



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 4, 2009

CALL TO ORDER:

Chair Thompson called the meeting to order at 1:04 P.M.

ROLL CALL:

Present:

Vice-Chair Addison S. Thompson
Commissioners John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Absent:

Commissioners Stella Larson and Charmaine Jacobs

Commissioner Bruce Bartlett arrived to the dais at 2:35 P.M.

STAFF PRESENT:

Bettie Weiss, City Planner
John Ledbetter, Principal Planner
Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Michael Berman, Project Planner/Environmental Analyst
Susan Reardon, Senior Planner
Dan Gullett, Associate Planner
Roxanne Milazzo, Associate Planner
Peter Lawson, Associate Planner
Stacey Wilson, Associate Transportation Planner
Kelly Brodison, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

Roll call was taken at 1:04 P.M. Commissioners Bartlett, Larson, and Jacobs were not present.

II. PRELIMINARY MATTERS:

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

Senior Planner Danny Kato announced that Item VI., 1 Adams Road, would be changed in the order listed on the Agenda and heard first.

- B. Announcements and appeals.

Mr. Kato made the following announcements:

1. The Planning Commission's decision on the 1642 Calle Canon appeal has been appealed to City Council.
2. The Planning Commission's decision on the 436 Corona Del Mar appeal has been appealed to City Council.

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

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

III. CONSENT ITEMS:

ACTUAL TIME: 1:08 P.M.

APPLICATION OF J. MICHAEL HOLLIDAY, ARCHITECT FOR LEN HOMENIUK & MARINA STEPHENS PROPERTY OWNERS, 3339 CLIFF DRIVE, APN 047-082-015, A-1, SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE, BLUFF (MST2008-00419)

The site is currently developed with a 3,231 square foot single-family residence and 605 square foot attached garage. The proposed project consists of a 915 sf second story and 415 sf ground floor addition, 181 sf of new second story deck areas, interior remodel, replacement of the septic system, and various landscape and hardscape changes. The project is located on a 1.3-acre lot in the Hillside Design District and Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is:

A Coastal Development Permit (CDP2008-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

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 or Conversion of Small Structures).

Case Planner: Dan Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: Jostes/Lodge

Waive the Staff Report

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

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

MOTION: Jostes/Lodge

Assigned Resolution No. 019-09

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

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

IV. STAFF HEARING OFFICER APPEALS:

ACTUAL TIME: 1:10 P.M.

A. APPEAL OF PATRICIA AOYAMA ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF EAST BEACH VENTURES FOR THE DISRAELI LIVING TRUST, 2140 MISSION RIDGE ROAD, APN 019-071-003, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2008-00318)
Continued from May 7, 2009.

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of new accessory space. Nine existing trees are proposed to be removed. The discretionary application required for this project is a Modification to permit the addition to be located within the required Open Yard Area (SBMC §28 15.060). On March 11, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner
Email: RMilazzo@SantaBarbaraCA.gov

Roxanne Milazzo, Associate Planner, gave the Staff presentation, joined by Susan Reardon, Staff Hearing Officer

Patricia Aoyama, gave the appellant presentation, joined by Kathleen Weinheimer, Attorney for the appellant.

Susan Reardon, Staff Hearing Officer, summarized the modification request for the Commission stating that the additions conform to the 15' setbacks, but that the issue of concern is over a portion of the second story addition in the rear corner encroaching into the required open yard. The area between the residence and the accessory building is being recognized as the open yard area.

Staff explained the trees that would be removed and the additional condition of adequate screening that would be reviewed by the Single Family Design Board. Ms. Reardon explained amendments to the zoning ordinance as they related to the project's deck.

In response to the City's ordinance over odd-shaped lots, Staff explained that recognizing sight constraints is justification for modification relief; and exemplified irregular shaped, undersized, large setbacks as being recognized site constraints that qualify for modification relief. Staff confirmed that this was the smallest parcel in the neighborhood, and that there were no modification requests for the original development.

Ms. Reardon affirmed that the front yard open space allowance existed in the ordinance until a recent zoning change and explained the evolution of the zoning ordinance as it related to the project. Scott Vincent, Assistant City Attorney, added that the change to the ordinance was precipitated by this project and by the discovery that surfaced during the initial appeal.

Peter Ehlen, Architect East Beach Ventures, gave the applicant presentation, joined by Don Disraeli, Owner.

Mr. Ehlen answered the Planning Commission's questions clarifying the historic development of the property. Mr. Vincent added further explanation on the defining part of the open yard from the front lot line to the main building and why the modification was necessary. Mr. Vincent reminded the Commission that it is the application presented today that triggers the need for the modification. While the history explains the sequence of events leading to today, without the application, the property would continue to exist in a legally conforming condition.

Staff responded to the Planning Commission's questions clarifying consideration of the open yard space.

Chair Thompson opened the public hearing at 2:10 P.M., and with no one wishing to speak, the hearing was closed.

The Commissioners made the following comments:

1. Commissioners Jostes and Lodge concurred with Ms. Weinheimer about making modification decisions based on necessity and appropriateness. Both Commissioners felt that another alternative could be considered that did not require the open yard modification, such as taking out the storage quadrilateral area in the northwest corner.
2. Commissioner White agreed with comments about modifications but does not find fault in the decisions that have been made. Feels that there are other ways that this project could be built without invading the open space. Upholds the appeal.
3. Commissioner Thompson does not feel that the project as approved will have a negative effect, but does agree with other Commissioners that another option could have been considered. Finds no reason to overturn the Staff Hearing Officer's decision.

Mr. Vincent addressed Ms. Weinheimer's comments regarding the interpretation of the modification ordinance and its language. Agreed that it is a two-part standard. However the first element is the finding of consistency with the purpose and intent of the zoning ordinance. The disagreement is over the word 'necessary' in the second element and the four qualifying sub-clauses.

Commissioner White read the comments of the Single Family Design Board into the record as provided by Mr. Ehlert.

MOTION: Lodge/White **Assigned Resolution No. 020-09**
Deny the appeal making the findings in the Staff Report and upholding the decision of the Staff Hearing Officer.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

Chair Thompson called a recess at 2:30 P.M. and resumed the meeting at 2:35 P.M.

Commissioner Bruce Bartlett arrived at the dais at 2:35 P.M.

ACTUAL TIME: 2:35 P.M.

B. APPEAL OF TONY FISCHER ON BEHALF OF THE FRIENDS OF OUTER STATE STREET ON THE APPLICATION OF BRITT JEWETT FOR

BARBARA MATHEWS, 2105 ANACAPA STREET, APN 025-242-011, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00311)

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow construction within both thirty-foot front setbacks (SBMC §28.15.060). On March 25, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner

Email: RMilazzo@SantaBarbaraCA.gov

Roxanne Milazzo, Associate Planner, gave the Staff presentation.

Tony Fischer, gave the appellant presentation.

Britt Jewett, Architect, gave the applicant presentation, joined by Richard Monk, Attorney for the applicant.

Staff stated that the height of the project was not a part of Staff's analysis in the modification request but was considered as the height from the existing grade, and responded to the raised terraces on the Padre Street side and north side terrace elevated above grade as not being considered structures.

Mr. Jewitt acknowledged for the Commission that the plans in the presentation were not consistent with the plans submitted in the Staff Report and explained the first floor plate heights as being 9'6", the garage as 8' and the second level as having an 8' plate height on the inside of the walls with the eaves being lower than 8'.

Chair Thompson opened the public hearing at 3:22 P.M.

Chuck Maunz, neighbor, supported the appellant, citing the mass, bulk, and scale as being out of character with the neighborhood.

Mina Goena Welch, a neighbor, spoke in favor of the project and welcomes the additions to the neighborhood.

With no one else wishing to speak, the public hearing was closed at 3:52 P.M.

In response to changes in the exterior characteristics, Staff stated that they are allowed per the City's code and read the allowable criteria.

The Commissioners made the following comments:

1. Commissioners White and Bartlett and Jostes remained concerned about the basement adding 200 additional square feet; and the Single Family Design Board's (SFDB) 3/3 split vote on the project. Liked the design and cooperation with neighborhood and felt that this is a real upgrade. Thinks the ordinance should have variable setbacks. Commissioner Bartlett would like to see the revised plans be submitted to the SFDB. Collectively supported the modification request and denial of the appeal.
2. Commissioner Jostes agreed with the Mr. Fischer's position on the basement issue and felt loop-holed by the technicality. Does not feel that the 50 per cent credit should be applied in this case and that the applicant stretched to meet the definition for the credit.
3. Commissioner Lodge also shared concerns on how the fill was brought in to make a basement. Liked the project, but felt it is too large for the lot. Would like to see the SFDB reduce the size, bulk, and scale of the project.
4. Commissioner Thompson feels that Mr. Fischer raises some good concerns, but felt that the concerns should be dealt with on a policy level and not by singling out projects. The project is aggressive and would like to see SFDB reduce the massing. The basement issue raises another policy issue.

Regarding the basement issue, Mr. Vincent stated that definition of the FAR calculation and the redesigned definition of grade came out of Neighborhood Preservation Ordinance (NPO). The FAR calculation uses the term grade, defined in the zoning ordinance as the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or within 5' of the building. In this case the finished surface following the addition of fill is the measurement.

MOTION: White/Lodge

Assigned Resolution No. 021-09

Denied the appeal making the findings as outlined in the Staff Report, and upheld the decision of the Staff Hearing Officer, and referred back to the Single Family Design Board with 1) Concern with fill used to transform non-conforming garage into a basement; and 2) Direction to study reduction of the massing to make more compatible with neighborhood and lot size.

This motion carried by the following vote:

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

Chair Thompson announced the ten calendar day appeal period.

V. CONCEPT REVIEW:

ACTUAL TIME: 3:42 P.M.

APPLICATION OF PAUL ZINK, ARCHITECT FOR RICHARD UNTERMANN AND GAIL ELNICKY, 1712 ANACAPA STREET, 027-111-014 R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACR (MST2008-00435)

The project site is located at 1712 Anacapa Street between Valerio Street and Islay Street. The project includes a proposal to subdivide the existing 23,160 square foot lot into three lots that would have one single-family residence on each proposed lot. Parcel 1 would be 8,140 square feet, and would include a new two-story 2,650 square foot single-family residence with a new two-car garage. Parcel 2 would be 7,020 square feet, with a new two-story 2,440 square foot square foot single-family residence with a new two-car garage. Parcel 3 would be 8,000 square feet, and would be the site for a new two-story 2,720 square foot single-family residence with a new two-car garage. Pedestrian and vehicular access for all three units would be provided by a new 16 foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design with an emphasis on General Plan consistency. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **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.**

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create three (3) new lots (SBMC 27.07);
2. Two (2) Street Frontage Modifications to allow each of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC §28.15.080);
3. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC 22.60.300); and
4. Design Review by the Single Family Design Board (SBMC §22.69).

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

Kelly Brodison, Assistant Planner, gave the Staff presentation and noted for the record public comment letters received in opposition from Monte Fligsten, Catharine and Phil Morreale, and Paula Westbury.

Richard Untermann, owner, gave the applicant presentation.

Mr. Vincent responded to the Planning Commission's questions concerning whether the General Plan needed to be adjusted to be consistent with zoning and the variable outcomes. Regarding the deliberation for the hearing, Mr. Vincent suggested the Commission should consider the diagram and map, proximity of the project site to the border, text of the general plan regarding the flow of the neighborhood, and put all together to decide if the project is consistent or not with the goals of the General Plan.

Chair Thompson stated that the Commission would provide comments on the Concept Review, but not render a decision on whether or not the project was consistent with the General Plan.

Chair Thompson opened the public hearing at 4:10 P.M.

Monte Fligsten, a neighbor, submitted a letter summarizing his concerns, specifically with the subdivision request of an R-2 lot, as well as the density that would come from 3 units per acre.

With no one else wishing to speak, the public hearing was closed at 4:15 P.M.

Mr. Vincent noted a typographical error correcting the SBMC §28.15.080 reference in the second modification request to the correct reference of SBMC §28.18. of the Municipal Code. There is no internal conflict between the two provisions. They exist independent of each other and can operate independently of each other or in conjunction with each other.

The Commissioners made the following comments:

1. Commissioner Jostes supported a General Plan amendment to make the project compatible between the zoning ordinance and the General Plan Map. Stated that the City should have had an updated land use map by now so that the applicant would not have to go through this experience, but it is a long way from being adopted. Felt that if the Commission were to decide that the finding was close enough before a new Land Use Element and Updated General Plan were adopted, then it would set a dangerous, temporary precedent that would allow projects to proceed in areas where the General Plan Designation and the Zoning Designation are not consistent. For subdivisions, it has been general practice to have the map and the text consistent with each other. Would support an abbreviated Environmental Review presuming that a General Plan amendment is required.
2. Commissioner Jostes noted the 10' jog between the lot line between the lot closest to Anacapa Street, and the middle lot. Having it jogged like that does not make

- planning sense and suggested avoiding jagged lot lines when creating the subdivision map.
3. Commissioner White concurred with Commissioner Jostes. Could support the modifications for the street frontage. Commissioners White and Bartlett suggested the applicant consider inclusion of granny units, and tandem parking for the additional parking spaces.
 4. Many Commissioners felt that the plan is consistent with the intent of the zoning and the General Plan and the direction that the Updated General Plan is going.
 5. Commissioner Bartlett agrees that a jagged property line should be avoided. Could support the street frontage modifications. Suggested reconsidering the garage on the middle lot so that it does not encroach into setbacks or the oak tree drip lines.
 6. Commissioner Thompson agrees with Commissioner Bartlett. General plan review should be more streamlined. Project is appropriate for the area. Appreciates applicant working with neighbors and encourages continued cooperation.
 7. Commissioner Lodge added that the area is transitional and the three units are a compromise to higher zoning. Felt there is no need for a jog in the lot line. The project is a good use of the property.

Mr. Kato noticed that 3 of the Commissioners felt that the project could move forward, while 2 did not and asked the Commission for more direction. Mr. Vincent elaborated on what the Commission's position would mean for the applicant if it returned with the assumption implied with the 3/2 differential. The environmental document would more than likely not be an infill exemption and would be for a subdivision of three lots, with the underlying zoning, the underlying general plan designation, and it would be expected that the three Commissioners would be consistent in their findings.

Commissioner Jostes was concerned that the proposal would set a temporary precedent in how we interpret the zoning ordinance and the land use map between now and the time a new Land Use Element is adopted.

Commissioners felt stifled in assisting applicants before a new Land Use Element is in place, but felt that it could not hold applicants back who apply before the new element is adopted.

The Commissioners recounted a precedent that occurred on Milpas Street where the General Plan had a residential designation and the Zoning Ordinance had a commercial designation. Mr. Vincent commented on the recent Milpas Street amendment that changed a use, not from one residential density to another residential density, but from a residential use designation to a commercial retail designation

Commissioner Bartlett felt that taking no action is a decision in the wrong direction and would further delay a correction in the General Plan Update. Feels the Commission should make a decision on this application and not wait until the General Plan Update is adopted.

VI. CONSENT ITEM:

ACTUAL TIME: 1:07 P.M.

APPLICATION OF STEVE CAMPBELL ON BEHALF OF THE GOLETA WEST SANITARY DISTRICT, 1 ADAMS ROAD, 073-045-003A-F/S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2009-00146, CDP2009-00006) Rescheduled from May 21, 2009

The proposed project consists of the installation of a polyvinyl chloride (PVC) conduit system connecting existing monitoring wells with a vacuum blower, two air compressors, and pumps to extract and treat gasoline contaminated soil and ground water. The purpose of this project is to facilitate the remediation of soil and groundwater contamination associated with an underground storage tank removed in 2006. The proposed project site is on Santa Barbara Airport Property under lease to the Goleta West Sanitary District. The discretionary application required for this project is a Coastal Development Permit to construct a soil and groundwater remediation conduit and filtration system 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 Guidelines Section 15304.

Case Planner: Andrew Bermond, Assistant Planner
Email: ABermond@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: Jostes/White

Waive the Staff Report

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson opened the public hearing at 1:07 P.M., and with no one wishing to speak, closed the hearing.

MOTION: White/Jostes

Assigned Resolution No. 018-09

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

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

VII. NEW ITEMS:

ACTUAL TIME: 4:40 P.M.

Commissioner White left the dais at 4:40 P.M.

A. APPLICATION OF LISA PLOWMAN, AGENT FOR PROPERTY OWNER WESTMONT COLLEGE, 505, 509 W. LOS OLIVOS ST., 2121 OAK PARK LN., APNs 025-210-012, -004, -014, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2007-00470) Continued from May 7, 2009.

The 13 unit condominium project includes a lot merger; demolition of a duplex and detached garage; demolition of a single-family residence and attached garage; construction three new buildings containing nine new three-bedroom units and one new two-bedroom unit; addition to an existing apartment building; and remodel and conversion of the apartment building into two three-bedroom condominiums and one two-bedroom condominium. Parking for the converted apartment building would be provided by one uncovered and five covered spaces in the existing carport and parking for the ten newly-constructed units would be provided in two-car garages attached to each unit. Three guest parking spaces would also be provided on site. The proposed development would total 24,635 sf on the 32,550 sf lot. Two of the three-bedroom units would be provided to Middle Income Households using a target income of 130% of AMI consistent with the Inclusionary Housing Ordinance.

The discretionary applications required for this project are:

1. Modification to allow a reduction of the required 15 ft front yard setback for the three-story building on W. Los Olivos St. (SBMC §28.92.026.A);
2. Modification to allow a reduction of the required 15 ft separation between buildings (SBMC §28.92.026.A);
3. Tentative Subdivision Map for a one-lot subdivision to create 13 residential condominium units (SBMC 27.07 and 27.13); and
4. Condominium Conversion Permit to convert four existing residential units to three condominium units (SBMC 28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (Infill Development Projects).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Daniel Gullett, Associate Planner, gave the Staff presentation, which included a recommended change to condition I.11.

Lisa Plowman, Peikert Group, gave the applicant presentation, joined by Scott Hopkins, Project Architect; Doug Jones, Chief Financial Officer, Westmont College; and Steve Amerikaner, Attorney.

Chair Thompson opened the public hearing at 5:12 P.M. and acknowledged receipt of a petition signed by approximately 15 neighbors asking for consideration lowering the front of the project structure facing Los Olivos Street to a single story with a greater setback.

The following people spoke in support of the project:

1. Debbie Cox Bultan, Executive Director, Coastal Housing Coalition
2. Chris Heckley
3. Stephen Contakes

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

1. Diane Durst submitted a petition with 12 signatures concerned with the size, bulk and scale of the project.
2. Celeste Barber, neighbor, submitted a previous letter and felt that the project is too large for the area; concerned with the mass, bulk, and scale of the project.
3. Elaine Dietsch felt that the project is too large and is concerned with the requested setback modifications on Los Olivos Street, as well as the traffic impact.
4. Ralph Philbrick, neighbor, emailed the Commission with written comments asking for a reduction of the building mass; it is too large. Supports the covered parking and trash enclosure.
5. Bill Wofford submitted a petition with 16 signatures and suggested lowering height and increasing setback.
6. John Bokron agreed with his neighbors and felt that the project would significantly impact the neighborhood.

With no one else wishing to speak, the public hearing was closed at 5:31 P.M.

Ms. Plowman provided the Planning Commission clarification about the affordability component and affirmed that the project does comply with the current Inclusionary Housing Ordinance.

The Commissioners made the following comments:

1. The consensus of the Commissioners were concerned that the craftsman style is giving the project an appearance of being bigger than it is and would ask that the Architectural Board of Review (ABR) take a closer look at the chosen style and address the neighbor's concern for the size, bulk, and scale of the project.

2. Commissioner Bartlett thought the project can serve as a successful model and likes the affordability of project for all units. Supports the modification of the interior yard setback at the roofed trash enclosure. Supports the reduction in the number of driveways and the resultant increase in on-street parking as beneficial to the neighborhood. Acknowledged that this is an R-3 zone neighborhood and therefore not all neighborhood development is going to be single-family residences. Supports the project.
3. Commissioners Lodge and Jostes admired Westmont College's commitment to provide affordable housing for faculty and staff, but were concerned with the mass and bulk of the units. While the front on Los Olivos Street is two-stories, it has the appearance of being three stories. Suggestion was made to change the roofline.
4. Commissioner Jostes supported the requested modifications. Suggested adding a section 8.c to the Condition of Approval on Page 4 of 16 titled Transportation Demand Management (TDM) to read "provide two annual reports to the city after the first full year of occupancy documenting the effectiveness of the TDM program to mitigate traffic." Also suggested augmenting condition F.2 (Neighborhood Notification Prior to Construction) to add language beyond just noticing the neighbors, but meeting with the neighbors prior to the commencement of construction, if such a meeting were requested.
5. Commissioner Thompson feels the project is well intended but does not support the modifications and feels that there are ways that project can be done without modifications.

MOTION: Jostes/Bartlett

Approve the project, making the findings for the Tentative Subdivision Map, Modifications, and the Condominium Conversion Permit as 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) Architectural Board of Review to minimize the size, scale, bulk and avoid any modifications through design if at all possible; 2) Include aforementioned changes to C8, F2, and 3) The staff-recommended change to I.11.

This motion failed by the following vote:

Ayes: 2 Noes: 2 (Lodge, Thompson) Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Commissioner Thompson cannot support modifications.

Commissioner Lodge cannot vote for modification on Los Olivos Street but can support the interior modification.

MOTION: Jostes/Bartlett

Assigned Resolution No. 022-09

Approved the project, making the findings for Tentative Subdivision Map, the interior modification, and the Condominium Conversion 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) Architectural Board of Review to minimize the size, scale, bulk and avoid any modifications through design if at all possible; 2) include aforementioned changes to C8, F2, and 3) the staff-recommended change to I.11.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Thompson) Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Chair Thompson announced the ten calendar day appeal period.

ACTUAL TIME: 5:49 P.M.

B. APPLICATION OF TRUDI CAREY, AGENT FOR GIARDINI DI CIPRIANI, LLC, 455, 457, 459 N. HOPE AVENUE, APNs 057-170-012, 057-191-011 & -014, COUNTY ZONING: 8-R-1 (SINGLE FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 8,000 SQUARE FEET PER UNIT), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE (MST2006-00564) Continued from May 21, 2009.

The City received a request from Trudi Carey of The Carey Group, Inc., agent for property owner Giardini di Cipriani, LLC, for initiation of annexation of the 2.92 acre lot known as 457 and 459 N. Hope Ave. (APN 057-170-012). Upon annexation, the owner intends to subdivide the property into nine residential lots. In addition, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.25 acre lot known as 455 N. Hope Ave. (APN 057-191-011) and the 0.14 acre driveway lot (APN 057-191-014) serving the residence at 455 N. Hope Ave. These two lots are owned by the Anderson Family Revocable Trust, and no improvements are proposed as this time. The three subject lots are located within the City's Sphere of Influence, and adjoin parcels already in the City. At this time, the discretionary action required for the project is **Initiation of Annexation** (SBMC Chapter 28.96).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Daniel Gullett, Associate Planner, gave the Staff presentation.

Trudi Carey gave the applicant presentation.

Chair Thompson opened the public hearing at 6:00 P.M., and with no one wishing to speak, closed the hearing.

Regarding water use, Ms. Carey responded that the project uses city water and has city water meters. It is also uses the city sewer system.

Staff answered additional Planning Commission questions about the detachment as related to the Goleta Water District.

The Commissioners made the following comments:

1. Commissioner Jostes appreciated that the rural nature has been kept. Would like to see building envelopes include in the subdivision next time the project comes before the Planning Commission.
2. Commissioner Bartlett supported the annexation but is concerned that connectivity is not achieved and creates a dead-end cul-de-sac street without connections for pedestrians and vehicles. Concerned that the project results in too few but large lots and is inconsistent with pattern of the neighborhood. Would like to see a subdivision that has more lots that are smaller with homes that are more affordable. Likes the narrower street widths and supports the one sidewalk.
3. Commissioners Lodge and Thompson agree with looking at smaller lots and smaller houses that are affordable by design when the project returns. Commissioner Lodge was concerned with the narrowness of the smaller street.
4. The consensus of the Commission supported the annexation of the property to the city.
5. Commissioner Thompson prefers a city street, as long as the city agrees to support the street.
6. Commissioner Jostes suggested that the applicant return to the Planning Commission for a concept review for an alternative subdivision plan that is more responsive to the Planning Commission's comments.

MOTION: Jostes/Lodge

Assigned Resolution No. 023-09

Recommended Initiation of Annexation of the parcels indicated in the Staff Report, with a General Plan designation as residential with 5 units/per acre.

Ms. Carey explained how the lot sizes were determined, accounting for slope density, as well as drainage issues that were addressed with the determination.

Staff responded to the Commission's inquiry on the availability of Planned Unit Development (PUD) or Planned Residence Development (PRD) zoning designations that would provide the applicant more flexibility with the site location by stating that they are both available. The PRD would be individual lots that would come with a Conditional Use Permit. The PUD would be a zone.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Chair Thompson announced the ten calendar day appeal period.

Chair Thompson called a dinner break at 6:17 P.M and reconvened the meeting at 7:00 P.M.

VIII. ENVIRONMENTAL HEARINGS:

ACTUAL TIME: 7:00 P.M.

EX PARTE COMMUNICATION:

Commissioner Bartlett disclosed an ex parte communication with the project architects regarding a question raised earlier regarding the potential for a parking structure.

APPLICATION OF CAMERON CAREY, TYNAN GROUP (AGENT) FOR AMERICAN BAPTIST HOMES OF THE WEST, 900 CALLE de los AMIGOS, APN'S 049-440-015 & 16, 049-040-050, 053 & 054, A-1, E-1 & E-3 ZONE DISTRICTS, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE, 1 UNIT/ACRE (MST2005-00742)

The proposed project is an amendment to the Valle Verde Retirement Community (VVRC) Conditional Use Permit. VVRC is made up of five separate parcels totaling approximately 59.75 acres. The proposed project involves the following components: 1) Construction of 40 two-bedroom independent living units. 2) New access road onto Torino Road for eight of the proposed units. 3) Upgrade the facility's Central Core (Common Area) and commercial facilities by renovating approximately 10,461 net square feet and expanding the buildings by a total of 14,902 net square feet. 4) Construct three new gazebos in various locations throughout the development. 5) Demolish six common parking areas, and relocate the parking spaces to other parking lots on the site. 6) Provide 83 new parking spaces, including two new staff parking lots. 7) Create a 9.8 acre Oak Woodland preserve. 8) Demolish an existing 2,280 s.f. hospice building, 1,300 square foot single family residential unit, four multi-family residential buildings, maintenance buildings and four gazebos. Additionally 15 oak trees are proposed to be removed and six oak trees may be impacted. Grading for the project would involve 11,520 cubic yards of cut, 13,300 cubic yards of fill and 1,780 cubic yards of import.

ENVIRONMENTAL HEARING: The purpose of the environmental hearing is to receive comments from the Planning Commission, interested agencies and the public on the proposed EIR scope of analysis, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. The proposed EIR scope of analysis would include evaluation of project environmental effects associated with biological resources and traffic trips. An Initial Study, describing potentially significant impacts as well as potentially significant, but mitigable, and less than significant impacts in other issue areas, is available for review at the City Planning Division located at 630 Garden Street, or online at www.SantaBarbaraCA.gov/eir. The comment period on the document ends on **June 22, 2009**.

No formal action on the development proposal or environmental document will take place at this hearing.

Case Planner: Peter Lawson, Associate Planner,
Email: PLawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation, joined by Michael Berman, Project Planner/Environmental Analyst

Ron Schaffer, Executive Director Valle Verde Retirement Community, gave the applicant presentation, joined by Lawrence Hunt, biologist, and Scott Schell, Associate Transportation Engineers.

Staff answered the Planning Commission's questions about the 45 day review period for the draft Environmental Impact Report (EIR).

Chair Larson opened the public hearing at 7:25 P.M.

The following people commented on the project:

