



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

February 10, 2005

### **CALL TO ORDER:**

Chair Jonathan Maguire called the meeting to order at 1:09 p.m.

### **ROLL CALL:**

#### **Present:**

Chair Jonathan Maguire

Vice-Chair John Jostes

Commissioners, Charmaine Jacobs, Stella Larson, Bill Mahan, George C. Myers, and Harwood A. White, Jr.

#### **Absent:**

None.

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Jessica Grant, Associate Planner

Adam Nares, Planning Technician

John Ledbetter, Principal Planner

Kathleen Kennedy, Assistant Planner

Chris Hansen, Bldg. Inspection/Plan Check Supervisor

Roxanne Milazzo, Assistant Planner

Danny Kato, Senior Planner

Barbara Shelton, Project Planner

N. Scott Vincent, Assistant City Attorney

Liz N. Ruiz, Planning Commission Secretary

Former Commissioner Grant House

## **II. PRELIMINARY MATTERS:**

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

None.

B. Announcements and appeals.

None.

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

None.

**III. CONSENT ITEM:**

**ACTUAL TIME: 1:11 P.M.**

**APPLICATION OF U.S.A PETROLEUM, TENANTS AT 340 WEST CARRILLO STREET, APNS 039-262-027 AND 039-262-028, C-2/COMMERICAL AND GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2001-00831)**

The proposed project involves demolition of an existing 1,330 square foot gas station with three service bays, and construction of a 1,806 square foot gas station/mini-market, with a 1,728 square foot pump island canopy and six parking spaces at the corner of Carrillo and Castillo Streets.

The discretionary applications required for this project are:

1. A Conditional Use Permit for an Automobile Service Station/Mini Market (SBMC §28.94.030.V.); and
2. A Modification of the parking requirement to allow six parking spaces instead of the required eight parking spaces (SBMC §28.90.100 and §28.94.030.V.7).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15332, Infill Development, and 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.

Please note the proposed project was originally approved by the Planning Commission on February 13, 2003. The Planning Commission approval of the project has expired and the applicant would like to pursue reapproval of the proposed project by the Planning Commission.

**MOTION: Mahan/Jacobs**

To waive a presentation of the staff report.

This motion carried by the following vote:

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

With no one wishing to speak, the public hearing was opened and closed at 1:11 p.m.

Commissioners' comments and questions:

1. Asked that the Planning Commission be assured if U.S.A. Petroleum proceeds with the project that they will get the project the Planning Commission originally approved.
2. Would like applicant to communicate with the City regarding signage.

**MOTION: Mahan/Jacobs**

**Assigned Resolution No. 010-05**

Motion to reapprove the conditional use permit and parking modification, making the required findings outlined in the staff report and subject to the conditions of approval.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**IV. DISCUSSION ITEM:**

**ACTUAL TIME: 1:13 P.M.**

**MEASURE E UPDATE**

Planning Staff will present an annual update for 2004 on Charter Section 1508 (Measure E), including status on the use of square footage in the various categories and residential development.

Adam Nares, Planning Technician, gave a presentation on the project.

Commissioner White arrived at 1:34 p.m.

Commissioners' comments and questions:

1. Asked how the allocations are in relation to the total 20-year period of Measure E.
2. Asked what happens to properties which have used their vacant property allocation when Measure E sunsets.
3. Questioned how two allocations were done for Cottage Hospital.
4. In relation to both the commercial and residential charts; would like to see a combined chart that compares growth for both over time..
5. Would like to see more information.
6. Defended Staff and noted that, by bringing this report forward every six months, it gives the Commission things to think about.
7. Noted that Measure E does a great job in articulating City values and has been somewhat flexible.
8. Asked about commercial vacancy rate and how Measure E has affected the jobs/housing balance.
9. Would like to see a sewage use analysis and traffic information.

10. Would like to know how many people come in and out of Santa Barbara from the north and south.

Mr. Ledbetter, Principal Planner, also addressed the Planning Commission. Both he and Ms. Hubbell spoke about Measure E. He noted it is his hope that Staff will be answering their questions as they are updating the General Plan and Ms. Hubbell stated Measure E has tempered some of the larger projects.

Recessed at 2:07 p.m., and reconvened at 2:17 p.m.

**V. NEW ITEM:**

**ACTUAL TIME: 2:17 P.M.**

**APPLICATION OF FERGUSON-ETTINGER ARCHITECTS, INC., AGENT FOR VIEJO CAPITAL, LLC, PROPERTY OWNER, 316 W. ORTEGA STREET, APN 037-073-013, R-4: HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2003-00361)**

The subject project consists of a proposal for three new residential condominium units on a 10,500 square foot lot. Unit 1 would be a 1,540 square foot three-bedroom unit, Unit 2 would be 1,469 square foot three-bedroom unit, and Unit 3 would be 1,029 square foot two-bedroom unit. Each unit would have two covered parking spaces. The existing single family residence, detached garage and sheds would be demolished. The project site is located adjacent to Mission Creek. A modification request to allow deck, deck support, and eave encroachments into the twenty-five foot creek setback has been approved by the Chief Building Official in accordance with SBMC§28.87.250.

The discretionary applications required for this project are:

1. Modification to allow the encroachment of covered porch and steps of first floor and covered balcony of second floor of Unit 1 into the front yard setback (SBMC§28.21.060);
2. Modification to allow the encroachment of eaves of first floor and covered balcony of second floor of Unit 1 into the interior yard setback (SBMC§28.21.060);
3. Modification to allow the encroachment of second floor deck of Unit 3 into rear setback (SBMC§28.21.060);
4. Modification to allow the encroachment of garage of Unit 3 into interior yard setback (SBMC§28.21.060); and
5. 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 Act Guidelines Section 15303 (new construction of small structures).

Kathleen Kennedy, Assistant Planner, gave a brief overview of the project.

Brett Ettinger of Ferguson-Ettinger Architects, Inc. addressed the Planning Commission, and introduced his partner Pam Ferguson, Derrick Eichelberger, Landscape Architect, Arcadia Studios, and Mike Caccese, Civil Engineer, Mac Design. He provided a detailed explanation of the proposed project.

The public hearing was opened at 3:01 p.m., and the following people spoke in opposition to the project:

Eddie Harris and Naomi Kovacs

The following person spoke in favor of the project:

Susan Van Atta.

With no one else wishing to speak, the public hearing was closed at 3:11 p.m.

Commissioners' comments and questions:

1. Asked about the private outdoor living space requirements and asked if the porch was part of the required area or was it extra.
2. Questioned the tandem parking garage for Unit 3 and how the turn around will be used.
3. Asked about the decks and how the Unit 3 deck does impede upon the creek.
4. Asked about the status of the Lower Mission Creek Flood Control project.
5. Asked that Staff explain how to determine the top of bank and that it be discussed.
6. Asked if cross sections of both the natural and man-made portions of the creek were included in packet.
7. Asked about the need for Department of Fish and Game permits.
8. Asked what is allowed in the 25-foot creek buffer area.
9. Asked if the house located between the project site and the creek is affected at all by this project.
10. Regarding Condition B-3, the street improvement plans, noticed street light, and asked why sometimes a petition is required and other times it does not.
11. Discussed the use of the L-shaped area adjacent to Unit 3.
12. Asked about the noticing radius for the project.
13. Asked about the location of the required trash areas due to the sensitivity of the creek.
14. Commented that the story poles were great.
15. Several concerns regarding encroachment into the 25 foot setback, and lack of creek development standards.
16. Cannot make Modification findings to allow the balconies to encroach into the setbacks; supportive of the front porch Modification; 2<sup>nd</sup> floor deck, wrap around for that porch is not necessary.
17. Comments regarding balconies would be more favorable if the flood control project was underway.
18. Felt that the # 1 and 2 units are quite large.

19. Front yard setbacks per City Council should be respected.
20. Feel project is quite large; would like to see it scaled back by one bedroom.
21. Feels architecture should fit in with what is already in the neighborhood, especially houses built between 1890 and 1910.
22. Discussed the encroachment of decks into the creek setback, concerned about setting a precedent and feels they are back peddling on creek setback.
23. Be sensitive to neighbor and eliminate 2<sup>nd</sup> floor deck encroachment into rear yard.
24. Suggest a continuance to ABR to further work on design to reduce the number of modifications.
25. A redesign should include no encroachment into creek setback.
26. This project should have had Planning Commission concept review.

Mr. Hansen addressed the Planning Commission regarding the creek, ground disturbance, and man-made slopes.

Mr. Ettinger responded by stating that he is surprised by the Commission's reaction to this project. The project has net positive assets and density is less than allowed for the area.

Recessed at 4:50 p.m., and reconvened at 5:07 p.m.

The applicant offered to raise the deck on Unit 3, eliminate the lower deck completely, reduce the deck on unit 2, and eliminate the two modifications that everyone seems to be in complete agreement on and just leaving the front porch modification. Could the Planning Commission support the project?

Chair Maguire proposed a straw poll and after more deliberation a motion was proposed.

**MOTION: Jostes/White**

Motion to continue the item to February 24, 2005.

This motion carried by the following vote:

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

Commissioner Jacobs left at 5:19 a.m.

**VI. APPEAL:**

**ACTUAL TIME: 5:19 P.M.**

**APPEAL BY PATRICIA GREGORY OF A MODIFICATION DENIAL OF AN APPLICATION FOR 220 E. ISLAY STREET, APN 027-112-002, E-1 ONE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACRE (MST2004-00766)**

The project site is currently developed with a 1,630 square foot single family residence and attached 150 square foot one-car garage with storage. The proposed project involves a 250 square foot first floor addition to the residence. The discretionary application required for the project is a Modification to permit the addition to be located within the required ten-foot (10') interior yard setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (ENV2004-00766).

Ms. Milazzo, Assistant Planner, gave a brief review of the project, which was initially denied.

John Bennett, Contractor, addressed the Planning Commission and explained the elevation of the new roof that was constructed.

Patricia Gregory, owner of said property, addressed the Planning Commission.

The public hearing was opened at 5:34 p.m., and the following people spoke in favor of the project:

Brian Gregory, and John Bennett.

With no one else wishing to speak, the public comment was closed at 5:45 p.m.

Commissioner's comments and questions:

1. Legal notice said modification approved and should have said it was denied.
2. Questioned the accuracy of the elevations.
3. Asked if sunroom was legal.
4. Discussed lot line adjustment and easement options.
5. Asked what the time frame and cost would be for a lot line adjustment.
6. Asked if Commission could condition a modification to require lot line adjustment prior to occupancy.
7. Felt the encroachment was minor and allowable.
8. Compared the size of the lot to a mesa parcel and recognized that its size is nonconforming for this zone.
9. Given the size and lot layout, the modification can be approved.
10. Feels strongly that a lot line adjustment would allow for a conforming addition.

11. Require that all future applicants can come back to the Planning Commission.

Mr. Vincent advised the Commission, that if the applicant wished to resolve the setback issue with a lot line adjustment rather than a modification, it would be better to deny the appeal and let the lot line adjustment be applied for.

**MOTION: White/Jostes**

**Assigned Resolution No. 011-05**

Motion to uphold the appeal, finding that the modification is necessary to secure an appropriate improvement on a nonconforming lot and is consistent with the perimeter of the existing structure, with a condition prohibiting future development without a lot line adjustment.

This motion carried by the following vote:

Ayes: 4 Noes: 2 (Mahan & Larson) Abstain: 0 Absent: 1 (Jacobs)

Chair Maguire announced the ten calendar day appeal to the City Council.

Danny Kato, Zoning and Enforcement Officer, stated for the record that, by the Planning Commission upholding this appeal, no precedent is being set.

**VII. NEW ITEM: (CONTINUED TO APRIL 21, 2005)**

**APPLICATION OF MIKE GONES, AGENT FOR RAFI JAVID, PROPERTY OWNER, 1218 & 1224 HARBOR HILLS DRIVE, APNS 035-180-089 & 035-180-098, E-1 ZONES, GENERAL PLAN DESIGNATION: THREE UNITS PER ACRE (MST97-00764)**

The proposed project involves a lot line adjustment between two lots, 1218 Harbor Hills Drive (APN 035-180-089) and 1224 Harbor Hills Drive (APN 035-180-098). The existing lot at 1218 Harbor Hills Drive is 31,163 square feet in area, and would be 30,000 square feet following the lot line adjustment. Existing on the site is a residence with a detached garage. The existing lot at 1224 Harbor Hills Drive is 26,686 square feet in size, and would be 27,767 square feet following the lot line adjustment. The lot at 1224 Harbor Hills Drive is currently vacant, and would, as part of the revised application, include a 3,415 square foot single-family residence and grading in excess of 500 cubic yards outside the main building footprint. Upon adjustment, two (2) legal lots would remain. In addition to the lot line adjustment, the proposed project involves compliance with the Conditional Certificate of Compliance dated July 24, 2000, for 1224 Harbor Hills Drive and the Conditional Certificate of Compliance dated September 20, 1982 for 1218 Harbor Hills Drive.

The discretionary applications required for this project are:

1. Modification to allow parcels APN 035-180-089 (1218 Harbor Hills Drive) and APN 035-180-098 (1224 Harbor Hills Drive) to have less than the required 90 feet of street frontage in the E-1 Zone (SBMC §28.15.080);
2. Lot Area Modification for APN 035-180-098 (1224 Harbor Hills Drive) to not comply with the slope density minimum lot size requirements in the E-1 Zone (SBMC §28.15.080);
3. Public Works Street Frontage Waiver for APN 035-180-098 (1224 Harbor Hills Drive) as required in the Conditional Certificate of Compliance dated July 24, 2000;
4. Lot Line Adjustment resulting in two lots (Gov. Code §66412); and
5. Neighborhood Preservation Ordinance Compliance to allow grading in excess of 500 cubic yards outside the main building footprint located in the Hillside Design District (SBMC §22.68.060).

The Planning Commission will consider approval of the Negative Declaration prepared for the project (MST97-00764) pursuant to the California Environmental Quality Act Guidelines Section 15074.

### **VIII. ADMINISTRATIVE AGENDA**

#### A. Committee and Liaison Reports.

Commissioner White attended the Creeks Advisory Committee meeting concerning the Veronica Meadow project.

Chair Maguire and Commissioner Mahan attended the Airport Terminal Work Session.

#### B. Review of the decisions of the Modification Hearing Officer in accordance with SBMC §28.92.026.

None.

To avoid the appearance of a conflict of interest, Vice-Chair Jostes left at 6:22 p.m.

Former Commissioner Grant House joined in the discussion of the minutes and commended staff in their extraordinary job in putting these minutes together.

#### C. Review and consideration of the following Planning Commission Resolutions and Minutes:

1. Minutes of December 16, 2004
2. Resolution No. 058-04
3. Resolution No. 059-04

**MOTION: White/Mahan**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 3 Noes: 0 Abstain: 2 (Larson and Myers) Absent: 2 (Jacobs and Jostes)

**IX. ADJOURNMENT**

Chair Maguire adjourned the meeting at 6:54 p.m.

Submitted by,

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Liz N. Ruiz, Planning Commission Secretary