



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

September 17, 2009

### CALL TO ORDER:

Chair Larson called the meeting to order at 1:05 P.M.

### ROLL CALL:

#### **Present:**

Chair Stella Larson

Commissioners Charmaine Jacobs, John Jostes, and Sheila Lodge

#### **Absent:**

Commissioners Bruce Bartlett, Addison S. Thompson, and Harwood A. White, Jr.

### STAFF PRESENT:

Danny Kato, Senior Planner

Susan Reardon, Staff Hearing Officer

N. Scott Vincent, Assistant City Attorney

Suzanne Riegle, 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.

None.

B. Announcements and appeals.

None.

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, with no one wishing to speak, closed the hearing.

**III. STAFF HEARING OFFICER APPEALS:**

**ACTUAL TIME: 1:06 P.M.**

**APPEAL OF WANDA LIVERNOIS OF THE APPLICATION OF CLAY AURELL, ARCHITECT FOR LEED SANTA BARBARA LLC, 617 BRADBURY AVENUE, 037-122-006, C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/RESIDENTIAL 12 UNITS/ACRE (MST2007-00559)**

This is an appeal of the July 15, 2009 Staff Hearing Officer decision to approve a **Modification and Tentative Subdivision Map**. The project consists of the demolition of an existing duplex, and the construction of a sustainable, 5,488 square foot, three-story, mixed-use building. The proposal will result in two residential condominiums and two commercial condominiums, with an on-grade parking structure. Two bicycle parking spaces and a changing room are provided on-site. The residential units are two 1,506 s.f., two-bedroom, three-story units at the rear of the lot. The commercial units are a total of 998 s.f. and are located on the first and second floor adjacent to the street. The proposal includes 2,015 s.f. of green roof and upper level landscape plantings.

The discretionary applications required for this project are:

1. A Modification to allow the required common open area to be located in the front yard, and/or smaller than the required dimensions (SBMC §28.21.081.A.3. and §28.92.110.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create two (2) commercial and two (2) 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) and 15315 (Minor Land Use Divisions).

Case Planner: Suzanne Riegle, Assistant Planner  
Email: SRiegle@SantaBarbaraCA.gov

Suzanne Riegle, Assistant Planner, gave the Staff presentation.

Dawn Sherry, Architectural Board of Review (ABR) member, summarized the ABR's consensus for making the compatibility finding and made herself available to answer any of the Planning Commission's questions.

Wanda Livernois, Appellant, gave the appellant presentation.

Clay Aurell, Architect, gave the applicant presentation, joined by David Lack, Owner.

Chair Larson opened the public hearing at 1:40 P.M.

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

1. Paul Zink, Architectural Board of Review, stated that the ABR decision was very divided and the project needs more refinement.
2. Bill Mahan stated that the Tentative Subdivision Map finding C.3 could not have been made with regard to neighborhood compatibility
3. Joan Livingston, Allied Neighborhood Association: neighborhood incompatibility.
4. Jeanne Kahre: neighborhood incompatibility; size/bulk/scale.
5. Myfawny Learned: neighborhood incompatibility
6. Michael Terry, speaking for Caroline Vassallo: neighborhood incompatibility
7. Marcie Woolfolk: neighborhood incompatibility
8. Mary Louise Days: neighborhood incompatibility
9. Tim Buynak: neighborhood incompatibility
10. Kellem de Forest: size/bulk/scale
11. Mark Masslen: neighborhood incompatibility; size/bulk/scale
12. Robert Livernois, neighborhood incompatibility; size/bulk/scale

The following people spoke in opposition to the appeal:

1. Steve Yates
2. Andy Roteman
3. Mike McCormack

With no one else wishing to speak, the public hearing was closed at 2:21 P.M.

Staff answered the Planning Commission's questions about the 15' X 15' common open space dimensions; explained the required finding for sound community planning; the status of the rear property line, and summarized the projects five reviews by the ABR.

Mr. Aurell responded that the top of the parapet was below 30' and elaborated on the vegetation on the green roof and its low-water requirements.

The Commissioners made the following comments:

1. Commissioner Jacobs acknowledged the public input of the neighborhood. Puzzled that ABR found the project consistent with the existing neighborhood; did not see that the compatibility standard was met. Would like to see the project reviewed by the Historic Landmarks Committee and that story poles be mandatory. Cannot support the project and will uphold the appeal.
2. Commissioner Lodge appreciated that the applicant looked at the Victorian house across the street and used similar materials, but felt that the project needs to fit with the neighborhood.
3. Commissioner Jostes acknowledged the extent that the applicant has gone to make the project sustainable. Concerned with the project not being compatible with the neighborhood. The project maximizes use of the land at the expense of neighborhood compatibility.
4. Although the staff report described that the General Plan "envisioned that the properties from De La Vina to Chapala would transition over time from single

family residential to higher density residential or low intensity commercial uses,” the majority of the Commission believed that the General Plan described the area as a “transitional” neighborhood that provided a buffer between the residential areas to the west, and the commercial area to the east, rather than a neighborhood, “in transition” from one type of land use to another. Therefore, the Commission could not make the required finding and support project. The Commission believes the scale and bulk can be reduced by reducing the bedroom sizes. The architecture needs to be softened. (Later review of the Land Use Element revealed that it describes the West Downtown neighborhood as follows: “...new apartment complexes are replacing older single-family houses as West Downtown continues in transition to higher density residential and commercial uses....”)

**MOTION: Jacobs/Lodge**

**Assigned Resolution No. 037-09**

Uphold the appeal and deny the project. Recommended that if the project is resubmitted, the Historic Landmarks Committee should be given a courtesy review.

This motion carried by the following vote:

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

Scott Vincent, Assistant City Attorney, stated that per the Municipal Code, it was not in the Commission’s purview to designate which review board could review which projects.

**MOTION: Jostes/Jacobs**

Motion to reconsider the prior motion.

This motion carried by the following vote:

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

**MOTION: Jacobs/Lodge**

**Assigned Resolution No. 037-09**

Uphold the appeal and deny the project.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

Mr. Kato sought input from the Commission on following the recommendations of Review Boards, which in this instance had found the project compatible with the neighborhood. Mr. Jostes stated that findings are viewed consistent with the principles of sound community planning. Commissioners Jostes and Jacobs referenced the multi-review board meeting that was held in July 18, 2007, and given the changes in review board membership, recommended that a similar meeting be put together again.

Mr. Vincent stated that the system that came out of the July meeting led to compatibility criteria that was adopted in the Historic Landmarks Committee and Architectural Board of Review sections of Title 22, and gave a communication tool for each Board and Commission and does not necessitate that each review board would arrive at the same conclusion.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 3:00 P.M.**

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Chair Larson reported on the Staff Hearing Officer meeting of September 9, 2009.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Downtown Parking Committee meeting of September 10, 2009.

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

a. Draft Minutes of August 20, 2009

b. Resolution 030-09  
500 N. Milpas Street

c. Resolution 031-09  
226 and 232 Eucalyptus Drive

d. Resolution 032-09  
803 N. Milpas Street

e. Draft Minutes of September 3, 2009

f. Resolution 033-09  
124 Los Aguajes Avenue

**MOTION: Jostes/Lodge**

Continue the Minutes and Resolutions of August 20, 2009 to September 24, 2009  
and approve the Minutes and Resolutions of September 3, 2009

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: As noted. Absent: 3 (Bartlett, Thompson, White)

**VII. ADJOURNMENT**

Chair Larson adjourned the meeting at 3:07 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary