



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

February 7, 2008

CALL TO ORDER:

Chair George C. Myers called the meeting to order at 1:06 P.M.

ROLL CALL:

Present:

Chair George C. Myers

Vice-Chair Stella Larson

Commissioners Bruce Bartlett, Charmaine Jacobs, Addison S. Thompson, and Harwood A. White, Jr.

Absent:

Commissioner John Jostes

STAFF PRESENT:

Jan Hubbell, Senior Planner

Danny Kato, Senior Planner

Jaime Limón, Senior Planner

Steve Wiley, City Attorney

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Steve Foley, Supervising Transportation Planner

Michael Berman, Environmental Analyst

Allison De Busk, Project Planner

Kathleen Kennedy, Associate Planner

Suzanne Johnston, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

I. PRELIMINARY MATTERS:

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

Senior Planner Jan Hubbell announced that the 1298 Coast Village Road project scheduled to be heard today has been rescheduled to March 13, 2008 and will be renoticed.

B. Announcements and appeals.

Ms. Hubbell made the following announcements:

1. The 518 State Street project, approved by the Staff Hearing Officer (SHO), and appealed to the Planning Commission, which upheld the SHO's decision heard at City Council on appeal this last Tuesday. The City Council upheld the Planning Commission's decision and the project remains approved.
2. Melissa Hetrick, former California Coastal Commission Analyst, will begin working on February 1, 2008 as an Environmental Analyst in Community Development.
3. Beginning Monday, January 28, 2008, Planning Commission meeting video will be archived and made available to the public online; high speed internet access will be required.

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

Chair Myers opened the public hearing at 1:08 P.M. and, with no one wishing to speak, closed the hearing.

II. CONSENT ITEM:

ACTUAL TIME: 1:08 P.M.

APPLICATION OF APPLIED ENVIRONMENTAL TECHNOLOGIES, INC.,
AGENT FOR OLD CABRILLO WAREHOUSE, 130 GARDEN STREET,
APN 017-630-016, OM-1 AND S-D-3, OCEAN ORIENTED LIGHT
MANUFACTURING AND COASTAL ZONES, GENERAL PLAN DESIGNATION:
OCEAN ORIENTED INDUSTRIAL (MST2006-00316)

The proposal is a repair and maintenance project involving the excavation and removal of 1,000 cubic yards of contaminated soil and 3,100 square feet of paving. The project area would be backfilled with clean material and repaved. No further development is proposed on the site.

The discretionary application required for this project is a Coastal Development Permit 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 Act Guidelines Section 15301 (Existing Facilities).

Case Planner: Kathleen Kennedy, Associate Planner
Email: kkennedy@SantaBarbaraCA.gov

Ms. Hubbell requested that the Planning Commission waive the Staff Report.

MOTION: White/Jacobs

Waive the Staff Report

This motion carried by the following vote:

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

Ms. Kennedy stated that the demo/recycling condition was added in response to the Planning Commission question at the site visit.

Chair Myers gave the applicant the opportunity to speak and the applicant declined additional comment.

Chair Myers opened the public hearing at 1:10 P.M. and, with no one wishing to speak, closed the hearing.

Staff answered a Planning Commission question about soil testing underneath buildings during removal of material by replying that all testing had been completed. One Commissioner noted that the property will remain occupied and suggested changing Condition of Approval F. read "prior to final inspection".

MOTION: Thompson/Jacobs

Assigned Resolution No. 004-08

Approve the project, making the findings in the Staff Report, for approval of the Coastal Development Permit, subject to the Conditions of Approval in Exhibit A, and changing Condition F to read "prior to final inspection".

This motion carried by the following vote:

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

III. DISCUSSION ITEM:

ACTUAL TIME: 1:12 P.M.

US 101 IMPROVEMENT PROJECT UPDATE

As required by the Coastal Development Permit issued by the Planning Commission on December 13, 2004 and extended on October 11, 2006. City and California Department of Transportation Staff (Caltrans) are providing an update on the status of the project, including design updates and condition compliance.

Case Planner: Michael Berman, Environmental Analyst
Email: mberman@SantaBarbaraCA.gov

Michael Berman, Environmental Analyst, gave the Staff presentation.

Mr. Berman introduced the applicant team: David Beard, California Department of Transportation (Caltrans), Project Manager; Fred Luna, Santa Barbara County Association

of Governments (SBCAG), Project Manager, Michael Sendeki, Caltrans Environmental Analyst; and Kirsten Ayers, Caltrans Community Outreach Liaison.

Kirstin Ayers, Caltrans Community Outreach Liaison, gave the applicant presentation.

David Beard, Caltrans Project Manager, and Ms. Ayers answered Planning Commission's questions about local landscaper participation; status of the removal of Pepper Trees at the Carrillo Street onramp and future tree replacement; and future addition of a webcam at Milpas Street, with an additional webcam to follow in Montecito. Other questions answered were about the collaboration with the Union Pacific Railroad on Sycamore Creek Bridge Replacement for drainage; the Curb-Your-Commute program and train use participation; a pedestrian pathway update; and pedestrian and bicycle connectivity on the bridge.

One Commissioner encouraged Caltrans to make the local media aware of webcam activation.

Chair Myers opened the public hearing at 1:32 P.M.

Paula Westbury requested that Highway 101 not be widened; supported tree preservation.

With no one else wishing to speak, the public comment was closed at 1:33 P.M.

The Planning Commission expressed appreciation to Caltrans for the annual update.

II. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:36 P.M.

APPEAL FILED BY DEREK A WESTEN, ATTORNEY, ON THE APPLICATION OF JUSTIN VAN MULLEM, AGENT FOR ALAMAR PARTNERS, LLC, 222 WEST ALAMAR AVENUE, 051-213-008, R-3 MULTI-FAMILY RESIDENTIAL/ S-D-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2006-00318)

The project consists of a proposal to demolish an existing single-family residence and one-car garage, and construct a new two-story building containing three condominium units, including two (2) one-bedroom units and one (1) two-bedroom unit, on a 6,000 square foot lot in the R-3/SD-2 Zones. The one-bedroom units would be 651 square feet and 714 square feet, and the two-bedroom unit would be 1,044 square feet. Four parking spaces would be provided within a two-car garage and two one-car garages. An estimate of 100 cubic yards of grading would be required.

The discretionary applications required for this project are:

1. A Modification is required to allow a two-story structure to encroach into the required 20-foot front yard setback. The project is located in both the R-3 and S-D-2 Zones. The required front yard setback is ten feet (10') for one and two story

buildings in the R-3 Zone; however, the front yard setback is 20' for two story buildings in the S-D-2 Zone. (SBMC §28.45.008 and §28.92.110.B);

2. A Modification is required to reduce the required parking by one (1) parking space (SBMC28.90.100.G.3); and
3. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC §27.07 and §27.13)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New construction).

The project was approved by the Staff Hearing Officer on December 5, 2007 and that decision has been appealed to the Planning Commission.

Case Planner: Suzanne Johnston, Assistant Planner

Email: sjohnston@santabarbaraca.gov

Suzanne Johnston, Assistant Planner, gave the Staff presentation.

Derek Westin, Appellant Representative for Joel Peterson, Owner; and Ellan Frasier, Tenant, at 224 W. Alamar Street, gave the appellant presentation.

Justin Van Mullem, On Design Architects, gave the applicant presentation.

Mr. Van Mullem clarified for the Planning Commission the location of the appellant relative to the project site.

Chair Myers opened the public hearing at 1:59 P.M.

The following people spoke in support of the appeal:

1. Karen Royal Coberly expressed concern over loss of views, trees, parking, privacy, and sunlight.
2. Joel Peterson, immediate neighbor, voiced concern with density, height, bulk, and scale of the approved project.
3. Ellen Frazier, immediate neighbor, shared concern about the impact on property value, traffic visibility when exiting her driveway, and the project size contributing to canyonization.
4. Paula Westbury was concerned about loss of redwood trees; recommended the house be put on the Historic Register.

Chair Myers summarized the letters of public comment received from John Graynald, Vivian La France, Arthur Peterson, and John McManigal.

With no one else wishing to speak, the public hearing was closed at 2:12 P.M.

Mr. Van Mullen answered Planning Commission's questions about the lighting analysis done on the project. Mr. Mullen also stated that the project is in compliance with the Solar Ordinance. The neighboring property does not have a setback and is possibly a reason for the shadowing.

Staff responded to the Commission's request for a shadow diagram, which is not required if the project is compliant with the Solar Ordinance.

Mr. Van Mullen answered the Planning Commission's questions about the landscape plan; and determination of the measurement for curb-to-property line.

Staff responded to Planning Commission's questions about the establishment of S-D-2 zone and clarification of the ordinance.

Most Commissioners could not support the appeal and were in support of the project and the benefits that the project contributed in providing small units close to downtown employment and transit. Commissioners felt that the neighbors concerned with parking could initiate an application to the City for a parking permit program.

MOTION: Jacobs/Bartlett

Assigned Resolution No. 005-08

Deny the appeal and uphold the decision of the Staff Hearing Officer for approval of the Modifications and Tentative Subdivision Map making the findings in the Staff Report with added conditions: 1) The building shall be offered for donation or salvage; 2) The sandstone shall be recycled for salvage at the site or donated; 3) Residents of the project units would not be eligible for off-site parking, if a Residential Parking Permit program were initiated on West Alamar Avenue; and 4) The Architectural Board of Review (ABR) support the Historic Structures Report requirement to incorporate historic design elements similar to the existing structure.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

Chair Myers called for a recess at 2:40 P.M. and reconvened the hearing at 3:00 P.M.

III. ENVIRONMENTAL HEARING:

ACTUAL TIME: 3:01 P.M.

APPLICATION OF SUZANNE ELLEDGE AND TRISH ALLEN, SUZANNE ELLEDGE, PLANNING AND PERMITTING SERVICES, AGENTS FOR WRIGHT FAMILY; 101 GARDEN, 222 SANTA BARBARA AND 301 E. YANONALI STREETS; "PASEO DE LA PLAYA PROJECT"; APN 017-630-008, -009, -018, -021, -024, -027; 017-021-007, -031; 017-630-005; HRC-2 / S-P-2 / S-D-3 AND OC / S-D-3 AND M-1 / S-P-2 / S-D-3 ZONES; GENERAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE II / RESIDENTIAL - 12 DU/AC, AND INDUSTRIAL (MST2006-0021)

The Project consists of the development of three distinct sites, referred to as "Site 1", "Site 2" and "Site 3", located near the intersection of Garden and Yanonali Streets in the City of Santa Barbara. In total, the sites contain approximately 7.79 acres of land. The Project would result in a total of 108 residential units (17 apartments and 91 condominiums) and 44,558 square feet (net) of commercial development.

Site 1 (4.52 acres), commonly referred to as 101 Garden Street, is located at the southwest corner of Garden and Yanonali Streets. Development on this Site includes 91 residential condominiums, a 672 square foot Community Center and a pool, and covered parking for 205 cars.

Site 2 (0.23 acre), commonly referred to as 222 Santa Barbara Street, is located on Santa Barbara Street, between Highway 101 and Yanonali Street. Development on this Site includes 16 affordable rental units.

Site 3 (3.04 acres), commonly referred to as 301 East Yanonali Street, is located at the northeast corner of Garden and Yanonali Streets. Development on this Site includes a 46,103 square foot commercial building and uncovered at-grade parking for 140 cars. Proposed building uses include a market, retail space, a restaurant, office space, mini-storage units, and a manager's office.

The purpose of the hearing is to receive comments on the proposed EIR scope of analysis. Written comments on the EIR scope of analysis identified in the Initial Study should be sent at the earliest possible date, but **received not later than Thursday, February 27, 2008 at 4:30 p.m.** Please send your written comments to the attention of Allison De Busk, Project Planner, at the City Planning Division.

Case Planner: Allison De Busk, Project Planner
Email: adebusk@SantaBarbaraCA.gov

Allison De Busk, Project Planner, gave the Staff presentation.

Staff acknowledged the Planning Commission's request for Union Pacific Rail Road's Master Plan for their tracks; and reported that no noise impacts were found to the outdoor living areas primarily due to the building design.

Suzanne Elledge, Suzanne Elledge Planning and Permitting Services (SEPPS), gave a history of the project and introduced the project team: Dave Davis, Consultant; Ann Munns, Archaeologist, Applied Earthworks; Lauren Brown, Biologist, SAIC; Darryl Nelson, ATE; Mike Cassese, Civil Engineer; Katie O'Reilly-Rogers, Landscape Architect; David Jones, Architect, Lenvik & Minor; and Detlev Piekert, Architect. Trish Allen, SEPPS, gave the Applicant presentation.

Staff informed the Commission that the Specific Plan was adopted in 1983 and included an Environmental Impact Report.

Ms. Allen responded to the Planning Commission's questions about the inclusion of photovoltaics; and the view concerns associated with the site design for Site 3.

David Jones responded to the Commission's questions about the evolution of Site 3's layout. Mr. Jones also addressed the Commission's questions about parking circulation, and affirmed that sidewalks and intersections would not change.

Chair Myers opened the public hearing at 3:39 P.M.

The following people gave comments to the Commission:

1. Linda Vine was concerned with the adequacy of 12 parking spaces for the 16 residential units and ownership of the rental units.
2. Aaron Goldschmidt commented on the project's short term impacts due to construction and found that the proposed duration of construction exceeds what is defined as 'short term' construction; suggested that the EIR use another term for the construction period. The Initial Study does not address the initial movement of people into the area; the area is not pedestrian friendly. There is a lot of traffic congestion and many near-misses. Suggested that turn lanes be included in the Yanonali corridor. Doesn't see this as having a mixed-use component; uses are segregated. Commented on shadowing in the courtyards and paseos at Site 2 due to its massing.

With no one else wishing to speak, the public hearing was closed at 3:48 P.M.

Commissioner's comments:

1. One Commissioner felt that the Initial Study was very thorough. Asked about the inclusion of photo-voltaics, consider aesthetic impacts and as a resource.
2. Parking in the area should be reviewed, especially in the area of Site 2; people are using commercial parking lots.
3. Some Commissioners were concerned with where all the current uses and containers that are in the open yard areas would go, and where the containers would be disposed.

4. One Commissioner was interested in circulation patterns; concerned with pedestrian and bicycle circulation, especially with adjacent truck use. Would like alternatives that improve traffic and the pedestrian experience (consider driveway cuts, pedestrian circulation, and pedestrian / automobile conflicts) in the EIR.
5. Several Commissioners believe views are a big issue and would like to see design alternatives at Site 3. Consider designs that shield noise.
6. Some Commissioners support the proposal for an open air market and would like to see the mountain views preserved.
7. Construction timing should be considered in the EIR.
8. One Commissioner would like to see a review of the environmental impacts that were analyzed in the 1980 report as compared to what is being proposed today.
9. The Specific Plan and Garden Street extension are pre-mitigation for the view and traffic issues; there are circulation related items that still need to be addressed with regard to ingress/egress.
10. Some Commissioners do not see Yanonali and Garden as an area to partake of views with proximity of freeway onramps and traffic. Would like to see alternatives to Site 3 and corner placement.
11. One Commissioner was concerned with the noise impacts on the aesthetics of Site 1. If units are too closed off for noise protection, it would make one wonder why anyone would want to live there.
12. Concern with Site 3 is that eventually there will be more development on the east side of Garden Street that will be impacted by the configurations of the buildings and suggested that the larger building be moved back to give a lower presence to the Garden and Yanonali corner and give back more parking in the back, or perhaps creating parking tiers.

IV. RECOMMENDATION TO AMEND MUNICIPAL CODE:

ACTUAL TIME: 4:09 P.M.

MEDICAL MARIJUANA DISPENSARY PERMANENT ORDINANCE.

The Planning Commission will discuss an amendment to Title 28, The Zoning Ordinance, of the Santa Barbara Municipal Code which would place locational and operational requirements on medical marijuana dispensaries. The purpose of this meeting is for the Planning Commission to review a proposed ordinance, based on the direction given by the Ordinance Committee on December 4, 2007, and to make a recommendation to the Ordinance Committee. Next steps include public hearings by the Ordinance Committee and City Council.

Case Planner: Danny Kato, Senior Planner

Email: dkato@santabarbaraca.gov

Danny Kato, Senior Planner, gave the Staff presentation, joined by Sergeant Dave Henderson, Narcotics Supervisor, Santa Barbara Police Department.

Staff answered Planning Commission's questions about the 500 foot distance restriction of dispensaries to parks, private schools, and youth oriented centers; comparison between permitting of liquor licenses and marijuana dispensary licenses; consideration for reviewing the inclusion of vending machines in the ordinance; consideration given to limiting the total number of marijuana dispensary permits issued; and the status of complaints filed on existing dispensaries.

Sergeant David Henderson also answered questions about the number of complaints received on the existing dispensaries. Since the number of dispensaries has been reduced, the number of complaints has also been reduced. The general nature of complaints varies from easy access to type of clientele smoking around the outside of the dispensary.

Staff also answered additional questions about the consideration being given to restrictions of proximity to schools and parks; whether closure on Federal holidays is appropriate if truly a medical necessity; restriction off of State Street downtown, yet not Upper State Street; and consideration given to having dispensaries at medical buildings. The Commission also asked Staff to consider increased documentation on the release of medical marijuana, similar to what is required by pharmacies.

Steve Wiley, City Attorney, stated to the Commission that this ordinance was not staff generated, but a response to public's complaints on the number of dispensaries in the City.

Chair Myers opened the public hearing at 5:01 P.M.

The following people addressed the Commission:

1. Allen Bifano, Esquire, objected to the Ordinance looking at the need for a patient's use. He does not want to see existing dispensaries grandfathered, prefers substantial compliance be required. Objects to patient records being maintained.
2. Patrick Weddle stated that there are small distributors who have been afraid to come forward and be identified for fear of violating Federal Law. Supports dispensaries in the distribution of medical marijuana and would like to see provisions for smaller dispensaries. Voiced pragmatic, civil rights, and legal concerns.
3. Patrick Fourmy commented on ordinances in other areas, such as Oakland, and suggested that checks and balances be considered in the Ordinance. Would like to see "Marijuana" referred to as "Medical Cannabis" in the ordinance to denote that it is for medicinal use.

