



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

December 10, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:00 P.M.

ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, and Sheila Lodge,

Absent:

Commissioner Harwood A. White, Jr.

STAFF PRESENT:

Paul Casey, Community Development Director

Bettie Weiss, City Planner

John Ledbetter, Principal Planner

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Sue Gray, Community Development Programs Supervisor

Kathleen Kennedy, Associate Planner

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

Commissioner White was absent. Commissioner Jacobs arrived at 1:09 P.M.

II. PRELIMINARY MATTERS:

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

None

1.

- B. Announcements and appeals.

Mr. Kato announced that on Tuesday, December 8, 2009, the City Council introduced an ordinance to suspend Medical Marijuana Dispensaries with an option to allow a set amount of processing applications without scheduling any hearings.

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

Chair Larson opened the public hearing at 1:02 P.M.

James Lee invited the Planning Commission to an invitational Open House on Saturday, December 12, 2009 from 10 A.M -12 P.M at the medical cannabis dispensary at 500 N. Milpas Street. The general public is invited after from 12 P.M - 2 P.M.

With no one else wishing to speak, the hearing was closed at 1:03 P.M.

III. CONSENT ITEMS:

ACTUAL TIME: 1:03 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Scott Vincent, Assistant City Attorney, recused himself from hearing this item due to being a member of the club. Mr. Vincent left Council at 1:03 P.M and returned at 1:05 P.M.

APPLICATION OF JAMES ZIMMERMAN, ARCHITECT FOR SANTA BARBARA YACHT CLUB, CITY OF SANTA BARBARA, 130 HARBOR WAY, APN 045-250-011, HC/ SD-3, HARBOR COMMERCIAL AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RECREATION AND OPEN SPACE, BEACH (MST2009-00071) (CDP2009-00010)

The proposal for the Santa Barbara Yacht Club consists of an enclosure of 142 square feet of an existing second story deck to allow for an expansion of the kitchen, two additions to the second story deck for a total of 165 square feet, and the relocation of the existing exterior stairs along the eastern elevation.

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009) and

2. A Development Plan to allow the construction of 142 square feet of nonresidential development (SBMC §28.87.300).

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 Facilities).

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: Thompson/Jostes

Waive the Staff Report

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, White)

Jim Zimmerman, Architect, remained available to answer any questions.

Chair Larson opened the public hearing at 1:04 P.M., and with no one wishing to speak, closed the hearing.

MOTION: Lodge/Bartlett

Assigned Resolution No. 045-09

Approved the project, making the findings for the Coastal Development Plan and Development Plan 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: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, White)

Chair Larson announced the ten calendar day appeal period.

IV. **NEW ITEM:**

ACTUAL TIME: 1:05 P.M.

APPLICATION OF MIKE FOLEY, EXECUTIVE DIRECTOR OF CASA ESPERANZA, 816 CACIQUE AND 110 SOUTH QUARANTINA STREET, APNS 017-240-021, 017-113-035 & 017-113-034, M-1 LIGHT MANUFACTURING, C-2 GENERAL COMMERCE AND SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL(MST99-00432)

Follow up report on status of Conditional Use Permit for the Casa Esperanza Homeless Center and Fielding Institute Study.

No formal action on the project will be taken during this discussion item.

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

Kelly Brodison, Assistant Planner, gave the Staff presentation joined by Sue Gray, Community Development Programs Supervisor; Mike Foley, Casa Esperanza Executive Director; John Bushfels, Fielding Institute; and Alex Altavilla, Santa Barbara Police Patrol Division Commander.

Mr. Foley, Casa Esperanza Executive Director, gave the status report.

Discussion was exchanged regarding the Fielding Study's survey results and how they could be interpreted by the Commission.

Chair Larson opened the public hearing at 1:15 P.M.

