**

This is an appeal of the June 17, 2009 approval of a Medical Cannabis Dispensary Permit by the Staff Hearing Officer. The project consists of establishment of a medical cannabis dispensary within an existing 1,110 square foot tenant space at 500 N. Milpas Street. The discretionary application required for this project is a Medical Cannabis Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Structures.

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Britta Bartels, Appellant, requested a continuance citing an exceptional situation regarding the potential changes to the current ordinance.

James Lee, Applicant, stated that the Applicant had complied with the existing ordinance and request approval of the permit.

Scott Vincent, Assistant City Attorney, recommended against a continuance stating that it would be improper to continue the item in anticipation of changes to an ordinance that may or may not occur before they have occurred. The application is pending on a valid city ordinance; the City Council has not adopted an interim ordinance or moratorium.

Mr. Vincent responded to the Commission's question regarding the steps needed for a moratorium, also known as an interim ordinance, that would last no longer than 45 days. It is the purview of the City Council on whether or not to adopt an interim ordinance. Today's action by the Planning Commission would be non-appealable to the City Council and would be final. The Commission agreed not to continue the appeal and proceed with the hearing.

Kelly Brodison, Assistant Planner, gave the Staff presentation, joined by Susan Reardon, Staff Hearing Officer.

Ms. Reardon summarized her considerations in approving the project and felt the applicant's operational plan met the requirements of the Medical Cannabis Dispensary Ordinance. She had some concerns and approved the project with additional conditions of approval that included limiting the hours of operation; restricted parking; and licensed security personnel.

Naomi Greene gave the Appellant presentation, joined by Britta Bartells and John Cochran, giving further justification to their request for a continuance to the appeal.

Ms. Green responded to Commissioner Thompson's request for clarification of the concern over exposure of marijuana to students walking by a medical cannabis dispensary by stating that it could impact future drug use and illegal sales of marijuana.

Mr. Cochran responded to the Commission's questions regarding parking concerns and the provision of adequate parking.

James Lee gave the Applicant presentation, joined by Nathaniel Ranke.

Chair Larson opened the public hearing at 1:59 P.M.

The following people spoke in support of the appeal or with concerns:

1. Mark Herrera
2. Becky Betanecourt
3. Rosanne Crawford
4. Naomi Greene
5. Robert Palmer
6. Maria Perez, translation given by Sebastian Aldana
7. Vicke Meneses, translation given by Sebastian Aldana
8. Sebastian Aldana, Franklin Center Advisory Committee
9. Tony Vassallo
10. Sharon Byrne
11. Britta Bartels

The following people spoke in opposition to the appeal:

1. Marge Schwartz
2. David Daniel Diaz
3. John Stenmo
4. Barbara J. Ellis, Santa Barbara Patients' Collective Health Cooperative
5. Jan Olivas
6. Hans Edwards
7. Brian Johnson

With no one else wishing to speak, the public hearing was closed at 2:36 P.M.

Staff answered the Planning Commission's questions about the status of enforcement of illegal medical cannabis dispensaries, as well. Mr. Kato suggested the public report illegal dispensaries to either the Police Department or the Community Development Complaint Line at (805) 897-2676. Mr. Kato confirmed that the Franklin Center Advisory Committee was not on the list of neighborhood groups noticed and will add the organization to the list. Mr. Kato also confirmed that preschools were excluded from the Medical Dispensary Ordinance.

The Commissioners made the following comments:

1. Commissioner Thompson commented on the public's view on whether a medical marijuana dispensary is a medical facility or viewed as an adult business. The City recognizes dispensaries as medical facilities. If there are violations of existing illegal or non-conforming dispensaries, then those should be enforced and judgment should not be passed onto new dispensary applicants. We need to judge this dispensary on the merit of what is on the table today. Will not support the appeal.
2. Commissioner White was concerned with the Planning Commission being the final decision body on the appeal, and the limited parking. Feels applicant has done well in putting the application package together and has met the requirements of the ordinance. Pending the Council taking no action, suggested a 3-4 week continuance before offering support.
3. Commissioners concurred that the applicant had submitted a well-done application packet and deserved to be reviewed under the current ordinance in effect. Sees this application as a positive example that could be used for other dispensaries.
4. Commissioner Larson remained concerned about access parking availability and asked that it be further reviewed.

MOTION: Lodge/Thompson

Assigned Resolution No. 030-09

Deny the appeal and uphold the decision of the Staff Hearing Officer to approve the Medical Marijuana Dispensary Permit, making the findings as outlined in the Staff Report, subject to the Conditions of Approval in Staff Hearing Officer Resolution 051-09.

This motion carried by the following vote:

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

Chair Larson called for a recess at 2:52 P.M. and resumed the meeting at 3:06 P.M.

IV. CONTINUED ITEMS:

ACTUAL TIME: 3:06 P.M.

