



HISTORIC LANDMARK COMMISSION
CASE SUMMARY

MST2005-00088

M-NEW MIXED USE P 517 CHAPALA ST

Page: 1

Project Description:

Proposal to construct a new three-story, mixed-use development (19,691 square feet) on an 11,500 square foot lot, with six residential condominium units (totaling 10,119 square feet) and two commercial condominium spaces (totaling 2,711 square feet). One of the residential units would be affordable. The proposal includes a voluntary lot merger of two lots.

Activities:

7/30/2014 HLC-After Final Hearing

(Review after Final for reconfiguration of residential units and commercial spaces, resulting in six residential condominium units (totaling 10,485 sq. ft. net) and two commercial condominium spaces (totaling 1,897 sq. ft. net). Project requires a Substantial Conformance Determination. Project requires compliance with Planning Commission Resolution No. 030-06 and City Council decision of June 22, 2010. The project was last reviewed on February 15, 2012.)

7/21/2014 HLC-Resubmittal Received

Return to HLC for a RAF.

2/15/2012 HLC-Final Approval - Details

2/15/2012 HLC-Consent (Referred by FC)

(Final Approval of architectural details is requested. Project was last reviewed by the Full Board on January 4, 2012 and received Final Approval of the project.)

Final Approval of details as submitted.

Activities:

2/8/2012 HLC-Resubmittal Received

Sheets A8.04 and A8.06 inserted into the set the HLC returned to the applicant after the 1/4/12 meeting and that set was submitted for final approval of details. So those two sheets are the new sheets.

1/4/2012 HLC-Final Review Hearing

(Final Approval of the project is requested. Project requires compliance with Planning Commission Resolution No. 030-06 and City Council decision of June 22, 2010. Project was last reviewed on October 26, 2011.)

(3:00)

Present: Detlev Peikert, Architect; and Carrie Bingham, Designer

Public hearing opened at 3:07 p.m. and reopened at 3:26 p.m.

Susie Thompson, neighbor, commented on residential permit parking.

Kellam de Forest, local resident, commented on citizen concerns of large buildings on Chapala Street; and impact on historic resources.

Tony Vassallo, neighbor, commented on the plate height of the first story garage facing the alley and also provided written comments.

Wanda Livernois, neighbor, commented on incompatibility with neighborhood; and size, bulk and scale.

Robert Maxim, local resident, commented on minimal setbacks and parking.

Public comment closed at 3:18 p.m. and reclosed at 3:27 p.m.

Motion: Final Approval and continued indefinitely to the Consent Calendar for final details:

- 1. The architectural detailing is acceptable and is in conformance with El Pueblo Viejo Guidelines.*
- 2. The vent on the west elevation # 3, detail # 17 on A8.04 shall be eliminated.*
- 3. Although objectionable, and based on the appeals to the City Council, the Commission reluctantly accepts the project with its proposed size, bulk and scale per City Council approval.*
- 4. The project meets the required Compatibility Analysis Criteria based solely on City Council approval and direction to the Commission.*

Action: La Voie/Shallanberger, 3/3/1. (Boucher/Drury/Sharpe opposed. Winick abstained. Murray stepped down. Orias absent.) Motion failed.

After a brief discussion, Commissioner Drury indicated his desire to change his vote and a revote was taken.

Reconsidered

Activities:

Action: La Voie/Shallanberger, 4/2/1. (Boucher/Sharpe opposed. Winick abstained. Murray stepped down. Oriás absent.) Motion carried.

**** MEETING ADJOURNED AT 3:33 P.M. ****

1/4/2012 HLC-Final Approval - Project

11/30/2011 HLC-Final Review Hearing

(Final Approval of the project is requested. Project requires compliance with Planning Commission Resolution No. 030-06 and City Council decision of June 22, 2010. Project was last reviewed on October 26, 2011.)

This item was postponed to the meeting of January 4, 2012.

11/29/2011 HLC-Correspondence/Contact

Applicant postponed the 11/30/11 hearing until 1/4/12. The \$160 PP fee has been added. SG

11/16/2011 HLC-Resubmittal Received

Resubmittal of revised drawings for final approval on 11/30/11.

11/3/2011 HLC-Correspondence/Contact

Email response by Jaime Limon to Judy Orias question:

"This project has been at City Council two times under appeal. First on March 4, 2008. The HLC did not want to approve a project that was approved by the Planning Commission. This conflict led to the Project Compatibility Analysis Ordinance being adopted in 2008.

The second time was Oct 22, 2010 and primarily dealt with expiration of approvals. Both time. City Council denied the appeals and overturned the decisions of the HLC. Staff is recommending the HLC grant Final Approval of the project as previously directed by City Council. The project is scheduled to return on Nov 30, 2012

I think it would be OK to continue to abstain from voting on this project since it has had a long review history beginning in 2005 and its now at the Final approval level. Below are the links to the Council Agenda Reports and the minutes. Feel free to call me for additional questions.

http://santabarbara.granicus.com/MinutesViewer.php?view_id=6&clip_id=858

<http://www.santabarbaraca.gov/CAP/MG86453/AgendaFrame.htm>

http://santabarbara.granicus.com/MinutesViewer.php?view_id=6&clip_id=3342

Jaime Limón, Senior Planner/Design Review and Historic Preservation Section Supervisor City of Santa Barbara Community Development Department, Planning Division 630 Garden Street, Santa Barbara, CA 93101

Activities:

(805) 564-5507 (805) 897-1904 fax
 JLimon@SantaBarbaraCA.gov
 -----Original Message-----
 From: Judy Orias [mailto:judy.orias@verizon.net]
 Sent: Thursday, November 03, 2011 8:10 AM
 To: Limon, Jaime
 Subject: Chapala St. building

Good Morning, I have been doing some thinking about the proposed building on Chapala which was appealed to the city council some time ago. Could you please tell me exactly what the appeal was for? I would also appreciate the findings of the council and what exactly was referred back to the HLC for their consideration. I was very surprised to find out at the last meeting that there had been an appeal on the building especially since this was the second hearing at HLC since I came on board. Thanks in advance for this information. Best to you and have a great weekend. Judy

10/26/2011 HLC-Final Review Hearing

(Final Approval of the project is requested.)

Present: Gordon Brewer and Carrie Bingham, Peikert Group Architects; Robert Fowler, Landscape Architect; and Kathleen Kennedy, City Associate Planner

Public comment opened at 3:48 p.m.

Susie Thompson, neighbor, commented on parking spaces on site and the street.

Kellam de Forest, local resident, spoke against the project's bulk and scale and impacts on the Brinkerhoff Historic District.

Wanda Livernois, neighbor, spoke against the size of the proposed building.

Public comment closed at 3:53 p.m.

The applicant confirmed that there are no solar collectors proposed on this project.

Failed

Motion: Final Approval as submitted.

Action: Shallenberger/La Voie, 1/2/2. (Boucher/Sharpe opposed. La Voie/Oriás abstained. Drury/Murray/Suding absent.) Motion failed.

Substitute

Motion: Continued to the November 30, 2011, meeting to allow all members of the Commission to participate in the review of the proposed project with the following comments:

- 1. Air handling equipment shall not be exposed on outside area patios.*
- 2. The guardrail wall shown on Sheet A5.0 of the Chapala Street elevation needs to be thicker by at least 24 inches.*

Activities:

- 3. *Restudy the detail for window type "unidentified" shown on Sheet A4.21.*
 - 4. *The project's proximity to the Brinkerhoff District continues to be of concern.*
- Action: La Voie/Shallanberger, 5/0/0. (Drury/Murray/Suding absent.) Motion carried.*

**** MEETING ADJOURNED AT 4:05 P.M. ****

10/25/2011 HLC-FYI/Research

*Fees breakdown by Jaime Limon on 10/25/11:
 They received a Prelim approval by HLC in 9//19/07. I consider them to have only four legitimate reviews. The HLC changed their opinion on this project even after PC approved it and they had to return for 5 additional HLC reviews and two City Council appeals.
 They should get a total of four more reviews without additional fees.*

Susan Gantz called Lisa Plowman and said that she would remove the outstanding unpaid supp review fee that is on the fee screen, would remove the supp review fee for tomorrow's meeting, and after tomorrow's meeting, they will have TWO full board meetings left where they would not have to pay supp meeting fees.

10/17/2011 HLC-FYI/Research

*Fees: Email to Carrie Bingham at Peikert regarding fees due:
 Hi Carrie,
 I received an email from Tony Boughman while I was out on vacation and did a little research into the case fees when I got back today. To date, this project has had one full board HLC review for approval of the Phase I Archaeo report and 11 full board HLC hearings for the project. Any additional meetings over the eight originally paid for are assessed a supplemental fee. In the fees for this case, there is a previous supplemental fee that was never paid for a hearing that occurred. Please see below, looking all the way to the bottom of the screen shot. The total due prior to next week's HLC hearing is \$450.00. Please print this email and take it to the cashier's window at 630 Garden to pay the fees due.*

Thanks very much, and I'll see you next Wednesday.

*Best,
 Susan*

10/5/2011 HLC-Resubmittal Received

6/22/2010 CC-HLC Appeal Filed

Appeal of HLC denial of Preliminary Approval.

Activities:**6/22/2010 CC-HLC Appeal (Proj APVD)**

Appeal of HLC denial overturned. City Council granted Preliminary Approval (now called Project Design Approval).

6/4/2010 HLC-FYI/Research

4/14/10 plans reviewed by HLC were kept by Gordon Brewer of Peikert Group instead of retained by city staff for the design review file. Lisa Plowman will deliver a set of these plans as well as email a .pdf file of the plans for the City Council appeal on 6/22/10. S. Gantz 564-5470

4/14/2010 HLC-Preliminary Review Hearing

(Preliminary Approval of the project is requested. Previous Preliminary Approval expired on March 5, 2010. Project requires compliance with Planning Commission Resolution No. 030-06 and with City Council decision of March 5, 2008.)

(2:52)

Present: Lisa Plowman and Gordon Brewer, Peikert Group Architects; and Jaime Limón, Senior Planner

Mr. Limón provided the Commission background information relative to the project's review history and how current regulations and guidelines do not allow for additional time extensions. Therefore, the Preliminary Approval has expired and a new Preliminary Approval is necessary for the project to move forward. Staff recommended that the Commission consider the unique facts and circumstances involving this project, including its valid land use approvals that will not expire until 2012 and to focus the review on verification of remaining design items consistent with the previous direction provided by City Council on March 4, 2008.

Public comment opened at 3:07 p.m.

Tony Vassalo, neighbor, commented about west elevator height, garage plate height, roof top balconies, and requirement for no "B" permits to be allowed on street.

George Ogle, neighbor, commented about the 2008 compatibility study, mountain views obstruction, and guideline violations.

Wanda Livernois, neighbor, commented about the compatibility with the character of the city, the surrounding neighborhood, and adjacent properties; and too little increase of landscape and height reduction.

Kellam de Forest, local resident, commented about compatibility guidelines and no benefit to the city.

Activities:

Public comment closed at 3:18 p.m.

Motion: Deny the project based on the following:

- 1. The preliminary approval has expired.*
- 2. Building design issues related to mass, bulk and scale.*
- 3. Neighborhood compatibility concerns with adjacent Brinkerhoff Landmark District.*

Action: Boucher/Sharpe, 4/3/0. (Naylor/Pujo/Shallanberger opposed. Drury/Murray absent.) Motion carried.

**** THE COMMISSION RECESSED FROM 3:48 P.M. TO 3:54 P.M. ****

4/14/2010 HLC-Prelim Review (Denied)

3/25/2010 HLC-Correspondence/Contact

Hearing postponed from 3/30/10 agenda per Jaime Limon and placed on 4/14/10 agenda.

3/17/2010 HLC-In-Progress Review Hearing

(Second In-Progress Review. Project requires compliance with Planning Commission Resolution No. 030-06.)

This item was postponed two weeks at the applicant's request.

3/3/2010 HLC-In-Progress Review Hearing

(Project requires compliance with Planning Commission Resolution No. 030-06.)

(3:03)

Present: Detlev Peikert, Architect; and Kathleen Kennedy, City Project Planner

Mrs. Kennedy reviewed the project's history, including the Commission's denial of the project in 2008 and the applicant's appeal to the City Council in that same year. The appeal of the HLC denial was overturned by the City Council and Preliminary Approval of the project was granted.

Chair Naylor read City Council's direction:

"Councilmembers Williams/Horton moved to approve the recommendations and refer the project back to the HLC for in-progress review with specific direction as follows:

- 1. Incorporate into the design approval the proposed roof decks/garden;*
- 2. Eliminate elevator access to front penthouse roof garden deck and thereby reduce the height of the tower to an acceptable height as determined by the HLC;*

Activities:

3. *Require all air conditioning equipment or solar panels to be screened and hidden from public view; and*
4. *Reduce total square footage to that which was approved by the PC and require the applicant to obtain a substantial conformance determination."*

Mrs. Kennedy clarified that, in reviewing the video of the City Council hearing, Staff found that Council's discussion for the first item in the motion was giving direction to the HLC to review the decks in relation to the privacy issues with the surrounding areas.

Public comment opened at 3:17 p.m.

Wanda Livernois, neighbor, expressed opposition to the project: not compatible with neighborhood.

Caroline Vassallo, neighbor, expressed opposition to the project: noticing requirements, roof top decks threatening views and privacy, and landscaping.

Kellam de Forest, local resident, expressed opposition to the project: compatibility with neighborhood and building height.

Tony Fischer, local attorney, expressed opposition to the project: noticing requirements, reduction of square footage and size, bulk and scale, and updated agenda description.

Paul Primeau, neighbor, expressed opposition to the project: noticing requirements, and no street parking permits.

Public comment closed at 3:27 p.m.

Motion: Continued two weeks with the following comments:

1. *Suggestions were made with respect to landscape in terms of how it would impact the roof decks, air conditioning equipment and solar panels; and suggestions were made regarding the height and density of trees at the alley.*
2. *Provide a PDF of the City Council approved plans that were reviewed during the appeal hearing and of the plans currently being presented to the Commission.*
3. *Provide a 3-D model at the next review.*
4. *Staff is to provide the Commission with a link to the online City Council meeting video during which the appeal was overturned.*
5. *The reduction in total square footage will be confirmed by Staff.*

Action: Suding/Shallanberger, 7/0/1. (Murray abstained. Boucher absent.) Motion carried.

2/24/2010

HLC-FYI/Research

Fees: Additional fees of \$220 per meeting from now on out per Jaime Limon. Applicant has had eight full board reviews at this point in time. S. Gantz 564-5470

Activities:

2/24/2010 HLC-Resubmittal Received

Three sets for in-progress at HLC on 3/3/10

3/2/2009 HLC-Time Exten (Staff Apvl)

Clarification of extension is one year from City Council approval date which was 3/4/2008. Extension granted.

3/4/2008 CC-HLC Appeal (Proj APVD)

Appeal of HLC denial overturned. City Council granted Preliminary Approval.

3/4/2008 CC-HLC Appeal Filed

Appeal by applicant of HLC Denial of Preliminary Approval on 11/28/07

11/28/2007 HLC-Preliminary Review Hearing

(Continued request for Preliminary Approval.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

The following item was heard out of order.

(2:35)

Present: Detlev Peikert, Peikert Group Architects; Gordon Brewer, Peikert Group Architects; and Rob Fowler, Landscape Architect

Public comment opened at 2:45 P.M.

Kellam De Forest, a local resident, stated that the Commission has the power to deny projects and feels that they should deny this project because it is inappropriate for the surrounding area and it should be forwarded to the City Council to decide.

Tony Fischer, attorney, spoke on behalf of Karen McFadden, and stated that someone needs to look at the drawings closely and have them be submitted prior to the meetings. This would allow one to see how much surplus space could be taken out so that the building could be more. Additionally, he said that his client does not want large trees in their front yard. Lastly, he stated that the Applicant needs to refer to the Chapala Street Guidelines. Overall, he sees progression in the project.

Karen McFadden, a neighboring resident to the project, stated that the south elevation should be reduced and said that she has an issue with not knowing accurate square footage. She stated that she needs to

Activities:

know the accurate dimensions of the project in order to know if it can be reduced. However, she said that, overall, she was happy with the design, but that there are still some issues that need to be dealt with before it gets final approval.

Kathryn Dole, a neighboring resident to the project, stated that she approved the building itself but that this specific location is inappropriate for the building and asked the Commission to consider a denial of the project. She also expressed concern for the power lines and wanted them to be undergrounded. If that is not possible, the canopy trees would work.

Tony Vassallo, a local resident, commented about the questionable accuracy of the height and setbacks of the project.

Public comment closed at 2:58 P.M.

Motion: Preliminary approval of the project as submitted.

Action: Curtis/Pujo, 2/7/0. (Adams/Boucher/Hausz/LaVoie/Murray/Naylor/Sharpe opposed.) Motion failed.

Substitute

Motion: To deny the project with the following findings:

- 1) The project is inconsistent with the Neighborhood Preservation Ordinance.*
- 2) The project is inconsistent with the Chapala Street Design Guidelines.*
- 3) The project is inconsistent with El Pueblo Viejo Design Guidelines.*
- 4) The project is inconsistent with the Urban Design Guidelines.*
- 5) The project is inconsistent with the preservation of, and has unmitigable impacts to, the adjacent Brinkerhoff Landmark District.*
- 6) Applicant has not provided the requested additional increase in landscaping along Chapala Street.*
- 7) Applicant has not increased the landscape buffer at the south elevation between the proposed project and the adjacent Victorian structure.*
- 8) Applicant has not reduced the three story element on the south elevation.*
- 9) There were concerns about the differential in square footage statistics on the drawings versus what was previously reviewed by the Planning Commission.*
- 10) Some Commissioners continued to be concerned about the roof decks and fourth story elements and tower.*
- 11) Air conditioning equipment and solar panel locations need to be shown on the plans as hidden from public view.*

Action: Boucher/Sharpe, 7/2/0. (Pujo/Curtis opposed.) Motion carried.

**** THE COMMISSION RECESSED FROM 3:29 P.M. TO 3:36 P.M. ****

11/26/2007

HLC-Correspondence/Contact

Applicant at Peikert Group Architects called Jaime Limon and requested that their item, #8 on the agenda at 3:20 pm, be switched in order with item #5, at 2:20 pm. Brian Cearnal, the applicant in the 2:20 time slot, agreed to this change. Interested parties have been contacted regarding this change in time. Susan Gantz 564-5470

Activities:

11/15/2007 HLC-FYI/Research

Tony Fischer requested a copy of the plans reviewed on 11/14/2007. Therefore, the plans have been routed to RACs for copying and should be returned to S. Gantz when completed.

11/14/2007 HLC-Preliminary Review Hearing

(Continued request for Preliminary Approval.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

Public comment opened at 2:12 P.M.

Kellam De Forest, a local resident, opposed the project for the reason that the transition from the Victorian to the new structure is too harsh and asked whether the 2nd story commercial space could be removed.

George Ogle, a local resident, opposed the project.

Karen McFadden, neighboring resident, opposed the project.

Tony Vasallo, neighboring resident, opposed the project.

Tony Fischer, attorney on behalf of Mr. and Mrs. McFadden, opposed the project.

Public comment closed at 2:21 P.M.

Susan Gantz requested that she be notified by applicants about any changes to the project descriptions (such as square footages) so that the language will be correct in the agenda that is distributed to the public.

Staw Votes

- 1) How many commissioners are comfortable with how the project is currently proposed? 3/6/0*
- 2) How many commissioners support the roof decks as proposed? 2/7/0*
- 3) How many commissioners are not in favor of roof deck on the Chapala street side? 3/6/0*
- 4) How many commissioners support the setbacks along the south elevation as presented with the five foot setback of the significant portion of the building? 0/9/0*
- 5) How many Commissioners would support an additional foot for a resulting 6 foot setback to extend back to the garage? 5/4/0*
- 6) How many commissioners are comfortable with the location of the garage on the property line? 7/2/0*
- 7) How many commissioners are comfortable with the 2nd and 3rd floors above the garage encroaching at the property line on the south elevation, facing the Victorian? 3/6/0*
- 8) How many commissioners are comfortable with the architecture? 8/1/0*

Activities:

9) *How many commissioners can support the Chapala street elevation as it addresses the sidewalk and providing landscape area as it presented? 5/4/9 (Three of those who dissented would require at least a 30 inch planter where the 20 inch planter is now).*

Motion: Two week continuance with the series of staw votes included as recommendations for the applicant to make the project approvable.

Action: Adams/Boucher, 8/1/0. (Murray opposed.) Motion carried.

10/31/2007 HLC-Preliminary Review Hearing

(Continued request for Preliminary Approval.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

Postponed to November 14, 2007 at the Applicant's request.

10/30/2007 HLC-Correspondence/Contact

Applicant notified Jaime Limon that they will not be ready for tomorrow's full board continued hearing and requested a two week postponement. Postponement fee has been added and needs to be paid prior to the November 14, 2007 hearing. S. Gantz 564-5470

10/18/2007 HLC-FYI/Research

An appeal of the HLC Preliminary Approval was filed. Since then, the HLC rescinded the preliminary approval; therefore, the appeal is no longer active. A withdrawal of the appeal is not required.

10/17/2007 HLC-Reconsideration Hearing

(Adams/Boucher Motion to Reconsider the Preliminary Approval of September 19, 2007 was tabled for action at this meeting.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

Commissioner Adams made the following comments regarding why a reconsideration motion was being made:

- a) Many details still needed to be worked on.*
- b) Did not see drawings of south elevation, which had been previously requested to be modified.*
- c) The project was not ready for preliminary approval.*

Activities:

*Motion Untable the motion to reconsider preliminary approval of the project.
Action: Adams/Boucher, 8/0/0. (Curtis absent). Motion carried.*

10/17/2007 HLC-Preliminary Review Hearing

(Review of revisions to project design.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

*Present: Devlet Peikert, Peikert Group Architects
Scott Hopkins, Peikert Group Architects*

Public comment opened at 2:24 P.M.

Tony Fischer, attorney, spoke on behalf of the McFaddens and stated that they still oppose the project because their property is still impacted.

Tony Vasallo, a local resident, commented on the height of the ceilings of the condominium.

Karen McFadden, adjacent neighbor, opposed the project.

Kellam De Forrest, local resident, felt the building is still too massive and opposed the project.

Kathryn Dole, local resident, opposed the project.

Public comment closed at 2:38 P.M.

Public comment re-opened at 2:47 P.M.

Kathryn Dole, local resident, opposed the project.

Public comment re-closed at 2:50 P.M.

Motion: Motion for a two week continuance with the following comments: On the South Elevation - 1) Provide a transition to the Victorian structure to the south. 2) Reduce the mass of building as it transitions to the south. 3) Provide separation and substantial landscaping. 4) Reduce the mass on the south side of the building. 5) In the driveway area, provide substantial landscaped areas, as there is too much paving. 6) At the Chapala Street elevation, provide more landscaping at the front of the building (36 inches required by the Planning Commission) and provide substantial plant materials including vertical canopy trees. 7) The west elevation needs to conform to the Planning Commission resolution for the eight foot plate height in the garage and to reduce the building height to match. It is too repetitive and massive. Try and recapture the charm of the original project. 8) At the south elevation, reduce the mass, perhaps by reducing a floor level, and provide substantial change in planting. Additionally, the windows be added as suggested by the Planning Commission. 9) The tower is not resolved yet because it is too tall. 10) The windows on Chapala Street are not appropriate for a middle level. 11) The proposed

Activities:

landscaping and paving materials on Chapala Street need to conform to the Chapala Street Design Guidelines. 11) Reduce the plate heights on residential units to ten foot maximum. 12) Have a landscape architect get involved in the project.

Action Boucher/Sharpe, 4/2/1. (Hausz and Pujo opposed. Murray abstained. Curtis absent.) Motion carried.

9/19/2007 HLC-Preliminary Review Hearing

(Preliminary Approval is requested.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

*Present: Detlev Peikert, Peikert Group Architects
Scott Hopkins, Peikert Group Architects*

Public comment opened at 3:13 P.M.

*Karen McFadden, local resident, opposes the project
Tony Vasallo, local resident, supports the project
Kellam De Forrest, local resident, opposes the project*

Public comment closed at 3:22 P.M.

Straw Votes How many Commissioners feel that the essence, (mass, bulk, and scale), of the project is approvable with changes to certain architectural elements such as the tower and the south elevation? 4/2 (Murray and Sharpe opposed.)

How many Commissioners feel that this project is unacceptable in mass, bulk, and scale in its current configuration? 3/4

How many Commissioners feel the Chapala elevation has been improved from the previous presentation and is approaching an approvable stage? 2/5

How many Commissioners support the shape of the tower? 4/3

How many Commissioners support a reduction of the Brinkerhoff elevation, (the lowering of the top plate and the elimination of the gable and roof line)? 3/0/1 (Naylor abstained)

Motion: Preliminary approval and indefinite continuance In-Progress review with revisions to the fenestration of the top level of the tower, provide articulation of the blank wall along the rear building through use of windows, landscaping, or other means, provide different sketches to simplify the design of the west elevation, and, to use a more Mediterranean plant palette with taller trees as the landscape plan is developed.

Action: Adams/Curtis, 3/4/2. (Boucher, Murray, Sharpe, Naylor opposed. Hausz/LaVoie absent). Motion failed.

Activities:

Second

Motion: Preliminary approval to indefinite continuance to In-Progress with revisions to the fenestration of the top level of the tower, provide articulation of the blank wall along the rear building through the use of windows, landscaping, or other means , provide different sketches to simplify the design of the west elevation, use a more Mediterranean plant palette with taller trees as the landscape plan is developed , revisit the Chapala Street elevation, particularly looking at the tower.

Action: Naylor /Curtis, 4/3/2. (Boucher, Murray, Sharpe opposed. Hausz/LaVoie absent) Motion carried.

9/19/2007 HLC-Prelim Approval-Project

(Preliminary Approval is requested.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

Motion: Preliminary approval and indefinite continuance In-Progress review with revisions to the fenestration of the top level of the tower, provide articulation of the blank wall along the rear building through use of windows, landscaping, or other means, provide different sketches to simplify the design of the west elevation, and, to use a more Mediterranean plant palette with taller trees as the landscape plan is developed.

Action: Adams/Curtis , 3/4/2. (Boucher, Murray, Sharpe, Naylor opposed. Hausz/LaVoie absent). Motion failed.

Second

Motion: Preliminary approval to indefinite continuance to In-Progress with revisions to the fenestration of the top level of the tower, provide articulation of the blank wall along the rear building through the use of windows, landscaping, or other means , provide different sketches to simplify the design of the west elevation, use a more Mediterranean plant palette with taller trees as the landscape plan is developed , revisit the Chapala Street elevation, particularly looking at the tower.

Action: Naylor /Curtis , 4/3/2. (Boucher, Murray, Sharpe opposed. Hausz/LaVoie absent) Motion carried.

9/5/2007 HLC-Preliminary Review Hearing

(Preliminary Approval is requested.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

*Present: Detlev Peikert and Scott Hopkins, Peikert Group Architects
Kathleen Kennedy, City Assistant Planner*

Staff comments: Ms. Kennedy stated that the Planning Commission approved the project in July of 2006 with the proposed mass, bulk, and scale and determined that underground parking was not needed. Staff's recommendation is that it would not be appropriate to request an additional reduction in building height or substantial setback increases.

Activities:

Public comment opened at 4:36 p.m.

Paula Westbury, local resident, expressed opposition to the project's height.

Kellam De Forest, local resident, commented about the need to restrict building heights in El Pueblo Viejo Landmark District and asked that the proposed project height be reduced.

Tony Vassallo, local resident, commented about lowering the garage plate height as much as feasible. He also commented that the third story balconies on the south, [west] elevation are unnecessarily large and could affect neighbor privacy. Mr. Vassallo questioned whether the proposed tile roofing could be seen from the pedestrian level.

Public comment closed at 4:42 p.m.

Straw votes: How many commissioners could support the tower as designed? 2/7. (Naylor/Hausz agreed.)

How many Commissioners could support a square tower with a more tower-like proportioning and articulation? 6/3. (La Voie/Naylor/Sharpe opposed.)

How many Commissioners could support the round tower with the proper proportions? 8/1. (Sharpe opposed.)

How many Commissioners are comfortable with the gable as proposed on the Chapala Street elevation? 0/9. (All opposed.)

How many Commissioners would like to see the proposed gable be removed from the proposal? 9/0. (All agreed.)

Motion: Continued two weeks with the following comments: 1) The Commission would like to see the height of the building reduced on the back at the west elevation. 2) Resolve the composition of the Chapala Street elevation with or without a gable. 3) Use whatever means possible to reduce the south elevation of the building and its impact on the adjacent Victorian structure. 4) Include a more Mediterranean plant palette and an increase in planting wherever possible. 5) The Chapala Street planting strip should be increased to 36 inches instead of 18 inches.

Action: Hausz/Boucher, 9/0/0. Motion carried.

8/8/2007

HLC-Preliminary Review Hearing

(Preliminary Approval is requested.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

(3:48)

Activities:

Present: Gordon Brewer and Scott Hopkins, Peikert Group Architects

Public comment opened at 4:07 p.m.

Kellam De Forest, local resident, commented on the possibility that the building be lowered, especially in the roof pitch, and that the residential garages be accessed from the interior parking area for there to be greater screening on the west side.

Public comment closed at 4:07 p.m.

Motion: Continued four weeks with the following comments: 1) The tower needs to be restudied as far as proportion and size. 2) The height of the building needs to be reduced. 3) Underground parking is requested. 4) Pull building away from Chapala Street for a substantial landscape buffer and screening. Action: Sharpe/Adams, 7/0/1. (Curtis abstained. Naylor absent.) Motion carried.

7/25/2007 **HLC-Resubmittal Received**

11/15/2006 **HLC-Preliminary Review Hearing**

(Preliminary approval is requested.)

(PROJECT REQUIRES COMPLIANCE WITH PLANNING COMMISSION RESOLUTION NO. 030-06.)

(7:07)

Present: Detlev Peikert and Lisa Plowman, Peikert Group Architects

Public comment opened at 7:20 p.m.

George Ogle, neighbor, inquired about the elevation level on the back of the proposed design and commented that there is no parking presently on Brinkerhoff so that what had become an incremental mass is now critical.

Caroline Vassallo, adjacent neighbor, stressed that new proposed buildings should be the same height as adjacent buildings and commented that a 10% open space and proper drainage should be mandatory.

Kathryn Dole, local landscape architect, expressed concern about the inevitable impact to the Brinkerhoff Landmark District.

Public comment closed at 7:32 p.m.

Straw vote: How many Commissioners could support shutters on the south elevation? 0/7/0. (All Commissioners opposed.)

Activities:

How many Commissioners could support a blank south elevation? 0/7/0. (All Commissioners opposed.)

Motion: Continued indefinitely with the following comments: 1) The architecture needs to become more traditional Hispanic and fitting within El Pueblo Viejo Landmark District. 2) Resolve the fenestration with the architecture. Resolve the proportions of the fenestration with the architectural expression. 3) Shutters may not be the appropriate solution to the fenestration of the south elevation. 4) Simplify the west elevation with respect to garage doors. 5) The pedestrian entrance on the west elevation should be given more importance. 6) The roof deck access tower needs resolution with respect to the door placement. 7) The small shed roofs on the west elevation need to be better resolved. 8) The fenestration and balcony on the east elevation need restudy. 9) Resolve the exposed air conditioning units on the decks. 10) The proximity of the elevator tower to the main tower is problematic. 11) The main tower needs to be more traditional.

Action: Pujo/Hausz, 4/2/1. (La Voie/Murray opposed. Naylor abstained. Boucher/Hsu absent.) Motion carried.

Commission

Comments: The Commission would like to obtain a copy of the Chapala Street Design Guidelines, which should have addressed the Brinkerhoff Landmark District.

**** MEETING ADJOURNED AT 8:05 P.M. ****

11/1/2006 HLC-Resubmittal Received

11/01/06 - Received updated plans after concept review and PC approval. Pete L @ 564-5470

7/11/2006 HLC-Resubmittal Received

Photodocumentation received for inclusion in Phase I Archaeological Resources Report which was accepted by HLC on 5/31/06 with condition that photodocumentation be submitted to Staff. S. Gantz 564-5470

6/30/2006 HLC-Correspondence/Contact

One sign picked up by J.M. from Peikart Architects. Sign form forwarded to ABR staff.

5/31/2006 HLC-Archaeology Rpt Accepted

Phase I Archaeological Resources Report, prepared by David Stone, M.A.; and Laurie Pfeiffer, B.A.; dated April 2006.

Accepted by HLC. Archaeological Monitoring Required.

Activities:

5/31/2006 HLC-Archaeology Report

(Review of a Phase I Archaeological Resources Report prepared by David Stone, Stone Archaeological Consulting.)

**** THE COMMISSION RECESSED 2:44 P.M. TO 2:54 P.M. ****

(2:54)

Staff comment: Susan Gantz, Planning Technician II, stated Dr. Glassow has reviewed the report and concludes that the archaeological investigation supports the report's conclusions and recommendations for archaeological monitoring.

Motion: The Commission accepts the report.

Action: Boucher/Pujo, 8/0/0.

5/18/2006 HLC-Building Permit Conditions

Archaeological Monitoring was required as a condition of the Phase I Arch report. Please provide the contract for review by the Environmental Analyst and the standard Archaeological Monitoring Language on the plans. See below for standard monitoring language:

Any ground excavation on this site is required to have a qualified Archaeologist monitor the work in order to assess the importance of any artifacts that may be uncovered. A signed copy of the contract establishing a schedule for monitoring must be submitted prior to release of a building permit for this project, the contract shall be subject to review and approval of the Environmental Analyst. A final report on the results of the archaeological monitoring shall be submitted to the City's Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier. The information submitted will be evaluated and a decision will be made if additional analysis is required."

Monitoring During Ground Disturbance:

The following mitigation measure should be standard for any site with suspected, but not confirmed, subsurface resources where site monitoring is required.

A. The Applicant shall complete the following prior to the issuance of building permits:

REPRODUCE the following language on the first sheet of the plans.

Contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal and ground clearance in the areas identified in the Phase __ Archaeological Resources Report prepared for this site by _____, dated _____. The contract shall be subject to the review and approval of the Environmental Analyst.

Activities:

The archaeologist's monitoring contract shall include the following provisions:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment

3/16/2005 HLC-Concept Review (New)

(PROJECT REQUIRES PLANNING COMMISSION APPROVAL FOR A TENTATIVE SUBDIVISION MAP AND DEVELOPMENT PLAN APPROVAL FINDINGS.)

(2:49)

Straw vote: How many Commissioners agree that the project can be forwarded to the Planning Commission with comments? 5/3.

Detlev Peikert, Architect; and Gordon Brewer, Architect, present.

Staff Comment: Jessica Grant, Associate Planner, stated the project is currently submitted for pre-application review. Ms. Grant requested the Commission comment on the two separate access points off Chapala Street and the alley, as well as the mass, bulk, and scale of the project and the courtyard area.

Motion: Continued indefinitely to the Planning Commission with the following comments: 1) The Commission generally accepts the site plan as presented. 2) Establish pedestrian access to the alleyway. 3) Provide an adequate or sufficient planting area to allow for skyline trees on the reference north and alley elevations. 4) The Commission supports the double entrance from Chapala Street and the alley. 5) The size, bulk and scale are generally acceptable. 6) Fine tune the architecture to bring the project into compliance with the Zoning Ordinance. 7) The tucked-under handicapped parking space needs to be carefully considered as part of the whole design because of its visibility from the street. 8) The driveway shall be designed to emulate a Paseo and be pedestrian scaled to be feasible.

Action: La Voie/Hausz, 8/0/0.

3/10/2005 HLC-FYI/Research

Per Jessica Grant, the applicant has waived the optional notice at first HLC Concept Review but may wish to have it done prior to the next HLC hearing.

Susan Gantz

CC-HLC Appeal Filed

Appeal of HLC Preliminary Approval on 9/19/07 filed