The following people provided public comment:

1. Juliana Reichard, speaking for Hamburger Habit owners Bruce and Brent Reichard, felt that Casa Esperanza has attracted members of the community that have negatively impacted their business sales with pan handling, public nuisance, and blood/urine found surrounding their business exterior.
2. Bob Hansen advocated a public drop-in center and called for more community talks with the neighborhood to come up with solutions.
3. John Dixon, Tri-County Produce, supports Casa Esperanza, but also noted the public nuisance problems that have worsened. Agrees with Mr. Hansen that the community needs to work together toward solutions.
4. Ron Fox, President of Casa Esperanza Board of Directors, hopes to improve relationships with neighbors to address concerns.
5. Tim Werner supports public assistance, but feels that the rules are loosely followed and have had a negative effect on the neighborhood. The shelter has done good things and he encourages helping people that benefit from it, but more restrictions are needed so that all the community can use the local park.
6. Daniel Knapp spoke against the closure of the park public bathrooms and the impact it has had on the homeless community. Questioned the lack of public bathrooms and felt that the Health Department needs to be involved in the closure of bathrooms and lack of services. Also commented that Santa Barbara Police Department's response takes approximately 45 minutes.
7. Nancy McCraydie has been involved in the homeless group public meetings held at Casa Esperanza on Thursdays and invited the Commission to attend a meeting. Shared a recent situation where a member of the community was physically assaulted by a Casa Esperanza client. Believes that the drug problems in the bathrooms should have been handled by police and not by means of closure.
8. Bruce Reichard, Hamburger Habit owner, talked about the security issues that his business and clients face walking on their parking lot and encountering pan handlers.

The Hamburger Habit location on Milpas Street has more security issues for its customers than all 27 Hamburger Habit locations combined.

9. Mr. Pennington, SOS Advocacy Group, talked about the increase in homelessness over the past 20-30 years and the limited amount of beds available. Talked about the displacement of homeless who have alcohol and drug problems that cannot be helped by Casa Esperanza and contribute to public nuisance problems.

With no one else wishing to speak, the public hearing was closed at 1:45 P.M.

Discussion was held regarding the increase in public nuisance problems over the last few years, particularly in the winter season; varied Police Department response to complaints filed; and the restricted public use of restrooms of Casa Esperanza;

The Commissioners made the following comments:

1. Commissioner Jacobs commented on police enforcement of public urination and intoxication and felt that Casa Esperanza residents and kitchen clients need to be accountable for their actions. If this not possible, then a police presence needs to be involved to work on enforcement issues. Supports permanent or temporary bicycle police presence and neighborhood watch partnerships. Found the prevailing police response unacceptable and asked for a Police recommendation or idea on how illegal activity in that area can be dealt with in both a preventive as well as responsive way in responding to the public and business community when calls are made.
2. Commissioner Thompson found that while the Fielding study was statistically informative, most of the discussion comments were on the impact on the neighborhood and how Casa Esperanza is a magnet for attracting illegal behavior by homeless population. Would like to see the public take the public facility issue to City Council for action.
3. Commissioner Jostes acknowledged the comments and stated that the Commission's purview was related to land use compatibility and the conditional use permit. Suggested that a lot of work needs to be done in studying the issues brought by the neighbors and Casa Esperanza, before the Conditional Use Permit (CUP) is renewed. Need to minimize neighborhood incompatibilities.
4. Commissioner Bartlett sees a failure to communicate between the Police Department and Casa Esperanza; referenced from the Fielding report that there are 2% of Casa Esperanza's clientele attributed to 350 of the police contacts. Does not understand how so few people with multiple violations are still allowed to be Casa Esperanza clients. Either the Police are not informing Casa Esperanza of the contacts, or Casa Esperanza is choosing not to do anything about reprimanding or eliminating this clientele. Casa Esperanza needs to do more self-policing or the CUP could go away if not addressed. Questioned why this review is done if nothing is done with the results and comments.
5. Commissioner Jacobs stated that the CUP and considerations for this report had to with the differences between Casa Esperanza's residents with the Community Kitchen open door. The original CUP was to serve the residents of the shelter, but the program has expanded. This report put into clear data what others had felt

- before where the open door food kitchen is a larger part of the problem. Looked to the Commission as to whether we should reconsider this CUP in the future.
6. Commissioner Larson recalled the initial public support for Casa Esperanza and how it has dwindled over time due to the problems that have been caused by some. Effort has to come from within Casa Esperanza to manage itself. The business community is hitting its threshold of tolerance and needs to see some solutions.
 7. Commissioner Lodge acknowledged that with current city budget concerns, the odds of getting a public restroom reopened are not very good. She read into record one of the conditions of approval regarding impact to property values and loitering and felt that the condition had not been met.
 8. Commissioner Jacobs was disappointed that there was no one from the Milpas Action Task Force was present to comment as a group. Was disappointed that we have to have so many meetings to review the limited expansion of bed count and that the Conditions of Approval have not been met that included hearing from the Milpas Action Task Force.
 9. Commissioner Larson suggested that Casa Esperanza buy a steam cleaning machine to help their neighbors as part of an outreach.

Alex Altavilla, Santa Barbara Police Patrol Division Commander, understands the public's frustration and explained how dispatch calls for service are responded to and that patrolling problem areas is based on criminal activity. Suggested that the watch commander be contacted by the public with any concerns over the department's response time.

Sue Gray, Community Development Housing Supervisor, commented on the 12 steps that have been taken, including the coordination and outreach with Police Department; the panhandling education campaign approved by City Council on November 24, 2009; and the regional collaboration with the County and neighboring municipalities for increasing detoxification beds on the South Coast.

Imelda Loza, Associate Director, Casa Esperanza, has reached out to 89 local Milpas Street business owners, administrators, and managers in the last year establishing herself as the Casa Esperanza contact for addressing pan-handling issues. Feels that business owners need to reach out and let her know so that she can take action, suggested taking pictures or video so that Casa Esperanza clients can be identified.

Staff stated that the next update will be given in October 2010, while Mr. Vincent added that per Resolution 008-09, the next update should be in May 2010.

Mr. Kato responded that the Milpas Action Task Force had addressed the Commission in May 2009 and submitted a lengthy report. Mr. Kato understood that the Milpas Action Task Force condition of approval in the resolution had been met by this action.

Commissioner Larson called for a recess at 2:36 P.M. and reconvened the meeting at 2:48 P.M.

V. **DISCUSSION ITEM:**

ACTUAL TIME: 2:48 P.M.

PLAN SANTA BARBARA WORK SESSION:

Continued Commission discussion from prior worksession held November 19, 2009. Topics included the Land Use Element, Land Use Map, Housing Element, and Adaptive Management Program. The Commission selected representatives to attend an upcoming meeting with the Council regarding *PlanSB*. No formal actions deciding policy for the General Plan were taken.

Case Planner: John Ledbetter, Principal Planner
Email: JLedbetter@SantaBarbaraCA.gov

John Ledbetter, Principal Planner, gave the Staff presentation, joined by Bettie Weiss, City Planner, and Paul Casey, Community Development Director.

Discussion was held regarding bringing the new Council up to speed and setting the framework for the first half of 2010; the objectives in briefing the public with basic information about the Plan Santa Barbara process at the Open House in February; and the need for more neighborhood input.

The Commissioners made the following comments:

1. Commissioner Larson discussed economic concerns.
2. Commissioner Jacobs stated the need for more neighborhood participation.
3. Commissioner Jostes does not see any consensus for a collective description for the map's components.
4. Commissioner Lodge felt that the General Plan should determine zoning, not the other way around.
5. Commissioner Thompson stated that the Land Use Map is an essential part of the General Plan and should not come as an afterthought.
6. Commissioner Bartlett acknowledges that the process has involved changing priorities. The Land Use Map should be part of an Adaptive Management Program.
7. Commissioner Bartlett stated that he and Commissioner White have asked for more detail in the implementation strategies. Need to be clear about communicating to Council the importance about connecting the dots between the policy, strategies, and what it looks like geographically. Neighborhoods are not a part of the process.
8. Commissioner Jacobs remains concerned with how the map is being made and the staff expense. Would like the public to see the old map and new map in a comparative environment.
9. Commissioner Lodge continued to ask how density would be reduced outside the MODA.
10. Commissioner Jostes recalled that the consensus of the Commission had been that when the MODA was slightly reduced in size, it also needed to still include the Coastal Zone.

11. Commissioner Larson read the public comment letter from Betsy Cramer, and would like to see more public comment from the neighborhoods.
12. Commissioner Bartlett commented favorably on Joe Andralaitus' suggestions for mapping.
13. Commissioner Jacobs summarized that the consensus of the written comments submitted by the Commission to Staff was for wanting a neighborhood voice.

Additional discussion was shared concerning the Draft Policy Preferences document as the basis for the Land Use Element; the preservation of historic resources when balanced with density; how variable density will be reflected on the proposed Land Use Map; and the strategy for including neighborhood input weighed with the timeline for completion of the General Plan Update.

Chair Larson opened the public hearing at 4:00 P.M.

The following people provided public comment:

1. Connie Hannah, Santa Barbara League of Women Voters, submitted and summarized written comments regarding Section 1507; and the lack of consensus around the 3 options being studied.
2. Bill Marks commented on sustainability goals and balancing resources. Questioned whether we should be looking at sustainability within a framework of necessary growth or growth within a framework of sustainability.
3. Mary Louise Day submitted and summarized written comments advocating the inclusion of citizen and neighborhood groups.
4. Gil Barry stated that the plan favors smart growth and high density. Density should be based on what is needed.
5. Mickey Flacks, SBCAN and SB4All, cautioned against solely using neighborhood associations that result in representing a limited part of the community. Asked that staff look beyond how a property will be affected, but how the city will be affected. There is a consensus in the community that affordable housing is needed.
6. Debbie Cox Bultan, Executive Director of Coastal Housing Coalition, supports the goals of increasing residential and maintaining community character.
7. Kellam de Forest concurred with many comments given and hopes that the EIR fully addresses the water issue, especially during drought periods.
8. Joe Andralaitis supports the direction that Staff has taken and asked the Commission for objectivity in reaching consensus.

With no one else wishing to speak, the public hearing was closed at 4:23 P.M.

Additional Commissioner's comments:

1. Commissioner Thompson reiterated that the process continues to take too long. Suggested the key to the General Plan update is to preserve what is good with Santa Barbara, only tweaking as necessary in a built-out city. Suggested we provide incentives, rather than mandate policies to achieve our desired goals, such as providing incentives for rental housing rather than mandatory inclusionary housing. Asked for consideration of the railroad station as a multi-modal transit option.

Ms. Weiss thanked the Commission for its comments and sought input from the Commission on the inclusion of a Planning Commissioner in going before City Council. The Commission agreed to have the subcommittee represent the Planning Commission before Council.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:30 P.M.

- A. Committee and Liaison Reports.
 1. Commissioner Larson reported on the Historic Landmarks Committee meeting of December 9, 2009.
 2. Commissioner Jostes reported on having attended a seminar entitled "Adapting to a Dryer West".
- 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:
 1. Draft Minutes of September 23, 2009
 2. Draft Minutes of November 5, 2009
 3. Resolution 041-09
1600 Cecil Cook Place
 4. Resolution 042-09
2 W. Mission Street
 5. Resolution 043-09
803 N. Milpas Street

MOTION: Jacobs/Larson

Approve the Minutes and Resolutions of September 23, 2009 and November 5, 2009 as amended.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: As noted. Absent: 1 (White)

Commissioner Thompson abstained from the Minutes of September 24, 2009.

Commissioner Larson abstained from the Minutes of November 5, 2009.

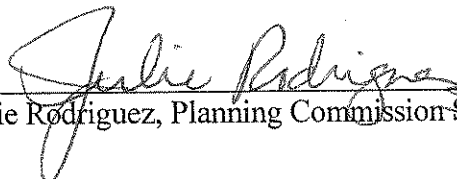
Commissioner Jacobs abstained from Resolution 042-09 and related Minutes.

Commissioner Bartlett abstained from Resolution 043-09 and related Minutes.

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 4:42 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary