



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

January 4, 2007

CALL TO ORDER:

Chair John Jostes called the meeting to order at 1:03 P.M.

ROLL CALL:

Present:

Chair John Jostes

Vice-Chair Charmaine Jacobs

Commissioners Bruce Bartlett, Stella Larson, George C. Myers, Addison S. Thompson and Harwood A. White, Jr.

Absent:

None

STAFF PRESENT:

Jan Hubbell, Senior Planner

Jaime Limón, Senior Planner

N. Scott Vincent, Assistant City Attorney

Chelsey Swanson, Assistant Planner

Heather Baker, Project Planner

Suzanne Johnston, Planning Technician

Steve Foley, Supervising Transportation Planner

Judith Johnduff, Assistant Transportation Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

- A. Nominations and Election of Chair and Vice Chair

MOTION: White/Thompson

Approve nomination of Charmaine Jacobs as Chair and George Myers as Vice-Chair.

This motion carried by the following vote:

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

Commissioner Jostes thanked his colleagues and Staff for a memorable year. Staff also acknowledged appreciation for Chair Jostes contributions to the Commission this past year.

Chair Jacobs welcomed the 2007 Planning Commission and gave the Commissioners an opportunity to change seating assignments.

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

Senior Planner Jan Hubbell announced that there were none.

- C. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. A special joint City Council/Planning Commission meeting is scheduled for Tuesday, February 20th from 9 A.M.-11:30 A.M in the David Gebhard Public Meeting Room. The purpose of the meeting is to discuss the restart of the SB 2030 General Plan Update process and Staff Hearing Officer first year review.
2. 1443 San Miguel Avenue has been appealed to City Council by two different appellants. The appeal date has not yet been confirmed.
3. 3408-3412 State Street has been appealed and is scheduled January 23rd. Planning Commission representation will be needed.
4. 1575 La Vista del Oceano has been appealed to City Council and is scheduled for February 13th. Planning Commission representation will be needed.
5. 128-138 Canon Perdido is a Staff Hearing Officer appeal to the Planning Commission and is scheduled for February 1st.
6. 606 Calle Granada is a Staff Hearing Officer appeal to the Planning Commission and is scheduled for January 18th.

Commissioner White will attend the 1575 La Vista del Oceano appeal.

Commissioner Jostes will attend the 3408-3412 State Street appeal.

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

Chair Jacobs opened the public hearing at 1:11 P.M and with no one wishing to speak, the public hearing was closed at 1:11 P.M.

II. CONSENT ITEMS:

ACTUAL TIME: 1:11 P.M.

APPLICATION OF PETER WALKER HUNT, AIA FOR BOLGER FAMILY TRUST, 2431 MESA SCHOOL LANE, 041-311-005, E-3 SINGLE FAMILY RESIDENTIAL AND SD-3 COASTAL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL THREE (3) UNITS PER ACRE (MST2006-00295/CDP2006-00008)

The project consists of the proposed demolition of an existing Single-Family Residence (SFR) and the construction of a new 2,789 square foot, two-story SFR including an attached two-car garage on a 10,075 square foot lot located in the Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is a Coastal Development Permit (CDP2006-00008) to allow the proposed development in the Appealable Jurisdiction of the City's 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 Guidelines Section 15302

Case Planner: Suzanne Johnston, Planning Technician
Email: sjohnston@santabarbaraca.gov

Ms. Hubbell stated that Staff would be presenting a brief staff report on changes being proposed to the project based on comments from the Planning Commission site visit and introduced Suzanne Johnston to give the Staff Report.

Suzanne Johnston, Planning Technician, gave the Staff Report.

The Commission asked why the applicant's proposed driveway configuration was not acceptable to Traffic Staff.

Judith Johnduff, Assistant Transportation Planner, stated that the intent was to keep the driveway as accessible as possible. Garages that are not easily accessible end up becoming storage space.

Peter Hunt, architect, gave the applicant presentation and made clarifications.

Commissioner's comments and questions:

1. Asked whether neighborhood input was requested for views on the sidewalk.

2. Asked for clarification and reconciliation of the reference made in the landscape plan for a new sidewalk going across the frontage with the absence of the sidewalk in the site plan.
3. Asked for explanation of the note on the site plan referring to a 36" fence and asked where it runs across the property and whether it is on the property line or on the 5' easement on the adjacent parcel.

Mr. Hunt has not had any comments made from the neighbors regarding the sidewalk. Mr. Hunt recapped Staff's input on the applicant's options to putting in a sidewalk, with the curb and gutter being a mandatory requirement.

Mr. Hunt responded that the proposed fence is back behind the 5' easement.

Chair Jacobs opened the public hearing at 1:29 P.M. With no one wishing to speak, the public hearing was closed at 1:29 P.M.

Staff reviewed for the Commission changes to the conditions of approval that were distributed at the hearing.

Commissioner's comments and questions:

1. Supports proposed improvements and feels they will improve the neighborhood.
2. Inquired whether it was standard practice to include the condition B.2.d.1, regarding no storage and parking within 5' of the oak tree, on the contractor's site plans.
3. Would like to see a sidewalk as part of this project and specified in the conditions of approval.

Ms. Hubbell responded that condition F.5 references the protection of the oak tree and falls under the construction implementation requirements. This condition is also stated on the contractor's site plans.

MOTION: Thompson/Myers

Assigned Resolution No. 001-07

Approve the application for a Coastal Development Permit with the findings as outlined in the Staff Report, including the amended conditions of approval as recommended by Staff.

Commissioners' deliberation:

1. Asked for clarification on the sidewalk consideration for consistency.
2. Requested that a sidewalk be included that continues as close to the oak tree as possible and be on both sides of driveway apron.
3. Two commissioners expressed concern with the practicality of the proposed sidewalk.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

III. CONTINUED ITEMS:

ACTUAL TIME: 1:39 P.M.

APPLICATION OF DIANE NORMAN, 612 ALSTON ROAD, APN 015-171-014, A-2 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 2 UNITS PER ACRE (MST2005-00184)

Continued from December 14, 2006.

The project involves the subdivision of a 88,205 square foot parcel (net) into two parcels totaling 39,284 net square feet (Parcel A) and 48,921 net square feet (Parcel B) in the A-2 Zone. An existing single-family residence would remain on proposed Parcel A and no new development is currently proposed for Parcel B. A modification would be required for Parcel B to have less than the required 100 feet of frontage on a public street. The proposed project was previously reviewed by the Planning Commission on December 14, 2006, and was continued indefinitely. This proposal is similar to the previous proposal, with minor changes to parcel sizes.

The discretionary applications required for this project are:

1. A Modification to allow less than the required street frontage for a newly created lot in the A-2 Zone (SBMC §28.15.080 and §28.92.110.A); and
2. A Tentative Subdivision Map to allow the division of one parcel into two lots (SBMC §27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (minor land divisions).

Case Planner: Chelsey Swanson, Assistant Planner
Email: cswanson@SantaBarbaraCA.gov

Chelsey Swanson, Assistant Planner, gave the staff presentation.

Commissioner's comments and questions:

1. Asked if the utility pole on the East end of the property is a light standard or electrical pole.

Ms. Swanson and the applicant confirmed that the pole questioned is a utility pole.

The applicant was given the opportunity to speak and declined to give further comment. Chair Jacobs opened the public hearing at 1:45 P.M. With no one wishing to speak, the public hearing was closed at 1:45 P.M.

Commissioner's comments and questions:

1. Commissioners appreciated the applicant's design revisions and new condition requiring ABR review for the future home, and expressed support for the project providing that the building will parallel the contours.
2. Questioned whether the wording 'stepping down the hill' should be eliminated from Design Review condition. Some Commissioners expressed a desire to make sure that the house does not begin to stack up on the East property line. Referenced as B.2.4 on page 2 of the conditions.
3. Asked if this project is in the Hillside Design District and subject to the Hillside Design District Guidelines and Single Family Design Guidelines.

Ms. Hubbell offered to eliminate the wording and change the condition referenced on page two to read that it would avoid excessive massing near the Eastern property line. Scott Vincent, Assistant City Attorney, added that, since there was no proposed development for the parcel in connection with the proposed subdivision, the condition should not be located in the design review, but placed in the recorded conditions of approval to give notice to any future property owner of the parcel.

Ms. Hubbell clarified the project does fall within the Hillside Design District. Also commented on how the Hillside Design Guidelines talk about preference toward 'stepping down' the slope as long as too tall a mass is not achieved, rather than going across the contour lines. In this case, with the layout between properties, it is actually shifting away from Single Family Residential Design Guidelines and it is better to leave the language as proposed.

MOTION: White/Thompson

Assigned Resolution No. 002-07

Approve the Street Frontage Modification, and the Tentative Map, as outlined in the Staff Report, and amended as follows: 1) Include condition B.4 in Section A, Recorded Agreement, as amended.

Commissioner's comments and questions:

Commissioner Bartlett stated that, while he had not been at prior hearings, he had reviewed audio tapes and Staff Reports of each of the prior meetings and wanted to participate in today's hearing decision.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

IV. NEW ITEMS:

ACTUAL TIME: 2:22 P.M.

PROPOSAL TO AMEND SECTIONS OF THE SANTA BARBARA MUNICIPAL CODE INCLUDING TITLE 28 (THE ZONING ORDINANCE) IN ORDER TO IMPLEMENT RECOMMENDED SOLAR ENERGY SYSTEM CHANGES (MST2006-00721)

The City of Santa Barbara is considering Amendments to the Santa Barbara Municipal Code, Titles 22 and 28 of the Zoning Ordinance to address the processing of Solar Energy Systems consistent with State law. Changes would result in:

1. **Increased flexibility in solar energy system placement:** Proposed changes would allow solar panels to be placed on existing legal non-conforming structures within required setbacks without a modification application. The provision would only apply where systems are installed within a certain height above the existing roof structure and the system is generally consistent with the City's Solar Energy System Design Guidelines. This provision can provide flexibility to install solar energy systems in the least visible, highest performing locations on a site. Also, allowing panels to follow the entire portion of a roof can result in a more aesthetically attractive design.
2. **Codified procedures for referral of certain solar energy system projects which propose potentially significant impacts to Design Review, consistent with State laws pertaining to Solar Energy Systems (Government Codes 65850.5, Civil Code Section 714, 801 & 801.5, Revenue and Taxation Code Section 73 and Public Resources Code 25980 - 25986).**

The proposed changes were initially discussed by the Architectural Board of Review on October 23rd, Historic Landmarks Commission on November 1st and City Council on December 5th. The purpose of this hearing is to get Planning Commission feedback on the proposed recommendations before taking them to the Ordinance Committee for adoption.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305, Minor Alterations in Land Use Limitations.

Case Planner: Heather Baker, Project Planner
Email: hbaker@SantaBarbaraCA.gov

Heather Baker, Project Planner, gave the Staff presentation.

Commissioner's comments and questions:

1. Asked if solar energy, as used in the context of the presentation, referred solely to electric generation, or included solar water heaters. Recommended that Staff make sure that the ordinance is clear in including all forms of solar energy.
2. Concerned with the removal of significant mature landscaping for the sake of solar energy and asked that it be considered. Stated review of removal of landscape should be considered since solar cannot be shaded by a neighbor.
3. Asked for definition of the "20 percent" issue.
4. Asked if the scope has been narrowed with regard to design guidelines on solar systems and photo voltaic systems.
5. Inquired whether this proposal was being reviewed by other review boards. One commissioner commented that the Architectural Board of Review (ABR) had considered design standards in its review.
6. Asked for clarification of language that says a delay could not occur, when design review in itself presents a delay. A need for clarification of when a line is crossed needs to be defined.
7. Noted that the grid shows Santa Barbara as 45 degrees to the compass coordinates and asked if the 45 degree rotation on the solar orientation of a panel would reduce the effectiveness by more than 20 %.

Ms. Baker clarified that solar energy and the City's Solar Energy System Design Guidelines, reviewed by the Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC) prior to City Council adoption on December 5, 2006, is applied to both electric generation and solar water heating.

Mr. Vincent informed the Commission that there are three State statutes involved in the regulation or deregulation of solar energy systems. One of the code provisions applies to Conditions, Covenants, and Restrictions (CC&Rs) and limits CC&Rs from precluding or overburdening solar energy systems. The statute language, as it applies to the city, states that a city should use its best efforts to avoid overburdening a system. In other words, reducing its effectiveness over 20% or increasing its cost over 20% in the conditions applied. Mr. Vincent believes that the legislation appears to be abstract and asked Staff to consider how it would address a system that was proposed as part of a larger project and how integrated solar systems would be addressed. Concerned with whether a house would be exempt from Design Review based on inclusion of a solar system.

Jaime Limon, Senior Planner, added that the legislation's defined significant cost parameters are outlined in the report. Design guidelines have been discussed with the public; however, the market is evolving and materials and design are continuously changing, but can certainly be incorporated into future guideline updates.

Mr. Limon recapped the background of this legislation that began two years ago and has led to today's recommendations, including the participation of the ABR and HLC. Since that time, Staff has reviewed all systems with about 95% being expedited. The remaining 5% involve sensitive locations, such as historic structures or environmentally sensitive locations.

The intent of this proposal is not to develop a burdensome review process or deny applicant proposals, but to help the applicant with an installation that complies with design guidelines to minimize impacts.

Mr. Vincent addressed the delay by referencing that it is the statute's intent not to create unreasonable barriers to the installation of solar panel systems. While design review can present a delay, it may not constitute an unreasonable barrier. Mr. Limon added that the City has complied with the intent by adopting procedures and policies that are now being implemented and allow for ministerial approvals on at least 95% of applications.

Regarding landscape shading, Ms. Baker stated that project reviews are based on the zoning ordinance and must be consistent with the solar ordinance guidelines that prohibit a certain amount of shading onto properties to the north. The 45 degree angling does not cause inefficiencies. It is important to keep energy systems oriented to south, west, or east and to avoid a northern orientation. The 45 degree angling of properties does not cause efficiency; or aesthetic issues.

Chair Jacobs opened the public hearing at 3:02 P.M.

The following people spoke in support of the proposal:

1. Christopher Farley, Solar Energy Company, submitted a handout and commented on CO2 emissions.
2. Tam Hunt, Community Environmental Council
3. James Abraham Powell

The following person spoke with concerns of the proposal:

Patty Erbe voiced concerns with the associated costs in the proposal and its impact on applicants who want to use solar panels. Suggested adoption of the two proposals separately. Also suggested panels on non-conforming structures should be able to be higher than 8" above structures they are placed on.

With no one else wishing to speak, the public hearing was closed at 3:18 P.M.

Commissioner's comments and questions:

1. Asked Staff about Mr. Johnston's, solar system design.
2. Asked Staff if the two projects that were referenced as denials would receive ministerial approval if this proposal were in effect.
3. Commissioners appreciated Staff's work on this proposal and today's public input.
4. Focus appears to be on the regulatory solution and not on the policy solution. Would like to see opportunities for the California Environmental Quality Act (CEQA) analysis to address concerns.

5. Would like to see amortization figures for photo voltaic systems available to the Commissioners, as well as applicants, to help in seeing the true associated costs. Would like to know what the City's goal is for number of installations by 2010 and to have the number tracked.
6. Does not want to see the work to create an aesthetically attractive Santa Barbara that has been so hard fought over the last 80-plus years be lost.
7. Sees a nexus in public interest regarding solar energy system appearance. Also feels we need to be able to address the public's requests, such as reducing our carbon footprint. The process needs to be simplified to make it easier for the public to incorporate solar without undue hindrance.
8. As solar products continue to evolve, there is a need to revisit what kinds of installations should be allowed, in particular, when considering hillside projects.
9. Consensus of Commissioners were in support of proposal one and would like to see it expedited, as voiced in the public hearing.
10. Many Commissioners felt that the second proposal needs to be further discussed and reviewed and would like to have that opportunity at a separate meeting.
11. Commented that property values are considered in aesthetic regulations.

Mr. Limon described Mr. Johnston's panels and the recommendations made to him by the ABR. Other examples of denials cited included a home with a system that was being installed in a scattered fashion and an apartment building that asked for modification of its height in orientation.

Ms. Hubbell recommended that the two proposals be considered separately and that the second proposal be revisited on the February 8, 2007 Planning Commission agenda.

Ms. Baker summarized the three specific topics to be revisited on February 8, 2007: 1) Public health and safety nexus for review; 2) Project categories of potential concern; and 3) Specific adverse impact criteria.

MOTION: Jostes/White

Assigned Resolution No. 003-07

Recommend that City Council expeditiously approve and implement Proposal One.

This motion carried by the following vote:

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

MOTION: Jostes/White

Continue discussion of Proposal Two to February 8, 2007.

This motion carried by the following vote:

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

Chair Jacobs announced the ten calendar day appeal period.

V. **ADMINISTRATIVE AGENDA**

- A. Committee and Liaison Reports.
1. Commissioners acknowledged the recent death of former City Public Works Director Bob Puddicombe and his contributions to the community.
 2. Commissioner White thanked Staff for the reproduction and distribution of the Annual Water Supply Management Report.
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.080.
- Commissioner White would like to see the Staff Hearing Officer's 416 Anacapa project reviewed at the February 20, 2007 joint City Council/Planning Commission meeting. It is a big project that is on the edge of what should be under the Staff Hearing Officer's purview.
- C. Appointment of the 2007 Primary and Alternate Liaisons to City Boards and Commissions.

Airport Commission

Addison Thompson
Charmaine Jacobs – Alternate

Airline Terminal Design Subcommittee

Addison Thompson
Charmaine Jacobs

Architectural Board of Review

Bruce Bartlett
Stella Larson – Alternate

Creeks Restoration & Water Quality Improvement

Program Citizen Advisory Committee (appointment continued)

John Jostes
Harwood A. White, Jr. – Alternate

Downtown Parking Committee

George Myers
Addison Thompson- Alternate

Harbor Commission

Harwood A. White, Jr.
George Myers – Alternate

Highway 101 Improvements Design Subcommittee

George Myers
Bruce Bartlett
Charmaine Jacobs - Alternate

Historic Landmarks Commission

Stella Larson
George Myers – Alternate

Housing Policy Steering Committee

Bruce Bartlett
John Jostes
Charmaine Jacobs – Alternate

Mission Creek Design Subcommittee

Harwood A. White, Jr.
George Myers
John Jostes – Alternate

Park and Recreation Commission

John Jostes
Charmaine Jacobs - Alternate

Plaza de la Guerra Committee

Charmaine Jacobs
George Myers - Alternate

Process Improvement Liaisons

John Jostes
George Myers

Santa Barbara 2030 Outreach Committee

George Myers
John Jostes

Solid Waste Management Advisory Committee

Stella Larson
Charmaine Jacobs – Alternate

Street Lighting Master Plan Subcommittee

Stella Larson
Addison Thompson – Alternate

Staff Hearing Officer/ Modification Liaison

Harwood A. White, Jr.
George Myers - Alternate

Transportation and Circulation Committee

Addison Thompson
Bruce Bartlett – Alternate

Water Commission

Harwood A. White, Jr.
Addison Thompson – Alternate

Westside Community Group

Stella Larson
George Myers – Alternate

VII. ADJOURNMENT

MOTION: Myers/Larson

Adjourn the meeting.

This motion carried by the following vote:

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

Chair Jacobs adjourned the meeting at 3:45 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

