

ACTUAL TIME: 4:27 P.M.

B. APPLICATION OF MARK EDWARDS, PROPERTY OWNER, 124 LOS AGUAJES AVENUE, APN 041-343-010, R-4 HOTEL-MOTEL MULTIPLE RESIDENCE AND SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2004-00725)

The project consists of the demolition of an existing single-family residence and detached garage and the construction of three new condominium units in the Appealable Jurisdiction of the Coastal Zone. The proposed structure would be three-stories with two two-car garages and a one-car garage on the first floor, and a 1,543 square foot two-bedroom unit, a 1,295 square foot one-bedroom unit, and 1,086 square foot one-bedroom unit on the second and third floors.

The discretionary applications required for this project are:

1. A Modification to allow the building to encroach into the front yard setback (SBMC §28.21.060 and §28.92.110.2);
2. A Modification to allow the building to encroach into the interior yard setback (SBMC §28.21.060 and §28.92.110.2);
3. A Modification to allow the building to encroach into the other interior yard setback (SBMC §28.21.060 and §28.92.110.2);
4. A Coastal Development Permit (CDP2005-00021) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009); and
5. A Tentative Subdivision Map for a one-lot subdivision to create three (3) 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.

Case Planner: Chelsey Swanson, Assistant Planner

Email: cswanson@SantaBarbaraCA.gov

Chelsey Swanson, Assistant Planner, gave the staff presentation, and mentioned that she received two letters in support of the project from Thomaso Falzone, and Rich Untermann, and one letter from Marylou and Susan Sherwin who expressed some concerns regarding the interior yard setback encroachment effects on their property.

Mr. Peter Ehlen gave a presentation with additional information for the Commission on the proposed project.

Mr. Lawrence Hunt, Biological Consultant, commented on the observations and conclusions regarding any project-related biological impacts.

Commissioners' comments and questions:

1. Requested clarification on Page 5 of the Staff Report regarding the setback modification, and that the third-floor requirement measured as half or less of the total square area of the first-floor requirements. Asked how the third floor setback is established.
2. Asked about the height of the highest structure.

Ms. Hubbell responded that the ordinance stipulates comparison to the first floor instead of the third floor.

Ms. Swanson clarified that the third floor setbacks depend on the floor area of the third floor in comparison to the first floor; however, the Zoning Ordinance will likely be amended to use the building footprint instead of the first floor area. Ms. Hubbell clarified that the project has requested modifications for the encroachments.

Mr. Ehlen responded that the proposed building will be 31.5 feet at its highest point.

Chair Jostes opened the public hearing at 5:03 P.M.

Mr. Robert Maxim, 123 W. Yanonali, expressed concern regarding the project's size and bulk, the third-story height visibility, the type of materials used on the project, the setback encroachment on all four sides of the property, the noise levels, and the compatibility of the structure to the neighborhood.

Mr. Terry Nunn, 205 Los Aguajes, commented on the incompatibility of the proposed design with regard to the setback and neighborhood, and that the project would set a precedent to allow a boxy building on a street with unique small Spanish style homes.

Mr. Merced Villegas, 119 Los Aguajes #B, commented on the overused and impacted parking situation of the neighborhood, and that the building would not belong in the neighborhood.

Ms. Marlene Bulfone, 119 Los Aguajes, commented on the size of the proposed structure as being too big, tall, and not compatible with the neighborhood.

The public hearing was closed at 5:13 P.M.

Commissioners' comments and questions:

1. Stated support for something similar to what exists and has difficulty with the setbacks as presented, and had difficulty supporting the modifications and creek setback encroachment.
2. Approves of the contemporary design and style of the architecture working well with the beach area, but the noise and creek setback requirement present problems. The creek setback is a burden to the property; however, the Commission has not previously allowed buildings to encroach into the creek setback. It may be possible to relax setback requirements on other points of the project as long as the creek

- setback is protected. The height of the project is too high and pushing the envelope at 31 feet and the garage should come down two feet with a one-foot reduction in ceiling height.
3. Approves of the style of architecture and didn't have a problem with the encroachment into the creek setback, but couldn't support the front yard modification as proposed, and had noise, health, and safety concerns.
 4. Requested staff comments on the noise study.
 5. Supports the 60 decibel noise level being honored, found difficulty with the encroachment into creek setback, and found difficulty in seeing a positive pedestrian experience with the size and scale.
 6. Found the design acceptable as an alternative to a Spanish design, but thought the building too inflated in bulk and scale, that the street façade presents a back-side and blank appearance, and the rear 25 foot creek setback encroachment is not supportable and would support a continuance.
 7. Stated the number of requested modifications is unsupportable; the project is incompatible with the General Plan and the LCP policies; cannot make the tentative map findings; the bulk and mass are too large, and would prefer a possible softening of the project to a smaller design with two units instead of three units, and wants to see a visual buffer and visual connections to other parcels along the creek.
 8. Asked for feedback from the applicant on a decision by the Commission.
 9. Asked for clarification from staff whether the applicant complied with the noise ordinance requirement or not.
 10. Commented that the contention seems to be the application of inconsistent decibel requirements in required and not required outdoor areas.
 11. Found the noise requirement acceptable as presented, suggested green materials be used, and asks for more compatible street façade design for the neighborhood.
 12. Agreed that required and not required outdoor areas should comply with the same noise standards.
 13. Would support the design, more concerned with setback, and should adhere to setback as much as possible adjacent to the creek, and concerned more with modification issue.
 14. Asked about elements of the project that the ABR still wanted to see addressed.

Ms. Hubbell explained the noise decibel requirement issue.

Mr. Ehlen commented on the constraints of the site and recognized that the request for the creek setback is visually based and not biologically based; he would also comply with requirement to adjustment of the height of the structure down to 8.6 foot ceilings; and he needs clear direction to comply with the noise ordinance and including input from the Commission on possibility of decks; and the rear yard setback can be adjusted.

Ms. Hubbell responded that the required outdoor living areas meet the 60 decibels with the incorporation of glass walls, but that the additional outdoor areas are easily utilized yet problematic as they exceed 70 decibels; therefore, it is difficult to make General Plan consistency findings.

Mr. Vincent commented that the Noise Element language has set standards for unacceptable levels and clarified that if the project does not have acceptable levels, the Commission reviews the entire project to determine if it is consistent with Noise Element requirements.

Ms. Hubbell requested direction from the Commission on the creek setback issue.

MOTION: Mahan/White

Continued indefinitely for restudy of design, to respect the 25 foot creek setback; reduce ceilings heights by 1 foot; lower the building 3 feet as discussed; reconsider other setback requests; and the proposed project shall soften the street façade and return with green building techniques, and meet the General Plan noise requirements.

This motion carried by the following vote:

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

Chair Jostes announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Mahan reported that the Airport Terminal Design Subcommittee reviewed a proposal to move the historic existing terminal building to a more compatible location, and design a new Spanish approach with more discussion pending on the rotunda. The pavilion was introduced, and there will be discussion on the greening of the building with glazing of windows, etc., change of orientation of the terminal building, and discussion of the constrained building in the TSA safety zone, parking issues, the roundabout entrance, and other limitations that the project faces.

B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.080.

Commissioner Thompson questioned staff regarding the City's policy and requirements on project records retention and destruction. Ms. Hubbell stated that once the building and project has been constructed through design review, environmental reviews, etc., records can be destroyed unless otherwise requested, and unfortunately the one mentioned record retention request to keep the project records was somehow missed.

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

1. Draft Minutes of October 5, 2006
2. Resolution 040-06
Airline Terminal Improvement Project – Recommendation to City Council.