Public hearing closed at 5:16 P.M

Commissioner's comments:

1. One Commissioner felt that the Ordinance should focus on medicinal use and not pattern itself on adult business ordinances. Misbehavior should be dealt with on a case-by-case basis. Felt that the dispensaries should not be in the M-1 zone and believes the ordinance should not regulate the hours open by delineating each day. Market economics should determine the dispensary's size, not the ordinance. Ordinance should be less complex and treated the same as we would treat a medical pharmacy.
2. If there are distance limitations, then the ordinance should not differentiate between Upper and Lower State Street; should apply uniformly throughout the City. Did not see where a segregated approach benefits the City if truly medicinal and only available to some.
3. Some Commissioners do not support mandating a locked door approach. Security should be up to the business owner.
4. Resolution between the variances in State and Federal laws will not be resolved by the City.
5. This ordinance has originated from the community's complaints and the City is dealing with what kind of model to use in its development. It does not fit into a pharmacy model; does not see professional training, dosage control, accountability. Felt that the dispensary training stipulated in the ordinance was vague. The model for adult use seems to apply here for the most part.
6. One Commissioner was concerned with enforcement and penalization; suspension of license on number of complaints.
7. Suggested that there should be a time limit on permits, and that the renewal process allow for public input.
8. Existing dispensaries can be grandfathered if limited complaints on file, but permits would expire soon and the dispensaries would be subject to the review process.
9. Some Commissioners favor inclusion of residential use in addition to residential zoning in Ordinance. One Commissioner still preferred using residential zoning.
10. Some Commissioners support specification of no vending machines in the operations section of the ordinance.
11. Some Commissioners do not support dispensaries in the M-1 zone.
12. One Commissioner sought clarification of the appeal process that would bring review to the Planning Commission, and not the City Council.
13. One Commissioner reminded the Commission that while this ordinance has been complaint driven, it is also based on an adopted ballot initiative.
14. Many Commissioners do not support on-site use. Some Commissioners remained concerned with dispensary workers in need of medical marijuana, using marijuana on the premises and then driving home.

15. Some Commissioners felt that hours and size should be market driven. If truly medicinal, then should also be available on Federal holidays.
16. Ordinance should be stronger on repercussions for violations.
17. Concerned with method of locating dispensaries that has an equal distribution throughout the City. Presently, there is a maze of where they are located.
18. One Commissioner felt the hours of operation should be mandated. Suggests the validity period be removed and replaced with a probationary period with a performance review.
19. Does not believe Ordinance language should include restricting the frequency that a client could visit the dispensary.
20. Feels an employee should be able to satisfy medical needs while at work.
21. The consensus of the Commission felt that the Ordinance should be kept simple and not overly restrictive.

Staff added that, up until now, the Planning Division has treated dispensaries the same as pharmacies. This approach proved not to work and is the reason why we are developing the Ordinance.

MOTION: Thompson/Bartlett

Assigned Resolution No. 006-08

Recommended that the ordinance be moved forward to City Council and Ordinance Committee with Planning Commission's comments.

This motion carried by the following vote:

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

Chair Myers announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

1. Commissioner Bartlett reported on the Historic Landmarks Commission's review of Radio Square.
2. Commissioner Bartlett reported on attending the City Council meeting on Tuesday and the City Council's decision to deny the 518 State Street appeal and uphold the Planning Commission decision.
3. Commissioner Myers reported on attending the Plan Santa Barbara meeting.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Commissioner White reported on the Staff Hearing Officer's decisions for four modifications approved.

- C. Action on the Review and consideration of the following Planning Commission Resolutions and Minutes:
- a. Draft Minutes of November 15, 2007
 - b. Resolution 045-07
814 Orange Avenue
 - c. 930 Miramonte Drive
Resolution 046-07
 - d. Draft Minutes of December 6, 2007

MOTION: Jacobs/Bartlett

Approve the minutes and resolutions as edited.

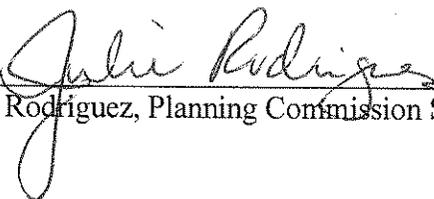
This motion carried by the following vote:

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

VII. ADJOURNMENT

Chair Myers adjourned the meeting at 5:52 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

