



City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

April 16, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:05 P.M.

I. ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Absent:

Commissioner Bruce Bartlett

STAFF PRESENT:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Steve Foley, Supervising Transportation Planner

Kelly Brodison, Assistant Planner

Suzanne Johnston, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

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.

Chair Larson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:08 P.M.

A. APPLICATION OF PETE EHLEN, AGENT FOR MARK EDWARDS, 124 LOS AGUAJES AVENUE, APN 033-041-007, MULTI-FAMILY RESIDENTIAL/ COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2004-00725)

The Planning Commission will review two project alternatives. Project alternative 1 consists of the demolition of an existing 884 square foot, single-family residence and 440 square foot detached garage, and the construction of three new residential condominium units in the Appealable Jurisdiction of the Coastal Zone. The proposed structure would be three stories with a maximum building height of 30' 2" consisting of 4,049 square feet of residential floor area above 1,172 square feet of garage floor area on a 6,000 square foot lot located adjacent to Mission Creek. The project includes two two-car garages and a one-car garage on the first floor, and a two-bedroom unit and two one-bedroom units. The proposed project proposes 25 cubic yards of cut and 135 cubic yards of fill outside the main building footprint. Grading under the main building footprint would involve 110 cubic yards of cut. The project also includes landscaping changes, bioswales and retention basin adjacent to the proposed residences. Project alternative 2 is a slightly larger three-story, three-unit project that has a portion of the second and third stories projecting into the Mission Creek Development Limitation area. Alternative 2 was previously reviewed by the Planning Commission on November 2, 2006.

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2005-00021) to develop a three unit residential condominium project located in the Appealable Jurisdiction of the Coastal Zone. (SBMC §28.44.060)
2. A Modification to allow the building to encroach into the front setback (SBMC §28.21.060 and §28.92.110.A.2);
3. A Modification to allow the building to encroach into the interior setback to the east (SBMC §28.21.060 and §28.92.110.A.2);
4. A Modification to allow the building to encroach into the other interior setback to the west. (SBMC §28.21.060 and §28.92.110.A.2); and
5. A Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13).

The Planning Commission will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Case Planner: Suzanne Johnston, Assistant Planner
Email: SJohnston@SantaBarbaraCA.gov

Suzanne Johnston, Assistant Planner, gave the Staff presentation.

Mark Edwards, Owner, gave the applicant presentation, joined by Pete Ehlen, Architect.

Chair Larson opened the public hearing at 1:30 P.M.

The following people spoke in support of the project:

1. Rich Untermann

The following people spoke in opposition to the project or with concerns:

1. Maureen M. Masson, Pearl Chase Society, read and submitted written comments stating the project is inconsistent with the area being considered as the West Beach Historic District.
2. Kellam de Forest felt that the project was massive and the style was not consistent with the neighborhood.
3. Robert Maxim feels that the project is an anomaly of extreme variance to existing surroundings in the neighborhood and submitted written comments.
4. Merced Villegas lives across the street and feels the project is too high and would create more traffic on Los Aguajes Street where parking is limited.
5. Marlene Belfone agrees with Mr. Maxim and Ms. Villegas and believes the project is too large for neighborhood.

With no one else wishing to speak, the public hearing was closed at 1:45 P.M.

Mr. Ehlen clarified the Applicant's request for approval of Alternative 2, the original proposal, whereas Staff recommended Alternative 1.

Staff clarified the Planning Commission's questions about the differences in front and rear setbacks as related to flood control; stated use of the 22 unit per acre variable density as an entitlement; clarified the square footage impact with and without modifications; stated that the area of development limitation adjacent to Mission Creek is not a zoning setback, and responded that the conservation issue is met on Alternative 1, but not Alternative 2.

Scott Vincent, Assistant City Attorney, responded to the Commission's questions providing clarification about the development limitation at Mission Creek as not being a setback and explained the differences between each. Setbacks are unobstructed from the ground to the sky; development limitations have restrictions regarding structures that could potentially create flooding problems. This development limitation even provides a process whereby the building official can approve structures within the 25'; in this case the proposed poles have been approved by the building official as not presenting a flood control issue.

Staff added that Alternative 1 met the standard of care on the Conservation Element of the Coastal Plan; Alternative 2 does not. In response to variances in wall height and potential flood issues, Staff responded that Santa Barbara County Flood Control has reviewed the project design and does not see any flood issues.

Mr. Ehlen responded that the square footage of the building changes with the options, but the massing remains the same. Mr. Edwards added that the project has been reviewed by the building official for each of the five exceptions that would allow development within the limitation area, and has been determined to have met each exception, with regard to the legislative intent of the ordinance.

The Commissioners made the following comments:

1. Commissioner White liked the design style; although different from the neighborhood, but felt strongly that the Mission Creek setback should be 25' or greater. Concerned with the front and rear modifications requested. Commissioner Larson concurred with the need for a 25' setback.
2. Commissioner Jacobs recognized the neighborhood's potential for becoming historic district and the multiple layers of use within the neighborhood. Would like to see more neighborhood compatibility. The proposed building would be the only 3 story building, and the tallest building, in the neighborhood and would stand out in size, height, and architecture. Could not make findings for Urban Design Guidelines and Tentative Subdivision Map. Commissioners Jacobs, Lodge, and Larson felt the project is not consistent with the neighborhood, too large for the lot, and could not support the project.
3. Commissioner Thompson supported the project and felt that the unit sizes are not exceptionally large. Does not see the 25' setback as a flood issue, given that this is not a typical creek-bank top. Feels the applicant solution is reasonable and satisfies the Conservation Element requirement.
4. Commissioner Jostes felt that the design was acceptable with neighborhood, but felt that the size and bulk was maxed out and would prefer to see something smaller on the site. The project is a bit too edgy for the neighborhood and does not quite fit in.

Mr. Kato confirmed the ground floor square footage calculation of the building footprint as approximately 3,100-3,200 square feet, with the top floor at between 1,300 and 1,500 square feet, leaving it at less than 50%, meaning the special setbacks for the side and front setbacks would apply.

MOTION: Thompson/

Approve the project, making the findings for the Coastal Development Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A.

Motion failed for lack of a second.

MOTION: Jostes/White

Continue the project requesting that the Applicant return to the Architectural Board of Review (ABR) with a non-modification project before returning to the Planning Commission, with consideration to the comments made by the Planning Commission for a less bulky project that may be compatible with the original design proposed.

Under discussion, Commissioner Thompson pointed out that a non-modification project would give the project a bulkier appearance and is not a better project for the site. Commissioner Jostes was confident that the applicant would take the Commission's comments into consideration.

Comments:

1. Commissioner White would support a modification that would not increase the bulk of the building.
2. Commissioner Larson would like to see a member of the ABR return when the project is heard by the Planning Commission again.
3. Commissioner Jacobs felt that while the architectural features may not count into net square footage, they still show up visually as bulk. Anticipates the upper floor shrinking, not the lower floor growing. The new proposal is larger than the original; unit two is now a 1,400 square foot one-bedroom unit. The project is too big for the neighborhood, especially considering it is replacing an 800 square foot residence. If the project is to return without modifications, it will need to have a different look when it returns. International style would be fine, but needs to look smaller and in keeping with the neighborhood. Suggested looking at Urban Design Guidelines.
4. Commissioner Lodge concurs with Commissioner Jacobs. Thinks the applicant can find ways to soften the project making it more compatible with the neighborhood.

This motion carried by the following vote:

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

MOTION: Thompson/Jostes

Assigned Resolution No. 012-09

Approved the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074, making the findings as outlined in the Staff Report.

This motion carried by the following vote:

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

Chair Larson announced the ten calendar day appeal period.

ACTUAL TIME: 2:37 P.M.

B. **APPLICATION OF JIM LECRON, ARCHITECT FOR GARY CAESAR, 2515 MEDCLIFF ROAD, 041-330-036, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2006-00368).**

The project consists of a proposal for a 1,647 square foot second-story addition, a 138 square foot first-floor addition, a new 421 square foot attached two-car garage, and remodeling for an existing 1,348 square foot one-story single-family residence. The project site is located on a 15,469 square foot flag-lot in the Hillside Design District and in the appealable jurisdiction of the Coastal Zone directly on the bluff top. The residence is accessed by an approximately 300-foot gravel drive from Medcliff Road. The total proposed 3,554 square feet is 81% of the maximum guideline FAR.

The discretionary applications required for this project are:

1. A Modification to allow first floor additions and alterations to encroach into the required interior setback (SBMC §28.16.060);
2. A Coastal Development Permit (CDP2008-00006) 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 (Minor Additions to Existing Facilities).

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Jim Lechron, Architect, gave the Applicant presentation.

Chair Larson opened the public hearing at 2:45 P.M and, with no one wishing to speak, closed the hearing.

Staff clarified the Planning Commission's questions about zoning ordinance consistency in the square footages; and defined the regulatory traffic control signs required for the project.

The Commissioners made the following comments:

1. Commissioner Jostes believed that the Neighborhood Preservation Ordinance (NPO) and Single Family Design Board (SFDB) requirements take on a different look when looking at a lot with a 39% slope and a third of the property is a steep bluff space, reducing the usable area of the lot by 30%. Commissioners Jostes and Larson cannot see approving the project because the project is too large for the lot.
2. Commissioner Thompson understands the requested modification and supports the neighborhood compatibility for the Coastal Development Permit. Commissioner Lodge concurred, but suggested lowering the height.
3. Commissioner Jacobs reviewed the SFDB list and did not find it out of line with the neighborhood. Expects to see the SFDB guidelines strictly followed.
4. Commissioner White can support the project and sees it as something that is compatible with a neighborhood next door that is over-scale. Sees that this project can set a precedent.
5. Commissioner Larson noted the solarium wrap window is on two elevations and could create a privacy issue, and also give the appearance of being a 'beacon at sea' with tremendous reflective surface.

Mr. Vincent clarified that the Neighborhood Preservation Ordinance (NPO) Floor Area Ratio (FAR) is a net lot area, taking out right-of-way and public easements, beyond that all the lot area of the lot is used to calculate the FAR. This was one reason why the NPO Committee chose not to apply an FAR on lots over 15,000 square feet. A lot over 15,000 square feet has less compatibility issues than smaller lots.

Mr. Vincent clarified for the Commission that projects do not and cannot get preliminary approval at a design review body before coming before the Planning Commission, primarily because the preliminary approval is the appealable approval. It would be out of order to have design review appeals going to the City Council, before a land use decision was made by the Planning Commission.

MOTION: Thompson

Approve the project, making the findings for the setback modification and Coastal Development Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion failed for lack of a second.

MOTION: Jacobs/Lodge

Approve the project, making the findings for the setback modification and Coastal Development Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) Project returns to SFDB to review reduction in glazing of window treatment over garage door and solarium, and restudy the possibility of reducing the overall height of building; and 3) specify in Conditions of Approval that regulatory traffic signs be clarified as 'during construction'.

This motion failed by the following vote:

Ayes: 3 Noes: 3 (Thompson, Jostes, Larson) Abstain: 0 Absent: 1 (Bartlett)

MOTION: White/Thompson

Assigned Resolution No. 013-09

Approved the project, making the findings for the setback modification and Coastal Development Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the revision to the Conditions of Approval that the Single Family Review Board reduce the solarium.

During discussion, the applicant agreed to work with the Single Family Design board on lowering heights and reducing the solarium.

Commissioner Jacobs and Larson could not initially support the motion due to their opinion that the solarium glazing should be reviewed by the SFDB. Commissioner Jacobs noted that when there is an unusual situation of light or glare on the bluff top, an exception is made for consideration; summarized the history of comments made regarding the solarium by other review boards.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Jostes) Abstain: 0 Absent: 1 (Bartlett)

Chair Larson announced the ten calendar day appeal period.

Chair Larson called for a recess at 3:15 P. M. and reconvened at 3:29 P.M

ACTUAL TIME: 3:30 P.M.

Commissioner Jacobs did not return to the dais.

C. APPLICATION OF TOM MEANEY, ARCHITECT FOR MOJAVE BAY, INC., 1109 LUNETTA PLAZA, 045-222-035, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2008-00452).

The project consists of a proposal for additions and remodeling for an existing 3,378 square foot two-story single-family residence with a 384 square foot attached two-car garage, located on a 14,148 square foot lot in the appealable jurisdiction of the Coastal Zone. The proposal includes the demolition of 160 square foot illegally enclosed porch on the first floor, the removal of an illegally enclosed 160 square foot second floor sun porch, the addition of 106 square feet to the first floor, and the addition of 305 square feet with a 274 square foot covered porch at the second floor. The project will abate violations in ENF2007-01283. The proposed total of 3,232 square feet is 84.7% of the maximum FAR.

The discretionary application required for this project is:

3. A Coastal Development Permit (CDP2008-00017) to allow the proposed development in the Appealable Jurisdiction of the city's Coastal Zone (SBMC §28.45.009) and
4. A Modification for alterations within the interior 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 Act Guidelines Section 15301(e), and 15304 (b).

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Tom Meaney, Architect, gave the applicant presentation.

Chair Larson opened the public hearing at 3:38 P.M. and, with no one wishing to speak, closed the hearing. Acknowledged written comment submitted by Paula Westbury, Santa Barbara.

The Commissioners made the following comments:

1. Commissioners White and Lodge were in favor of the Project.
2. Commissioner Thompson supported the requested modifications and felt that the remodeled house is appropriate. It is an improvement to the neighborhood.

MOTION: Lodge/Thompson

Assigned Resolution No. 014-09

Approved the project, making the findings for the setback modification and Coastal Development Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report. with the revision to the Conditions of Approval that clarify regulatory traffic signs as during construction.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Jacobs)

Chair Larson announced the ten calendar day appeal period.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:40 P.M.

A. Committee and Liaison Reports.

1. Commissioner Jostes reported on General Plan Update Subcommittee and the Draft EIR release date being delayed from September to December.
2. Commissioner Lodge reported on attending the Downtown Parking Committee and its quarterly report on the Granada Garage.
3. Commissioner White reported on attending the Waterfront Department along with Commissioner Lodge and the discussion held on Westbeach improvements.

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

Commissioner Larson reported on the Staff Hearing Officer meeting held on April 13, 2009.

C. Action on the review and reconsideration of edits to the previously approved Minutes and Resolution listed in I.B.2.

- a. Minutes of February 12, 2009
- b. Resolution 004-09
1900 Lasuen Road

MOTION: White/Jostes Approve the minutes and resolutions as amended.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 1 (Bartlett, Jacobs)

- D. Action on the review and consideration of the following Draft Minutes and Resolutions:
- a. Draft Minutes of March 12, 2009 Joint Meeting of the Planning Commission and Transportation and Circulation Committee
 - b. Draft Minutes of March 19, 2009

MOTION: Thompson/White Approve the minutes and resolutions as amended.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Jacobs)

VII. ADJOURNMENT

Chair Larson adjourned the meeting at 3:52 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

