

**DRAFT**

## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

August 7, 2014

#### **CALL TO ORDER:**

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

#### **I. ROLL CALL**

Chair Deborah L. Schwartz, Vice Chair Addison Thompson, Commissioners Bruce Bartlett, John P. Campanella, Mike Jordan, Sheila Lodge, and June Pujó.

**Absent: Commissioner Bruce Bartlett**

#### **STAFF PRESENT:**

Betty Weiss, City Planner

Renee Brooke, Senior Planner

N. Scott Vincent, Assistant City Attorney

Pat Kelley, Assistant Public Works Director/City Engineer

Joshua Haggmark, Acting Water Resources Manager

Curtis Harrison, Flood Plain Coordinator/Senior Plans Examiner

Tony Boughman, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

Chair Schwartz announced that due to time constraints the order of Agenda items would be changed, but all items would be heard. With the exception of Item II.D., Item III preceded Item II.

#### **ACTUAL TIME: 2:28 P.M.**

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

1. Draft Minutes of July 17, 2014
2. Reso. No. 017-14  
500 Niños Drive
3. Reso No. 018-14  
240 W. Alamar Avenue

**MOTION: Thompson/Pujo**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 2 (Jordan, Lodge) Absent: 1 (Bartlett)

4. Draft Minutes of July 24, 2014

**MOTION: Thompson/Lodge**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

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

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

None.

C. Announcements and appeals.

None.

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

Chair Schwartz opened the public hearing at 1:00 P.M.

Kate Schwab, Downtown Santa Barbara Organization, shared First Thursday brochures with the Commission and introduced new Executive Director, Maggie Campbell.

With no one else wishing to speak, the hearing was closed.

Chair Schwartz called for a recess at 2:31 P.M. and reconvened the meeting at 2:42 P.M.

**III. DISCUSSION ITEM:**

**ACTUAL TIME: 1:10 P.M.**

**STAGE TWO DROUGHT UPDATE**

Staff will update the Planning Commission on the status of the current drought.

Contact: Joshua Haggmark, Acting Water Resources Manager

Email: [JHaggmark@SantaBarbaraCA.gov](mailto:JHaggmark@SantaBarbaraCA.gov)

Phone: (805) 564-5393

Joshua Haggmark, Acting Water Resources Manager, gave the Staff presentation. Bettie Weiss, City Planner, was available to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 2:12 P.M.

The following people gave public comment:

Ethan Shenkman asked the Commission to consider restricting water used for pressure washing sidewalks and allowing fountains to run during drought conditions. He shared his opinion that fountains are necessary as an ecological element. Also, suggested reconsideration of the 20% allocation of water that is being used for fish.

With no one else wishing to speak, the public hearing was closed at 2:14 P.M.

Commissioners Schwartz and Jordan inquired as to the status of the permitting and regulations pertaining to the desalination plant. Commissioners Thompson and Jordan acknowledged the Commission's challenge to balance the need for conservation and reduction in current water use with the future water demands of approved development. The Commission appreciated the interactive discussion with Staff and looks forward to following the discussion with City Council on September 23, 2014 and future drought updates with the Commission.

**IV. APPEAL OF CHIEF BUILDING OFFICIAL'S DECISION:**

**ACTUAL TIME: 2:43 P.M.**

**APPEAL BY MARIA ELENA SOLIS OF THE CHIEF BUILDING OFFICIAL'S DENIAL OF DEVELOPMENT WITHIN 25 FEET OF MISSION CREEK, 210 WEST HALEY STREET, APN 037-161-014, R-3 (LIMITED MULTIPLE-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (MST2012-00482 & BLD2012-01415)**

The subject site at 208, 210, and 212 West Haley Street is developed with three detached one-story single-family dwellings and a detached garage. The rear property line borders Mission Creek. Exterior unpermitted construction proposed to be permitted consists of the enclosure of the 41 square foot front porch at 212 West Haley Street, and the 102 square foot addition constructed at the rear of 210 West Haley Street. A request to permit this unpermitted addition at the rear of the dwelling, within the 25-foot Mission Creek setback, was denied by the Chief Building Official, per Santa Barbara Municipal Code (SBMC) §28.87.250. The Chief Building Official's decision was appealed to the Planning Commission by the property owner's attorney. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

Case Planner: Tony Boughman, Assistant Planner  
Email: [TBoughman@SantaBarbaraCA.gov](mailto:TBoughman@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 4539

Tony Boughman, Assistant Planner, gave the Staff presentation. Pat Kelley, Assistant Public Works Director/City Engineer, and Curtis Harrison, Flood Plain Coordinator/Senior Plans Examiner, were available to answer any of the Commission's questions.

John Frye, Santa Barbara County Flood Control Engineering Manager, provided the County's recommendation for denial of the appeal, and was available to answer any of the Commission's questions. Mr. Frye left the hearing at 3:23 P.M. The County's position was also expressed in a letter submitted by Tom Fayram, Santa Barbara County Deputy Public Works Director, dated August 6, 2014.

Michael Pina, Attorney, gave the Appellant presentation.

**MOTION: Jordan** (03:31:30)

Uphold the appeal, making the findings referenced in the Staff Report, Page 4, Section VI., dated July 31 2014, and contingent on compliance with the outstanding construction requirements.

Motion failed for a lack of a second.

**MOTION: Jordan/Campanella**

**Assigned Resolution No. 019-14**

Uphold the appeal, making the finding that the existing development is consistent with the legislative intent specified in Municipal Code 28.87.250, subsection A. and the findings in Municipal Code 28.87.250, subsection F.3 that the modification of the required setback is necessary to secure an appropriate improvement on the lot, and promotes uniformity of development, and contingent on compliance with the outstanding building permit requirements.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Thompson, Lodge) Abstain: 0 Absent: 1 (Bartlett)

Commissioner Lodge stated that the purpose of the Flood Control easement is to provide the City and County the ability to protect the public health and safety with access to the creek and maintaining the creek and could not support the appeal.

Commissioner Thompson stated that this illegal non-conforming structure should be viewed as new construction, and new construction would not be allowed within the 25 foot setback, and therefore could not support the appeal. He added that the lack of maintenance of the creek adjacent to the site that has resulted in vegetation, including trees, growing within the creek poses more of a neighborhood flood hazard than the development on this property. He recommended that the County Flood Control District address this before the next severe rainfall.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:59 P.M.

E. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
  - a. Commissioner Jordan reported on the Staff Hearing Officer meeting of August 6, 2014.
2. Other Committee and Liaison Reports
  - b. Commissioner Lodge reported on the Historic Landmarks Commission meeting of July 30, 2014.
  - c. Commissioner Thompson reported on the Single Family Design Board meeting of August 4, 2014.
  - d. Commissioner Pujo acknowledged Chief Building Officer George Estrella's retirement and wished him well
3. Report from the Chair
  - a. Chair Schwartz reported that the next Planning Commission meeting will be August 14, 2014.
  - b. Chair Schwartz encouraged everyone to attend First Thursday activities.

VI. ADJOURNMENT

Chair Schwartz adjourned the meeting at 5:04 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary





# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 019-14

210 W. HALEY STREET

APPEAL OF THE CHIEF BUILDING OFFICIAL'S DECISION

AUGUST 7, 2014

**APPEAL BY MARIA ELENA SOLIS OF THE CHIEF BUILDING OFFICIAL'S DENIAL OF DEVELOPMENT WITHIN 25 FEET OF MISSION CREEK, 210 WEST HALEY STREET, APN 037-161-014, R-3 (LIMITED MULTIPLE-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (MST2012-00482 & BLD2012-01415)**

The subject site at 208, 210, and 212 West Haley Street is developed with three detached one-story single-family dwellings and a detached garage. The rear property line borders Mission Creek. Exterior unpermitted construction proposed to be permitted consists of the enclosure of the 41 square foot front porch at 212 West Haley Street, and the 102 square foot addition constructed at the rear of 210 West Haley Street. A request to permit this unpermitted addition at the rear of the dwelling, within the 25-foot Mission Creek setback, was denied by the Chief Building Official, per Santa Barbara Municipal Code (SBMC) §28.87.250. The Chief Building Official's decision was appealed to the Planning Commission by the property owner's attorney. The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the appeal, and no one to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 31, 2014.
2. 1990 Zoning Information Report.
3. Correspondence received in support of the appeal:
  - a. Maria Elena Solis, with 21 signatures, via email
4. Correspondence received in opposition to the appeal:
  - a. Thomas Fayram, Deputy Public Works Director, Santa Barbara County via email

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission upheld the appeal, making the finding that the existing development is consistent with the legislative intent specified in Municipal Code 28.87.250, subsection A. and the findings in Municipal Code 28.87.250, subsection F.3 that the modification of the required setback is necessary to secure an appropriate improvement on the lot, and promotes uniformity of development, and contingent on compliance with the outstanding building permit requirements.

This motion was passed and adopted on the 7th day of August, 2014 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Thompson, Lodge) ABSTAIN: 0 ABSENT: 1 (Bartlett)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

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Julie Rodriguez, Planning Commission Secretary

Date

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