1. Heike Kilian, Hidden Oaks Homeowners Association, was concerned with the limited scope of the review and that the potential environmental impacts will not be addressed adequately. Concerned that erosion and drainage in the Geophysical category of the EIR is not being addressed. Does not understand why parking is not being reviewed under the EIR. Concerned with abbreviated EIR that does not include a Land Use Section. Asked that Visual impacts also be included in the EIR. Also referred to 1984 EIR document prepared for proposed additions to Valle Verde that included statements about preservation of open space. Jim Venturino relinquished his time to Ms. Kilian
2. Jermaine Chastain, concurs with the previous speaker that the EIR scope is very narrow and would like to see alternatives considered, such as reducing the development footprint by including two story elements and underground parking. In support of expanding the scope of the EIR, referenced California Law stating that establishing a fair argument does not require substantial evidence. Feels that Staff and the Planning Commission have not considered earlier concerns raised in writing and asked that they be reviewed. Steve Gaither and Peter Georgi relinquished their time to Ms. Chastain.
3. Christina McGinnis, Hidden Oaks Homeowners Association (HOHA), asked the Commission to look at the continued expansion the development in a residential neighborhood and to consider the neighborhood compatibility of the project. Felt that the proposed EIR does not meet CEQA requirements and that the scope should be revised to include a land use section. Asked that zoning inconsistencies be addressed and that alternatives are considered under the EIR. HOHA is not apposed to the project, just wants to be able to give input. Sherie Burgher and Bryan Georgi relinquished their time to Ms. McGinnis.

4. Maeda Palius, President of Hidden Valley Residents Association, read a letter she submitted in March into the record. Stated that Valle Verde was approved for a maximum of 350 residents and staff, yet current number is almost 400 residents and does not include the 100+ employees working at the facility. Feels if the project were approved the resident would grow to over 600 people at peak periods. The negative declaration does not mitigate parking, traffic, emergency access and egress, aesthetics, density, protecting wood preserve, public view, landslides, and earthquake fault lines. Requested an EIR be required for this project stating the project would have a negative impact increasing traffic, speeding, parking shortages, and safety issues during evacuations. The proposed 40 units would set a precedent in increasing density. Would like construction hours limited.
5. Judy Orias, Allied Neighborhood Associations, wants traffic calming devices, citing frequent road use by emergency vehicles. Concerned about the increasing density in a high fire area. Asked that a soil study be done and that noise and construction impacts be addressed. Asked that the project have sufficient parking so that it does not impact the public street.
6. Louise Carey, Valle Verde resident, supports the Valle Verde expansion. Janet Davis and June Kambach relinquished their time to Ms. Carey.
7. Robert Buegler, Valle Verde resident, most driving occurs during non-peak times. Cited the reduction in the independent living population; a number of residents are over 100 years old. Less of the independent living population are driving and rely on alternative transportation. Staff does not contribute to peak hour traffic due to work hour shifts. The additional 40 units will bring the total residents to 224 and will have a negligible impact on traffic. Barbara Kucera, Jane and Fred Stupley relinquished their time to Mr. Buegler.
8. Henry Jones, Valle Verde resident, talked about trail that he cut 8 years ago that no longer exists. The proposed staff parking area has been moved from what was once proposed and no longer on the north end of the property. The proposed project does not exceed the original conditional use permit that approved the 244 independent living units, only provides more amenities. The project will not pose additional traffic. Virginia Jones, Alice and George Scott, and Rasner Thorenses relinquished their time to Mr. Jones.
9. Donald O'Dowd, President of the resident council, Valle Verde resident, commented on parking and traffic stating that Valle Verde residents do not park on Torino Road. Calle de los Amigos is a narrow street and does have parking congestion caused by Valle Verde employees that will be alleviated by the proposed on-campus parking structure. Jan O'Dowd, Ellen Voorhees, and Ruth Priest relinquished their time to Mr. O'Dowd.
10. Norman Boyan, President, representing 11 other people, testified that the project does not compromise the public views and also stated that private views are not protected. Spoke about Valle Verdes contribution to Green Initiative Movement and the awards received. Contributions to public good include the highest percentage of voting precinct in city; serving as a temporary residence to senior evacuees from the recent Jesusita Fire; the provision of educational and cultural offerings that are also

available to the general public; and over 6000 hours of volunteer hours to community non-profits last year. Mr. Boyan submitted a letter for the record.

11. Ruth Georgi, Hidden Oaks Estates, submitted a letter and stated that the Conditional Use Permit is out of compliance based on the staff and residence numbers provided by Valle Verde. The picture shown of the Rutherford property from Torino Drive is a public view. Wildlife trail has been there for over 20 years. Recalled that at the March 5, 2009 hearing, at least 3 Commissioners commented on the need for an EIR supported by quoting the prior minutes listing that "The consensus of the Commission wanted to see an EIR", among other quotations. Asked the Commission to consider a complete EIR.

With no one else wishing to speak, the public hearing was closed at 8:30 P.M.

The Commissioners made the following comments:

1. Commissioner Lodge was concerned with evacuation in the event of a fire and would like to see the ingress/egress emergency evacuation examined. Noted that the existing parking lot has residents backing into the parking lot, however is concerned that the new parking plan has cars backing into traffic and is probably not considered in vehicle trips.
2. Commissioner Jostes asked Staff to use the revised initial study process to focus the analysis of the EIR to function as a process for providing answers as opposed to collecting information. Looks at the document as being an important piece that helps the Commission, the public, and the applicant evaluate the environmental effects of the project and land use compatibility.
3. Commissioner Bartlett wanted to see alternative options that address building larger units while the project resident population remains constant.

Staff reviewed the list of EIR elements and explained the justification for not providing further analysis on the eliminated elements due to either mitigation or less than significant impacts.

Mr. Berman added that all EIR's have a section on land use, but that it is not an impact analysis section; the consequences of land use, such as traffic and biology, will be addressed in the appropriate section. Based on dialogue with Fire Department Staff, Mr. Berman was assured that fire safety was adequate. However, an emergency evacuation component could be added to the EIR. Also, noted that there is not a huge amount of development that has to exit the area like there is in Mission Canyon.

In response to a question regarding how the City will resolve the differing opinions regarding the wildlife impasse, Mr. Berman stated that a consultant would be hired to document and resolve differing opinions for resolution. Regarding the elements of the EIR, the EIR focus will be narrowed and include a summary of the initial study and provide thresholds. Mr. Berman added that a range of alternatives will be developed for potentially significant impacts identified in the environmental document and an environmentally preferred recommendation will be made.

Stacy Wilson, Transportation Division, addressed the parking configuration and reviewed the considerations for the diagonal on-street parking which reduces the amount of paving.

IX. RECOMMENDATION TO CITY COUNCIL:

ACTUAL TIME: 8:43 P.M.

**PROPOSED ZONING ORDINANCE AMENDMENT SECTION 28.87.300
DEVELOPMENT PLAN REVIEW AND APPROVAL.**

In November 1989, city voters approved an amendment to the City Charter (Measure E, Charter Section 1508) regulating non-residential growth in the City. The growth management limitations are implemented through the City's Zoning Ordinance 28.87.300. Charter Section 1508 will sunset on January 1, 2010, and the proposed amendment is to continue the same development review standards consistent with Charter Section 1508 in the Zoning Ordinance until 2015 while the City completes its current General Plan update known as *Plan Santa Barbara*. Once new growth limitations are established for the next 20 years, along with policies and standards to implement the growth management program, the codes will be updated.

The Council is considering this proposed Zoning Ordinance Amendment to continue to 2015 the existing standards for review of non-residential construction projects. All other provisions of the Zoning Ordinance will remain the same. The purpose of the Planning Commission hearing is for review of the ordinance amendment before forwarding to the Council its recommendation on adoption. It is estimated that Council would review the amendment in June of 2009.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305.

Case Planner: Bettie Weiss, City Planner
Email: BWeiss@SantaBarbaraCA.gov

Bettie Weiss, City Planner, gave the Staff presentation.

Staff answered additional Planning Commission questions about why the year 2015 was suggested and offered that it was at the discretion of the Commission to change it.

The Commissioners made the following comments:

1. Commissioner Jostes recalled the jobs/housing issues of his peers and in their absence was not prepared to support a recommendation without a full board. Suggested the jobs/housing numbers be reduced for an interim period of time until we have a General Plan Update in place. Sees a need for incentives to be offered for the process to work in a timely manner and volunteered to attend any meetings that would facilitate furthering the process.

2. Commissioner Bartlett was concerned with why we would try to balance the job/housing numbers by killing the commercial market. Commissioners Jostes and Bartlett supported an extension of a shorter time frame to allow the completion of the General Plan Update based on a desire to expedite completion of the Plan Santa Barbara process within the next two years.
3. Commissioner Thompson understood the reasoning behind Staff's request and supported Staff's proposed request.

Mr. Vincent recalled the jobs/housing discussion that was previously held and asked that the Commission make a recommendation to maintain the status quo until additional work could be put in place for the next 20 years.

MOTION: Jostes/Bartlett

Assigned Resolution No. 024-09

Recommended to City Council that it continue the existing development review standards for review of non-residential construction projects, consistent with Charter Section 1508 in the Zoning Ordinance, until January 1, 2012 while the City completes its General Plan update.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Lodge) Abstain: 0 Absent: 3 (Larson, Jacobs, White)

The Commission is most concerned with not losing more time on moving forward with the General Plan.

X. ADMINISTRATIVE AGENDA

ACTUAL TIME: 9:08 P.M.

- A. Committee and Liaison Reports.
None were given
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.
None were requested
- C. Action on the review and consideration of the following Draft Minutes and Resolutions:
 - a. Draft Minutes of April 16, 2009
 - b. Resolution 012-09
124 Las Aguajes Avenue
 - c. Resolution 013-09
2515 Medcliff Road

- d. Resolution 014-09
1109 Luneta Place

MOTION: Jostes/Bartlett

Continue the Draft Minutes and Resolutions until June 11, 2009.

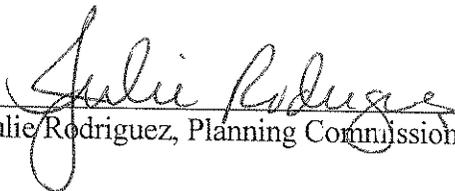
This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Larson, Jacobs, White)

VII. ADJOURNMENT

Chair Thompson adjourned the meeting at 9:12 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary

