



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

January 23, 2014

CALL TO ORDER:

Chair Schwartz called the meeting to order at 1:08 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 Pujo.

STAFF PRESENT:

Betty Weiss, Acting Community Development Director
Renee Brooke, Senior Planner
Susan Reardon, Staff Hearing Officer
N. Scott Vincent, Assistant City Attorney
Steve Foley, Supervising Transportation Planner
Derrick Bailey, Supervising Transportation Engineer
Suzanne Riegle, Associate Planner
Kelly Brodison, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

- A. Action on the review of the following Draft Minutes and Resolutions:
1. Draft Minutes of December 12, 2013
 2. PC Resolution 015-13
101 S. La Cumbre Road
 3. PC Resolution 016-13
900 Channel Drive
 4. Draft Minutes of December 19, 2013
 5. PC Resolution 018-13
520 E. Yanonali Street

MOTION: Bartlett/Lodge

Approve the Minutes of December 12, 2013 and Resolutions as corrected.

This motion carried by the following vote:

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

MOTION: Thompson/Lodge

Approve Resolution 015-13 as corrected.

This motion carried by the following vote:

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

MOTION: Lodge/Jordan

Approve Resolution 016-13.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As 2 (Thompson, Bartlett) Absent: 0

MOTION: Bartlett/Lodge

Approve the Minutes of December 19, 2013 as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz). Absent: 0

Commissioner Bartlett reopened the motion to allow for Commissioner Campanella's additional comments.

MOTION: Bartlett/Lodge

Approve the Minutes of December 19, 2013 as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz). Absent: 0

MOTION: Thompson/Lodge

Approve Resolution 018-13.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz). Absent: 0

- 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 1:24 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:24 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Pujo recused herself due to associations with the Applicant.

Commissioner Pujo left the dais at 1:24 P.M.

APPEAL BY MEHDI HADIGHI OF THE STAFF HEARING OFFICER'S DECISION FOR THE APPLICATION OF MEHDI HADIGHI, AGENT FOR KC YOUNG, LLC, 1732 GILLESPIE ST, APN: 043-181-017, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MAX 12 DU/ACRE) (MST2013-00381)

The 4,000 square-foot site is developed with a 1,894 square foot two-story single-family residence. The project site is currently under construction. There are two open building permits (BLD2013-01155 and BLD2013-00761) that were issued for alterations to the residence, including exterior repairs and alterations, an interior remodel, and a replacement roof. The proposed project includes permitting the "as-built" alterations to the entry porch, proposed construction of an attached one-car garage (Option 1), relocation of utilities, and removal of an existing tree along the proposed driveway. An alternate detached garage design (Option 2) was also proposed for consideration that would result in a reduction of the required open yard.

On November 13, 2013, the Staff Hearing Officer approved the modification to allow the alterations to the front porch and denied Modification requests to allow a one-car garage to be constructed within the interior setback and the open yard at the rear of the house. The applicant is appealing the partial denial of the project.

Staff recommends that the Planning Commission also consider a third alternative (Option 3) to allow an uncovered parking space within the required 20-foot front setback and the three-foot interior setback to the east.

The discretionary applications required for this project, as proposed, are:

1. An Interior Setback Modification to allow the "as-built" alterations to the entry porch, including an increase in the roof height, within the required six-foot interior setback to the west (SBMC § 28.18.060 and SBMC § 28.92.110); and
2. An Interior Setback Modification to allow the construction of a one-car garage within the required three-foot interior setback to the east (SBMC § 28.18.060 and SBMC § 28.92.110); and

3. An Open Yard Modification to reduce the required 1,250 square foot open yard area due to construction of a one-car garage (SBMC § 28.18.060 and SBMC § 28.92.110); and

An additional discretionary application that may be required for this project is:

4. A Front Setback Modification to allow an uncovered parking space within the required twenty-foot front setback (SBMC § 28.18.060 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

Case Planner: Suzanne Riegle, Associate Planner

Email: SRiegle@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 2687

Suzanne Riegle, Associate Planner, gave the Staff presentation. Susan Reardon, Staff Hearing Officer and Steve Foley, Supervising Transportation Planner were available to answer any of the Commission's questions.

Evan McDonald, agent for KC Young LLC, gave the Appellant presentation.

Chair Schwartz opened the public hearing at 1:45 P.M., and with no one wishing to speak, closed the public hearing.

MOTION: Bartlett/Thompson

Assigned Resolution No. 002-14

Uphold the appeal and approve the project, as shown on the plans as Parking Option 2, with the following revisions:

1. Allow the garage to encroach one foot into the southern (project plan eastern) interior setback and allow flexibility to move the garage east (project plan north), up to the three-foot interior setback, if necessary;
2. Delete "Option 1" and "Option 3" from the various options listed under Condition I.B.1; and
3. Revise Condition I.B.1. – "Option 2" to also include an Interior Setback Modification for the proposed garage.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

Chair Schwartz called for a recess at 2:15 P.M. and reconvened at 2:21 P.M.

IV. **NEW ITEM:**

ACTUAL TIME: 2:21 P.M.

Commissioner Pujo returned to the dais at 2:21 P.M.

APPLICATION OF MOLLER INVESTMENT GROUP, APPLICANT FOR MOLLER RETAIL, INC., 150 S. LA CUMBRE ROAD, APN 051-032-002, COMMERCIAL ZONE (C-2) AND THE UPPER STATE AREA (SD-2), GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL (MST2011-00384)

The proposal includes elimination of three automobile service bays at the existing service station and expansion of the mini-market within the existing building footprint. The project involves interior and exterior remodeling of the existing 1,600 square foot building, new accessible parking, entry and trash enclosures, and dedication of additional public right-of-way along La Cumbre Road. The project requires Planning Commission review of an amendment to the previous Conditional Use Permit approved on March 7, 1985.

The discretionary application required for this project is an Amendment to a Conditional Use Permit to eliminate the existing auto mechanic service bays and allow the expansion of the existing mini-market at the automobile service station/mini-market (SBMC 28.94.030.V).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan, remain applicable for this project. The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Rick Jhaj gave the Applicant presentation.

Chair Schwartz opened the public hearing at 2:39 P.M. and, with no one wishing to speak, closed the public hearing.

Mr. Jhaj agreed to repair the damaged downspout at the rear of the building as part of the project.

MOTION: Thompson/Lodge

Assigned Resolution No. 003-14

Approved the project, making the findings for the Amended Conditional Use Permit, as outlined in the Staff Report, dated January 16, 2014, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following additional Conditions of Approval:

1. Compliance with the City's Outdoor Lighting Guidelines and strict compliance with the City's Sign Ordinance.
2. Landscape plan will include replacement of trees in empty tree wells along La Cumbre Lane.

This motion carried by the following vote:

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

Chair Schwartz announced the ten calendar day appeal period.

V. RECOMMENDATION TO CITY COUNCIL:

ACTUAL TIME: 2:50 P.M.

**PROPOSED AMENDMENTS TO THE SANTA BARBARA MUNICIPAL CODE
RELATED TO FENCES, SCREENS, WALLS AND HEDGES (SBMC §28.87.170)**

Santa Barbara Municipal Code (SBMC) §28.87.170 regulates the height and location of fences, screens, walls and hedges on private property in the A, E, R, C-O, and C-X Zones. Specifically, it limits the height of those elements to eight feet (8') in required setbacks, and to three and one-half feet (3½') within ten feet of a front lot line, within ten feet of either side of driveway for a distance of 20 feet back from the front lot line, or within 50 feet of a street corner (measured from the edge of the vehicular travelled way).

In 2008, the City Council suspended for two years the application of SBMC §28.87.170.A and §28.87.170.B.1 to hedges to enable adequate community outreach and a possible comprehensive amendment to this section of the Municipal Code. The suspension was extended on March 15, 2011 for three additional years and will expire March 23, 2014.

The purpose of this meeting is to present the proposed Municipal Code amendments and accompanying guidelines, and request that the Planning Commission make a recommendation to City Council for their adoption. Background material and additional information regarding this subject is available at: www.SantaBarbaraCA.gov/Hedges.

Case Planner: Renee Brooke, AICP, Senior Planner

Email: RBrooke@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5564

Renee Brooke, AICP, Senior Planner, gave the Staff presentation. Steve Foley, Supervising Transportation Planner, and Derrick Bailey, Supervising Transportation Engineer, were available to answer any of the Commission's questions.

Chair Schwartz opened the public hearing at 3:14 P.M.

The following people commented in support of the Ordinance Amendments:

1. Linda Courtney supported amendment changes with allowed exception of up to 12' hedges for hillside terrain or privacy.
2. Marguerite Nash supported amendment changes, especially for safety reasons. Would like to see more objective criteria for exceptions.
3. Pamela Stafford agreed with Mrs. Nash in support of ordinance amendments.
4. Dr. A. E. Nash asked that Staff consider application of the ordinance to the 'hilly, curvy' parts of Santa Barbara, and also develop compliance monitoring for areas such as Mission Street, from Anacapa Street to Garden Street.

The following people commented in opposition to or with concerns about the Ordinance Amendments:

1. Diane Powell did not think Modifications should be approved if an administrative exception was not found acceptable. Would also like to see noticing beyond 300' of neighborhood for Modifications.
2. Fred Sweeney, Upper East Association Board Member, read a statement into the record asking for preservation of the Upper East Side. Opposes resurrecting the 1957 wall and hedge ordinance and 42" hedge restriction at the front property line. Believes there are other options for public safety consideration.
3. Florence Sanchez does not agree with the 42" height limit at front property lines; people do not comply with it. Asked Staff to return to the ordinance committee and look at what the community wants to see rather than tweaking the 1957 ordinance.
4. Gus Gurley lives on the Riviera where hedges exceed 42", including at the El Encanto Hotel, where they are also closer to the road than the ordinance allows. Agreed with Ms. Sanchez that there is little public agreement with the proposed amendments. Main opposition is with 42" restriction at the front property line. Supports amendment changes for purposes of dispute resolution, but should not be used as a general enforcement issue.
5. Meg Gurley appreciated comments made by the Upper East Association. If there are no neighbor disputes, then do not create one. Ordinance should be dispute driven. Traffic enforcement should be included in safety decisions.
6. Bernardo de Albergaria commented on how hedges provide privacy, safety, and a noise buffer. Believes this ordinance would affect neighborhood character, privacy and home values. Ordinance should not be a wholesale implementation but for dispute resolution only.
7. Michael Corrigan showed a picture of his home and believes the ordinance would alter his privacy, eliminate a noise barrier, and reduce market value.
8. Joan Livingston does not support current hedge height limits and concurs with Upper East neighbors. Disagreed that there is general agreement for the proposed hedge height limits. Sees the ordinance amendments moving forward without complete community support.

9. Terry Hartz believes hedges provide privacy and keep soot and noise away. Thinks this ordinance will create enemies out of neighbors and is needed in Santa Barbara.
10. Elizabeth Reifel supported tall hedges, such as those on Mission Street where she resides, for providing privacy and softening the noise from traffic. The proposed ordinance is complicated: the scope needs more definition and the objectives need clear explanation that is easy to understand.
11. William Nash felt the majority present did not support the ordinance moving forward. The 42" height restriction is very low. If this ordinance moves forward, then there should be a public safety exception included for properties that pose a unique challenge. Suggested looking at what Santa Barbara County does with its height restrictions (8' fences on the side; 6' in the front) since it has no problems.

With no one else wishing to speak, the public hearing was closed at 3:44 P.M.

Chair Schwartz called a break at 3:44 P.M and reconvened at 3:51 p.m.

Many commissioners supported the ordinance amendments, especially for dispute resolution, but could not agree on the height limits for fences, screens, walls and hedges. Staff recommended that they consider a different height limit for hedges than for walls and fences.

MOTION: Lodge/Thompson

Assigned Resolution No. 004-14

Recommend that City Council approve the following proposed regulations and consider the following with respect to walls and fences:

1. Maintain 8' height limit in required setbacks;
2. Maintain 3½' height limit within 10' of front lot line;
3. Revise visibility area next to driveways; 3½' height limit within 10' x 10' or 10' x 20' triangle;
4. Refer to "Intersection Sight Distance" in Guidelines for most corner lots;
5. Allow code-required guardrails;
6. Allow decorative elements (posts, light fixtures) and entry arbors;
7. Allow Administrative Approval for Minor Exceptions, up to a 4' height increase; and
8. Refer to Guidelines for additional direction and guidance.

This motion carried by the following vote:

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

MOTION: Bartlett/Pujo

Assigned Resolution No. 004-14

Recommend that City Council approve the following proposed regulations and consider the following with respect to hedges:

1. Allow 12' height limit in required setbacks; Administrative Approval for an exception must be found to comply with the Solar Access Ordinance;
2. Allow 7½ height limit within 10' of front lot line;
3. Revise visibility area next to driveways; 3½' height limit within 10' x 10' or 10' x 20' triangle;
4. Refer to "Intersection Sight Distance" in Guidelines for most corner lots;
5. Allow Administrative Approval for Minor Exceptions, up to a 4' height increase; and
6. Refer to Guidelines for additional direction and guidance.

This motion carried by the following vote:

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

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:54 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meeting held on January 22, 2014.

2. Other Committee and Liaison Reports

a. Commissioner Campanella reported on ABR meeting on January 21, 2014.

b. Commissioner Schwartz reported she will be attending the Transportation and Circulation Committee meeting.

3. Report from the Chair

Chair Schwartz asked the public to check the Planning Commission website for staying updated on the possibility of a February 6, 2014 meeting cancellation.

B. Approval of 2014 Primary and Alternate Liaisons to City Boards and Commissions made in B.1. of this Agenda.

Airport Commission

Addison Thompson - Primary

Bruce Bartlett – Alternate

Architectural Board of Review

Bruce Bartlett - Primary

John Campanella – Alternate

**Creeks Restoration & Water Quality Improvement
Program Citizen Advisory Committee**

June Pujo - Primary

Mike Jordan – Alternate

Downtown Parking Committee

John Campanella- Primary

Deborah L. Schwartz - Alternate

Harbor Commission

June Pujo - Primary

Michael Jordan – Alternate

Highway 101 Improvements Design Subcommittee

Bruce Bartlett - Primary

Deborah L. Schwartz- Primary

June Pujo – Alternate

Historic Landmarks Commission

Sheila Lodge - Primary

Addison Thompson – Alternate

Parks and Recreation Commission

Sheila Lodge - Primary

Deborah L. Schwartz – Alternate

Single Family Design Board

Addison Thompson - Primary

Bruce Bartlett – Alternate

Staff Hearing Officer/ Modification Liaison

Michael Jordan - Primary

Sheila Lodge – Alternate

Sustainability Council Committee

June Pujo – Primary

John Campanella - Alternate

Transportation and Circulation Committee

Deborah L. Schwartz - Primary

June Pujo – Alternate

Water Commission

Deborah L. Schwartz - Primary

Sheila Lodge – Alternate

Zoning Information Report Working Group

John Campanella

June Pujo

Deborah L. Schwartz

MOTION: Lodge/Thompson

Approved the 2014 Planning Commission Liaisons to Boards and Commissions

This motion carried by the following vote:

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

VII. ADJOURNMENT

Chair Schwartz adjourned the meeting at 5:59 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

