



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

February 24, 2005

### **CALL TO ORDER:**

Chair Jonathan Maguire called the meeting to order at 1:18 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.

### **STAFF PRESENT:**

Jan Hubbell, Senior Planner

Kathleen Kennedy, Assistant Planner

Victoria Johnson, Project Engineer

Michael Berman, Project Planner

Sara Iza, Associate Planner

Allison DeBusk, Associate Planner

Jaime Limon, Senior Planner

N. Scott Vincent, Assistant City Attorney

Liz N. Ruiz, Planning Commission Secretary

## **II. PRELIMINARY MATTERS:**

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

There were no requests.

- B. Announcements and appeals.

Ms. Hubbell announced today's meeting is not being televised live and announced that the replay would be at 8:00 p.m. on Thursday, February 24, 2005, and at 9:00 a.m. on Monday, February 28, 2005.

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

There were none.

**III. CONSENT ITEMS:**

**ACTUAL TIME: 1:20 P.M.**

**A. APPLICATION OF MR. STEVE ONDRE, AGENT FOR MARTIN ANGUIANO, PROPERTY OWNER, 711-713 KIMBALL AVENUE, APN 017-161-004, M-1/SD-3: LIGHT MANUFACTURING AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2002-00834)**

The subject project consists of the construction of a new 531 square foot commercial office building with three parking spaces, landscaping, and an outdoor storage area. The existing residential duplex will be demolished.

The discretionary application required for this project is a Coastal Development Permit for development in the non-appealable jurisdiction of the Coastal Zone (SBMC§28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (demolition of multi-family residential structure) and Section 15303 (new construction of small structure).

**MOTION: White/Jacobs**

To waive the presentation of the staff report.

This motion carried by the following vote:

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

With no one wishing to speak, the public hearing was opened and closed at 1:20 p.m.

**MOTION: White/Jostes**

**Assigned Resolution No. 003-05**

To approve the project, and make the findings for the Coastal Development Permit, subject to the conditions of approval.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**B. APPLICATION OF JAMES ZIMMERMAN, ARCHITECT, AGENT FOR CORYAT FAMILY LIVING TRUST, PROPERTY OWNERS, 1216 SHORELINE DRIVE, APN 045-214-018, E-3/SD-3: SINGLE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS /ACRE (MST2004-00479)**

The project consists of a proposal to construct a new 2,537 square foot, two-story, single-family residence with a 400 square foot two-car basement garage, 742 square feet of decks and a 1,525 square foot basement. The existing 2,264 square foot, two-story, single-family residence, attached carport and roof deck would be demolished.

The discretionary application required for this project is a Coastal Development Permit for development in the appealable jurisdiction of the Coastal Zone (SBMC§28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (demolition of single-family residence) and Section 15303 (new construction of small structure).

**MOTION: White/Jostes**

To waive the presentation of the staff report.

This motion carried by the following vote:

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

The public hearing was opened at 1:23 p.m., and the following people spoke in favor of the project:

Christan Scheib  
Gabriella Federick  
Tony Riparetti  
David Dolotta  
Susan Heffernan  
Emmet Hawkes  
Ginny Miller

The following people spoke in opposition to the project:

Susan Trescher, La Mesa Neighborhood Association, mainly opposed the 1,500 square foot basement because it was thought to only have an outside entrance, which would enable it to be converted to an illegal dwelling unit.

With no one else wishing to speak, the public hearing was closed at 1:28 p.m.  
Commissioners' comments and questions:

1. Asked about the access to the basement.
2. Invited the owner or architect to speak before the Commission in regard to the basement.

3. Complimented the architect and owner, like the design, fact that there are no Modifications requested, and parking is underground.
4. Praised the owner for his great effort in soliciting the neighbor's approval.
5. Asked that a Zoning Compliance Declaration be added to the conditions of approval.
6. Should encourage more basements in projects.

Brian Coryat, property owner, stated that there is no intention to turn the residence into a duplex and discussed the elevator and stairs.

Ms. Hubbell stated that there would be access to the basement from both the garage and the first floor and that staff had worked with the owner to eliminate the possibility that the basement could be converted to an illegal dwelling unit.

**MOTION: Jacobs/White**

**Assigned Resolution No. 012-05**

To approve the project, make the findings for the Coastal Development Permit, subject to the conditions of approval, with the added condition for a zoning compliance declaration.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**IV. CONTINUED ITEM:**

**ACTUAL TIME: 1:37 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. This item was continued from February 10, 2005.

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).

Ms. Hubbell addressed the Planning Commission, and noted that this item was continued from the meeting of February 10, 2005.

Arthur Carlson, Owner, outlined all the changes made to the plans to address the Commission's concerns from the previous hearing.

With no one wishing to speak, the public hearing was opened and closed at 1:47 p.m.

Commissioners' comments and questions:

1. Asked about how many modification requests were remaining.
2. Willing to support some second floor deck encroachments into the creek setback.
3. Asked where the end of the creek retaining wall was in relationship to the proposed project.
4. Asked how far above the ground the decks are within the creek setback.
5. Asked if the back up area for Unit 3 could be used as private outdoor living space and if there is another way to meet the back-up and turnaround requirements.
6. Asked if the project would have to be renoticed if a modification to allow less than the required private outdoor living space was included.
7. Felt the analysis is slightly flawed, but in favor of the project.
8. Suggestions for other locations for private outdoor living space included a roof terrace, deck near garage door of Unit 2, and the space between Units 2 and 3.
9. Would like to find a solution to this project because it's a nice one, but feel strongly about not violating the creek setback.
10. Thanked the applicant for making so many concessions.
11. Suggested removing controversial elements in order to approve.
12. Concern that there is still too much on the site.
13. Need a discussion about the appropriate height where encroachments may be allowed.
14. Felt the creek area should not be penetrated.

Recessed at 2:32 p.m., and reconvened at 2:46 p.m.

Ms. Hubbell outlined all the modifications being proposed.

Mr. Carlson asked whether a small encroachment resulting from the squaring off of the small “boomerang- shaped” deck on the first floor of Unit 2 would be allowed.

**MOTION: Mahan/Jacobs**

**Assigned Resolution No. 013-05**

To approve the revised modifications and the tentative subdivision map, and to deny the modification to allow the encroachment of second floor deck of Unit 3 into the rear yard, with the condition that the project return to the Architectural Board of Review to resolve the private outdoor living space concerns.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**V. NEW ITEMS:**

**ACTUAL TIME: 2:54 P.M.**

**A. APPLICATION OF LEIF REYNOLDS, AGENT FOR CITY OF SANTA BARBARA, 601 FIRESTONE ROAD, 073-045-003, A-F, A-A-O, S-D-3, G-S-R AIRPORT FACILITIES, AIRPORT APPROACH AND OPERATIONS, COASTAL OVERLAY ZONE, AND GOLETA SLOUGH RESERVE ZONES GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2004-00778, CDP2005-00001)**

The proposed project would improve drainage capacity on the Santa Barbara Airport airfield through the improvements: (1) replacement of existing undersized storm drains with larger drains in the same location; (2) installation of new storm drain parallel to existing drains; (3) modification of existing drain inlets to achieve desired elevation; and (4) modification or replacement of storm drain outlets and associated headwalls.

The project would be constructed during the period of May 1, 2005 to September 1, 2005. Construction activities would include pipe removal and installation, storm drain outlet work, dewatering, and temporary disturbance to approximately 139,705 square feet of Airport Property – of which 4,644 square feet would be Coastal Act wetlands and 900 square feet would be U.S. Army Corps of Engineers wetlands. The project would involve continued maintenance practices for the storm drain inlets, pipes, and outlets. Inlets are periodically inspected and obstructions (typically vegetation) are manually removed. If obstructive vegetation develops at the mouth of the outlet that could impede flow, the Airport manually removes the vegetation using hand crews. The Airport maintains a 15-foot long open area below each outlet.

The discretionary applications required for this project are:

1. A Coastal Development Permit to complete drainage improvements in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009); and

2. A recommendation to the California Coastal Commission for a Goleta Slough Reserve (G-S-R) Coastal Development Permit for development within the Goleta Slough Reserve Zone for the portion of the project located in the Coastal Commission's Permanent Jurisdiction (SBMC § 29.25.020(A.)).
3. The Planning Commission will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Sara Iza, Associate Planner, gave an overview of the construction needed in order to improve the drainage capacity at the Santa Barbara Airport airfield.

With no one wishing to speak, the public hearing was opened and closed at 3:02 p.m.

Kevin Connors, Penfield & Smith Engineers, addressed the Planning Commission.

**MOTION: White/Mahan**

**Assigned Resolution No. 014-05**

To make the findings, adopt the Final Mitigated Negative Declaration, and approve the Coastal Development Permit.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**ACTUAL TIME: 3:08 P.M.**

**B. APPLICATION OF THOMAS CONDON, AGENT FOR TNS GROUP, LLC, PROPERTY OWNER, 403 ALAMDEA PADRE SERRA, APN: 031-391-015, R-2 TWO FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2004-00353)**

The proposed project involves demolition of the existing single-family residence and garage and construction of two new three-bedroom condominium units of approximately 1,900 square feet each with attached two-car garages on a 6,400 square foot lot.

The discretionary applications required for this project are:

1. A Modification to allow the proposed building to encroach into the required front yard setback along Alameda Padre Serra (SBMC §28.18.060 A);
2. A Modification to allow less than the required 1,250 square foot open yard area SBMC § 28.15.060); and
3. A Tentative Subdivision Map for a one-lot subdivision to create two residential condominiums (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 Sections 15301 (Existing Facilities), 15303 (Construction of Small Structures), and 15315 (Minor Land Divisions).

Allison DeBusk, Associate Planner, gave a brief overview of the project.

Tom Meaney, Architect, addressed the Planning Commission.

Thomas Condon, Owner, stated he was available to the Planning Commission for questions.

Jackie Moran, Owner, addressed the Planning Commission.

With no one wishing to speak, the public hearing was opened and closed at 3:21 p.m.

Commissioners' comments and questions:

1. Asked if ABR had reviewed the neighborhood massing study they had requested.
2. Feels architecture is elegant and really likes it.
3. Feels floor to floor heights should be reduced.
4. Likes the parkway between the sidewalk and the street.
5. Feels driveways and walkways should have permeable paving.
6. Stated this is basically a non conforming lot with large units.
7. Several Commissioners were in support of the APS setback modification.
8. Asked if having two front yard setback requirements mitigates the open yard area.
9. Feels reducing the size of the units would not achieve adequate open yard area.
10. Asked if the open yard space in back is common area.
11. Feels that the west side elevation on Unit 1 seems very big.
12. Believes two units are appropriate on this site.
13. Concerned with the proximity to the neighbor to the south and the vertical wall proposed.
14. Stated he has difficulty with the open yard space.
15. Supports lowering the plate heights
16. Suggested the elevation can be reduced by getting the garage doors down to 7 feet.
17. Feels that by adding a parkway and sidewalk (already part of the project) there will be a place for street trees, which is a community benefit.
18. Feels greater open space can be created by shaving off square footage, perhaps 100-150 square feet.
19. Feels both units should have direct access to the sidewalk, separate from the driveway.
20. Feels driveways and walkways should have permeable paving.

**MOTION: Mahan/Larsen**

**Assigned Resolution No. 015-05**

To approve the setback modification, open yard modification, and the tentative map with amended conditions as follows:

- on the first floor, the floor-to-floor heights shall be less than or equal to ten feet;
- on the second floor plate heights shall be no more than eight feet;

- there shall be a pedestrian walkway to each unit that is separate from the driveway;
- permeable paving shall be used for the driveways and for the walkways ; and
- high quality detailing shall be incorporated.

This motion carried by the following vote:

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

Chair Maguire announced the ten calendar day appeal period.

**VI. CONTINUED CONCEPT ITEM:**

**ACTUAL TIME: 4:24 P.M.**

**APPLICATION OF DAVID TABOR, AGENT FOR KATHERINE HAHN, 1240 W. MICHELTORENA STREET, APN 041-101-010, R-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE (MST2003-00458)**

This is a revised project. Proposal for a 1,440 square foot, three-story residence with an attached, 440 square foot garage on a 5,723 square foot vacant lot, located in the Hillside Design District. The proposal includes approximately 1,930 cubic yards of grading excavation under the main-building footprint and the construction of a 30 to 40 foot paved textured retaining wall behind the proposed structure. Modifications are requested for encroachments into the required front yard. Additionally, an encroachment permit will be required to allow improvements within the public right-of-way.

The purpose of the Concept Review is to allow the Planning Commission an opportunity to review the proposed project and design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed design. No formal action on the development proposal will be taken at the Concept Review, nor will any determination be made regarding environmental review of the proposed project. This item was continued from January 13, 2005.

Upon review and formal action on the application for the development proposal, the proposed project would likely require the following discretionary applications:

1. Modifications to permit portions of the structure to be located within the required 15 foot front yard setback (SBMC §28.15.060); and
2. Neighborhood Preservation Ordinance Compliance findings for development within the Hillside Design District (SBMC §22.68.070).

The Environmental Analyst has determined that the project requires the preparation of an Initial Study with further environmental review pursuant to the California Environmental Quality Guidelines Section 15063.

Jaime Limon, Senior Planner, gave a brief overview of this revised project.

Commissioners' comments and questions:

1. Asked what the owner's development rights are.
2. Asked if it is incumbent on the City to find solutions to building on this property.
3. Asked where staff will go with this and what is their interpretation of the minimum building size.
4. Clarified that the Uniform Building Code also outlines minimum square footage which is approximately 350 feet.
5. Addressed a concern in a report from City Engineers referring to soil nails and requested clarification of what they are.
6. Feels the bend in the street benefits the visibility.
7. Stated critical information is needed as to where exactly the house will sit and where the retaining wall will be.
8. Feels the Oak trees will require drip irrigation.

Mr. Vincent noted that the applicant/owner does have rights to some sort of development consistent with the General Plan and the zone. It could be the smallest allowed by the Building Code.

Mr. Limon stated that this proposal has been scaled back and has gone through the Architectural Board of Review. Ms. Hubbell gave an example to another project similar to this one.

Dave Tabor, Agent, addressed the Planning Commission.

Ken Clements spoke regarding the retaining walls in question.

The public hearing was opened at 5:31 p.m., and the following people spoke in opposition to the project:

Jean Demro  
Oscar Kass

With no one else wishing to speak, the public hearing was closed at 5:44 p.m.

Commissioner's comments and questions:

1. Feels the need to address the easement, in particular, the nature walk path.
2. Asked a question about guest parking.
3. Concerned that carving hole in hillside and putting in retaining wall will not be compatible with the neighborhood.
4. The loss of Oak trees and the visual impacts are significant.
5. The project is inconsistent with Conservation Element Visual Resources policy.
6. The extent of grading will truly be a challenge.

7. If anything is to be built on this property it would have to be the minimum amount allowable by law – two parking spaces and the square footage of residence that would go on top, maximum.
8. Asked if the applicant has been counseled by Staff, and if this lot is developable.
9. Asked if a studio is proposed what is the requirement for parking.
10. Stated that in making a comparison to the Scoffield wall, likes the look.
11. Stated he could support a one-space garage modification.
12. Suggested that possibly a studio or cabin can be built on this lot.
13. Does not believe nothing is possible for this site.
14. Project is not consistent with Neighborhood Preservation Ordinance.

Mr. Tabor proposed eliminating the top floor of the house.

Mr. Vincent stated he would look into what the applicant is entitled to, and comments were entered into record.

## **VII. ADMINISTRATIVE AGENDA**

The Administrative Agenda was addressed at 3:54 p.m.

### **A. Committee and Liaison Reports.**

Chair Maguire and Vice-Chair Jostes discussed a meeting of the Planning Commission, Historic Landmarks, Commission, and the Architectural Board of Review Chairs and Vice-Chairs where one item discussed was Housing element Implementation.

Commissioner Mahan reported on a meeting about the role of the Transportation and Circulation Committee on projects and land use issues.

Commissioners Mahan and Jacobs gave an update on the Neighborhood Preservation Ordinance Steering Committee. Also speaking on the subject was Jaime Limón.

Commissioner Larson reported on the Architectural Board of Review and noted forthcoming projects.

Commissioner White outlined a City water production chart which was handed out by Water Resources Staff at the luncheon meeting.

Commissioner Jacobs left at 4:20 p.m.

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

None were requested.

The applicant for Item VI arrived at 4:24 p.m., and the meeting reverted back to that item.

**VIII. ADJOURNMENT**

The meeting was adjourned at 6:05 p.m.

Submitted by,

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Liz N. Ruiz, Planning Commission Secretary