**APPLICATION OF BRENT DANIELS, AGENT FOR CYNTHIA HOWARD,
226 & 232 EUCALYPTUS HILL DRIVE, APN 015-050-017 & 015-050-018, A-2,
ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION:
RESIDENTIAL, TWO UNITS PER ACRE (MST2004-00349)**

This is an appeal of the September 12, 2007 denial of the project by the Staff Hearing Officer. The revised project includes a reduction in the size of three of the four proposed residences. The proposed project involves a lot line adjustment between two parcels (2.82 and 2.75 acres in size) by realigning the dividing lot line from a north-south direction to an east-west direction, and resulting in two parcels of 2.47 acres (Parcel 1, upper parcel) and 3.10 acres (Parcel 2, lower parcel). Parcel 1 would have an average slope of 21.3% and Parcel 2 would have an average slope of 22.5%, both parcels sloping north to south. An existing single-family residence, greenhouse foundation, and hardscape driveway would be removed, and two new single-family residences are proposed on each parcel. Parcel 1 would include a 6,129 square foot residence with an attached 743 square foot garage, and a 1,150 square foot residence with a 320 square foot garage, and a detached 430 square foot garage. Parcel 2 would include a 3,700 square foot residence with an a 747 square foot attached garage, and a 1,250 square foot residence with a 352 square foot subterranean garage. The project site is currently accessed from Eucalyptus Hill Drive, a private road, by an existing unimproved driveway which extends to the southern portion of the properties. This driveway would be improved to facilitate access to the proposed lower parcel, via an easement though the upper parcel. The total grading quantities proposed for the development of both parcels include 3,090 cubic yards of cut and 2,830 cubic yards of fill.

The discretionary applications required for this project are:

1. Lot Line Adjustment to allow adjustment of the property line between two existing parcels (SBMC§27.40);
2. Street Frontage Modifications to allow less than the required 100 feet of frontage on a public street for each parcel (SBMC§28.15.080); and
3. Performance Standard Permits to allow an additional dwelling unit on each parcel (SBMC§28.93.030.E).

The Planning Commission will consider adoption 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.

Kathleen Weinheimer, Attorney, gave the Appellant presentation.

Brent Daniels, L & P Consultants, gave the Applicant presentation.

Chair Larson opened the public hearing at 3:23 P.M.

The following people spoke in support of the appeal, or with concerns:

1. Clay Tedeschi
2. Mary Faro

The following people spoke in opposition to the appeal:

1. Chris Flynn
2. Steve Lew
3. Joel Ohlgren
4. Ernest Salomon
5. June Sochel
6. Pierre Nizet
7. Tony Vassallo
8. Caroline Vassallo
9. Caryl Crahan
10. Claudia Sobel
11. Leon Olsen
12. Cherie Lucas
13. Maria Nizet
14. Doris Sturgess
15. Charlene Little
16. Richard Mahoney
17. Julie Mahoney
18. Collette Flynn
19. Meagan Flynn

With no one else wishing to speak, the public hearing was closed at 3:55 P.M.

Mr. Daniels responded to the Commission's question by confirming that there are currently no drainage facilities on the property and that there is sheet flow with the majority going toward the top of the Norman Lane neighborhood. He also spoke about the slope stability.

Michael Cloonan, Public Works Engineering, responded to the Commission's question about the storm drain condition of approval, stating that if the drainage outflow to Woodland Drive is determined to be too high, then the applicant would be required to install the 18-inch underground storm drain for approximately 500 feet to connect to the storm drain in Alston Road. The determination will be made at the time the building permit is issued. Mr. Vincent added further comment explaining the existing storm drain at Alson Road and the conditions that would trigger the proposed storm drain to the base of Woodland Drive.

Mr. Vincent explained how the lot size could support an additional dwelling unit under the existing zoning.

Ms. Weinheimer commented that the current configuration would allow two dwelling units on each lot, but that they would not be as well sited and would not include the significant drainage improvements that the proposed application offers. Issues of significant concern to the down-slope property owners would not be able to be addressed later. Any of the concerns that were raised about mudslides, density of development, fire, etc., could just as well happen without a lot line adjustment, but would not be addressed with the proposed improvements.

Mr. Kato stated that without the lot line adjustment, there would still be a Performance Standard Permit and required compliance with the City's Storm Water Management Plan.

Mr. Cloonan responded to Mr. Thompson's question regarding why the determination was not made for the 18 inch drain. Mr. Vincent added that the City allows property owners to have water drain to the right-of-way.

The Commissioners made the following comments:

1. Commissioner Bartlett supported the changes that have been made and felt that the lot line adjustment makes the project better. The project will improve the situation for growth of other plants on the hillside.
2. Commissioner Thompson will support the street frontage modification, but felt that the Ordinance should be reviewed so that people do not have to ask for these modifications on a private street. Understood concerns of neighbors but defers to the expertise of City Engineers.
3. Commissioner White remained skeptical of changes and felt that the site is overdeveloped in contrast to the original development. The project proposes more development than he is comfortable with on the two slopes. Commissioner Larson concurred and added her concern for public safety and fire access.

Commissioner Bartlett explained that the proposal actually has fire access benefits with the addition of a hammerhead turn for the Fire Department.

MOTION: Bartlett/Thompson

Assigned Resolution No. 031-09

Uphold the appeal, approve the project, and adopt the Final Mitigated Negative Declaration, making the findings for the Lot Line Adjustment, Street Frontage Modifications, and Performance Standard Permits 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: 4 Noes: 1 (White) Abstain: 0 Absent: 2 (Jacobs, Jostes)

Chair Larson announced the ten calendar day appeal period.

Chair Larson called a brief recess at 4:30 and resumed the meeting at 4:33 P.M.

V. **NEW ITEM:**

ACTUAL TIME: 4:34 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to the involvement of his architectural firm with the project.

APPLICATION OF JARRETT GORIN, AGENT FOR 803 N MILPAS STREET LLC, 803 N MILPAS STREET, 031-042-028 COMMERCIAL (C-2) ZONE DISTRICTY, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2006-00510)

The proposed project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,886 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from Milpas Street. A landscaped area would be provided in the northwest corner of the site, behind the open parking. An area along the northern property line has been reserved for the location of secured remediation equipment, if required.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision with nine condominium units (eight residential, one commercial) per SBMC Chapters 27.07 and 27.13;
2. A Modification to allow less than the required number of parking spaces (SBMC §28.92.110.A.1); and
3. A Development Plan to allow the construction of 2,851 net square feet of nonresidential development on APN 031-042-028 (SBMC §28.87.300).

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, Michael Berman, Environmental Analyst; Steve Foley, Supervising Transportation Planner; and Chelsey Swanson, Associate Transportation Planner were in attendance.

Peter Lawson gave the Staff presentation.

Jarrett Gorin, Vanguard Planning, representing the property owner, gave the Applicant presentation.

Chair Larson opened the public hearing at 4:57 P.M. and, with no one wishing to speak, closed the hearing.

Chelsey Swanson, Assistant Transportation Planner, clarified for the Planning Commission the sidewalk dimensions as required in the Pedestrian Master Plan.

In response to an alternative for increasing the sidewalk width into the existing right-of-way, Staff responded to the Commission's questions about the current traffic levels on Milpas Street and the likelihood of reducing lanes may not be possible.

The Commissioners made the following comments:

1. Commissioner White would like to see smaller units.
2. Commissioner Larson commented on her preference for sidewalk amenities, such as a parkway, and also commented on any reduction to bike lanes would impact the city's ability to be a bicycle-friendly city.
3. Commissioners Thompson and Lodge said that we need to be consistent with our Pedestrian Master Plan. The proposed mid-block bulb out configurations have implications later for parking and bicycles. Concerned with the pedestrian element on the Milpas Street frontage, otherwise, likes the project.

Chair Larson and Mr. Vincent discussed the options available to the applicant to address the issue of the sidewalk along Milpas Street. Chair Larson provided the option to the applicant of denying the project or continuing the project and working with staff to arrive at an acceptable solution for the proposed sidewalk on Milpas Street. After considering the option with the project owner, Mr. Gorin requested a continuance to address the sidewalk dimension. Chair Larson asked the applicant to stay within compliance of the Pedestrian Master Plan.

MOTION: White/Lodge

Assigned Resolution No. 032-09

Adopt the Final Mitigated Negative Declaration and continue the project to October 1, 2009.

This motion carried by the following vote:

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

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:27 P.M.

Commissioner Bartlett returned to the dais at 5:28 P.M.

Commissioner White left the dais on 5:32 P.M.

Mr. Kato asked the Commission for feedback on upcoming meetings of September 17th, meeting at 8:30 a.m., and for canceling the October 15th meeting in favor of meeting on October 27th.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report
None.
2. Other Committee and Liaison Reports
None.

B. Action on the review and consideration of the following Draft Minutes and Resolutions:

1. Draft Minutes of July 23, 2009
2. Resolution 028-09
6401 Hollister Avenue
3. Resolution 029-09
230 Lighthouse Road

MOTION: Thompson/Lodge

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

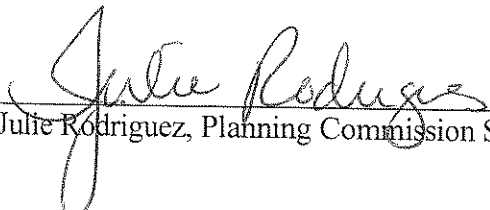
Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Jacobs, Jostes)

Commissioner White abstained from Resolutions 028-09 and 029-09.

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 5:34 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

