



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

November 19, 2009

#### CALL TO ORDER:

Chair Larson called the meeting to order at 1:02 P.M.

#### ROLL CALL:

##### **Present:**

Chair Stella Larson

Vice-Chair Addison S. Thompson

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

#### STAFF PRESENT:

Paul Casey, Community Development Director

Bettie Weiss, City Planner

John Ledbetter, Principal Planner

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Rob Dayton, Principal Transportation Planner

Irma Unzueta, Project Planner

Peggy Burbank, Project Planner

Adam Nares, Planning Technician

Julie Rodriguez, Planning Commission Secretary

Mr. Kato left at 1:35 P.M.

#### **I. ROLL CALL**

Commissioner Jacobs left at the beginning of the meeting and returned at 1:38 P.M. for Item III., PlanSB Workshop.

#### **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 1:03 P.M.

Lee Moldaver acknowledged all of Commissioner Bendy White's years of service to the Planning Commission and wished him success as an incoming Council Member.

With no one else wishing to speak, public comment was closed at 1:05 P.M.

D. Request by Commissioner Addison Thompson for Planning Commission reconsideration of its action regarding the project located at 2 W. Mission Street.

Commissioner Thompson recalled some unresolved issues pertaining to paragraph 110 in the ordinance that had surfaced in the prior meeting's discussion and felt that the Commission should revisit the issues and reconsider its earlier motion.

**RECUSALS:** To avoid any actual or perceived conflict of interest, Commissioner Jacobs recused herself from the reconsideration due to her husband working at the same firm as the applicant's counsel.

**EX PARTE COMMUNICATION:**

Commissioners Thompson and Larson disclosed having had discussion with Bill Cirone, Santa Barbara County Education Office, and Steve Amerikaner, Attorney for the Applicant.

Commissioners Bartlett and White disclosed having had discussions with Mr. Amerikaner.

**MOTION: Thompson/Bartlett**

Reconsider the Planning Commission's decision made on November 5, 2009 at a later date.

Public Comment opened at 1:07 P.M.:

1. Ben Romo, Santa Barbara County Education Office, explained the complex issues behind the low-profile locations of special education schools.
2. Florene Bednersh, Santa Barbara County Education Office, asked that the Commission maintain its original decision and not reconsider the motion.
3. Bill Cirone, County Superintendent of Schools, stated that the Mission Community School is a California K-12 public school recognized by the California Department of Education in meeting all of the California Department of Education's requirements for K-12 public schools. There is no new information that has come forward since the last hearing and the permit issued is in violation of the ordinance. Urged the Commission to stand by its original decision and vote against reconsideration.

4. Steve Amerikaner, Attorney for the Applicant, advocated that the issue whether or not the permit should be revoked, not whether or not the facility at 7 E. Mission Street is a school. The revocation ordinance is clear about what findings must be made for revocation and these findings were not made.
5. Craig Price, Counsel for the Santa Barbara County Education Office, stated that reconsideration would be contrary to what the City Attorney and Staff recommended and opposed the motion for reconsideration.

Public comment was closed at 1:25 P.M.

Mr. Vincent asked the Commission to focus on the motion for reconsideration of a prior action by the Commission and defined the reconsideration parameters, as well as summarized the Commission's prior action taken on November 5, 2009.

Chair Larson stated that she had reviewed the meeting of November 5, 2009, that she felt comfortable making a decision and that she would be voting on the motion for reconsideration.

This motion failed by the following vote:

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

Mr. Amerikaner objected to the procedure followed by the Commission regarding its reconsideration vote. It was his understanding coming into the meeting that only those Commissioners who voted on the original motion would be eligible to vote on the reconsideration motion. Felt the procedure violated the Commission's and City's own rules with respect to reconsideration. Chair Larson responded by stating that she had checked with multiple sources who had informed her that she would be eligible to vote if she had studied the issues and reviewed the November 5, 2009 meeting video, which she did.

Mr. Vincent stated that his recollection of the referenced conversation between him and Mr. Amerikaner differed from Mr. Amerikaner's recollection of the conversation. Mr. Vincent stated that he is not aware of anything in the City's procedures or ordinance regarding motions for reconsideration that would prevent the Chair from participating in the motion for reconsideration and confirmed that he had advised Chair Larson on the subject of her participation on the motion for reconsideration.

Mr. Kato left at 1:35 P.M.

Commissioner Jacobs returned to the discussion table at 1:36 P.M.

**III. DISCUSSION ITEM:**

**ACTUAL TIME: 1:38 P.M.**

**PLAN SANTA BARBARA WORK SESSION**

The purpose of the worksession is for Planning Commission discussion on the Land Use and Growth Management Element. Specifically, the discussion will focus on residential density, the land use map, and the associated land use designations. This is a Planning Commission discussion item; no formal commission action will be taken on *Plan Santa Barbara*.

Case Planner: John Ledbetter, Principal Planner  
Email: JLedbetter@SantaBarbaraCA.gov

John Ledbetter gave the Staff presentation joined by Bea Gularte, Project Planner.

Mr. Ledbetter acknowledged a request by Santa Barbara Beautiful that a Public Park Master Plan be included in the General Plan Update. Commissioners Lodge and Thompson supported the request.

Discussion was shared regarding residential density designations; how the build-out ties into the EIR; whether housing creates a lot of jobs; Land Use Map in relation to Land Use Element; and clarification of zoning changes versus land use designations and public notification.

Also discussed was a Floor Area Ration (FAR) matrix versus a unit matrix;

The Commissioners made the following comments:

1. Commissioner Jostes was concerned that the Land Use Element be completed as a draft at the same time as the EIR.
2. Commissioners Lodge and Jacobs questioned the creation of housing that created more jobs, and how the public would be notified of proposed zoning changes.
3. Commissioner Bartlett was concerned with the use of only units to describe density and recommended a FAR metric.

Chair Larson opened the public hearing at 2:51 P.M.

The following people commented on the project:

1. Joe Andrailaitis supports the Staff Report and the use of FAR's.
2. Cathie McCammon, Allied Neighborhood Association, opposed Special Mixed Use Districts (SMUD's) and high residential density designations which would result in unprecedented demands on the city's natural, infrastructural, and financial resources.
3. Gil Barry stated high density would lead to overdevelopment and submitted written comments.

4. Connie Hannah, League of Women Voters, submitted written comments and expressed opposition to the creation of SMUDS.
5. Paul Hernadi, Citizens Planning Association (CPA), submitted written comments highlighting five concerns.
6. Mary Louise Days, CPA, expressed concern about the implications of establishing SMUD's.
7. Naomi Kovacs, CPA Executive Director, completed the list of concerns submitted in CPA's letter and urged that the Land Use Element prescribe generously landscaped setbacks.
8. Forrest Damon had an issue with the proposed fees for opting out of meeting the density requirement.
9. Lisa Plowman, SB4All, is not sure that unit size is the way to go.
10. Joe Rution felt that Staff has given provided many reports with policies, proposals and options, but has never allowed for the public's debate of the validity of the basic premises and assumptions.
11. Alex Pujo appreciated Staff's visionary efforts to move 'out of the box'. Traditional focus has always been on land use and transportation; suggested looking instead at the relationship between density and walking.
12. Michael Chiacos, Community Environmental Council, felt that the MODA has shrunken too much but appreciates the balance between preservation of historic districts with the creation of a better jobs/housing balance. Suggested incentives.
13. Jay Higgins, American Planning Association, cautioned care with inclusionary housing in report due to the State's characterization of inclusionary housing as an obstacle.
14. Debbie Cox Bultan, Coastal Housing Coalition, supports the MODA concept and increased density in transitional neighborhoods.
15. Suzanne Elledge, Susan Elledge Planning and Permitting Services, agrees with points made by Mr. Andulais, Mr Chiacos, and Ms. Plowman. Encouraged more work shops with the public to debate, discuss, and collaborate on details for meeting Staff's objectives.
16. Michael Holliday, American Institute of Architects, strongly supports the direction that PlanSB is taking. Goal of development downtown is healthy.
17. Kellam de Forest reminisced about delivery services and street vendors that no longer exist.
18. Joe Campanella cautioned on rental versus purchase unit sizes by suggesting that 2-bedroom/2-bath units should be the standard on for sale units.
19. Richard St Claire sees Santa Monica as the prequel to Santa Barbara.
20. Rebecca Tannebring supports mixed-use and walkable areas that reduce our dependence on fossil fuels.

With no one else wishing to speak, the public hearing was closed at 3:42 P.M.

Chair Larson called a break at 3:44 P.M. and reconvened the meeting at 3:51 P.M.

The Commissioners made the following additional comments:

1. Commissioner Thompson felt that checking historical growth patterns and zoning against land use was a good start but asked that Staff keep in mind that the General Plan should reflect long range vision; zoning should be updated to agree with the General Plan. Cautioned against residential density being built along a transit corridor, since transit corridors are flexible and subject to change over time. Some of proposed densities seem high.
2. Commissioner Jacobs was pleased with the changes to the maps and appreciated the Historic District. Does not see a lot of parks or open space in the Milpas Special Mixed-Use District and felt that it should be revisited before identifying it as a good spot for an overlay.
3. Commissioner Jostes noticed in listening to the general public that no one has changed their mind during the planning process. Felt that great cities are made from great neighborhoods and that should be where we need to put our focus and energy. Concerned that we will have expended a lot of energy and money and not have anything to show for it. Suggested taking a break and going to City Council to get a reading on what they would support.

Ms. Weiss has docketed a special work session with the City Council on Thursday, February 11, 2010 and feels that the Council would be better served by having feedback from the Planning Commission. Agreed that it would be good to get feedback from the new Council on the direction to proceed.

4. Commissioner Jostes suggested that the Planning Commissioners write down the top 5 things they like about the plan and why they are supported. This would offer the Council areas where there is convergence.
5. Commissioner Larson questioned when the Environmental Impact Report (IER) would be released. She would feel better giving comments to City Council once she has read the EIR. She agreed that taking the General Plan updates to neighborhood is positive and referenced the active involvement that the Mesa neighborhood has generated. Would also like to see dialogue with city schools.

Ms. Weiss said the EIR will be ready in the middle of February.

6. Commissioner White noted the changing tone in the community and does not want to see a project that goes nowhere. Worries that we will have a top-down backlash from any area identified for change without having had neighborhood presentation. Agreed with Commissioner Jostes that we can de-couple the inclusionary requirement.
7. Commissioner Bartlett stated that the General Plan should not be about density, but about resource allocation. Liked the examples that have come forward, such as the Mesa neighborhood architects. Creating a formula based FAR density approach would be beneficial. Liked the mapping that has been done that recognizes old urbanism and new urbanism. Agreed that we should check in with City Council.
8. Commissioner Jacobs felt that what we are putting together appears to be a menu for developers, but has overlooked neighborhood dialogue. The Upper State Street study worked well; questioned why a similar approach has not been used for the General Plan Update.

9. Commissioner Lodge did not see that much needed to be changed, or 'fixed', in the existing General Plan. Referenced downtown as not wanting more density, and the owners of La Cumbre Plaza not wanting redevelopment. Gave examples of current housing on the market that is not selling and not what the community wants.

Ms. Weiss commented that the top priority policy expressed in *Plan Santa Barbara* is to address resources and affordable housing and the review does show that something needs to be fixed. The General Plan process is moving in a direction that is not all bad and had identified what does need fixing. Acknowledged that the Upper State Street Study intentionally did not address density. Mr. Ledbetter agreed that neighborhood planning is essential and a key component of the Policy Preferences Report, but only one thing can be focused at a time to move forward. Currently, the priorities are focused on broad city-wide efforts such as the renewal of Measure E, the update of the Housing Element, and the update of the Land Use Map.

Ms. Weiss reminded the Commission that Staff had been directed by the Commission to press forward with its work, which is exactly what Staff has been doing. Staff is close to ready to present the "big picture" recommendations that would stall should Staff initiate a new round of public workshops by neighborhood.

10. Commissioner Jacobs did not have recollection of talking about density when the Upper State Street study was developed. Asked that parks and transportation be reviewed when studying density. Felt the City needs to develop a standard for City parks.
11. Commissioner White felt that more integration of the schools with neighborhoods needs to occur to increase dual use of schools for communal open space.
12. Commissioner Bartlett noted that rentals are being handled differently; a category is needed for rentals including incentives.
13. Commissioner Thompson suggested one incentive for the development of rentals as adjusting the floor area ratio percentage that would be allowed.
14. Commissioner Jostes stated that the Planning Commission has donated many hours and reiterated the need for each Commissioner to provide a one-page memo or some feedback to complement what Staff has done, expressing its own key points supported in the General Plan Update.

Mr. Ledbetter acknowledged that the FAR approach has merit, but that there is insufficient time to review it now. Suggested amending the variable density to base it on smaller unit sizes, but with reduced amount of densities, as an interim step until FAR discussion could be held and a process initiated.

The Commission looked at meeting to further discuss this topic on December 10, 2009.

Commissioner Jacobs left at 5:09 P.M.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 5:09 P.M.**

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meeting held on November 18, 2009.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Downtown Parking Committee held November 12, 2009.

b. Commissioner Bartlett reported on the City Council appeal of the Planning Commission's decision on 226-232 Eucalyptus Drive. City Council unanimously denied the appeal and upheld the decision of the Planning Commission.

c. Commissioner Lodge reported on the City Council appeal of the Planning Commission's decision on 415 Alan Road. The City Council, on a 5-2 vote, granted the appeal. Commissioner Lodge also reported that Commissioner Jacobs represented the Commission on the appeal of 1900 Lasuen Road (El Encanto Hotel) that was denied by City Council on a 6-1 vote.

B. Action on the review and consideration of the following Draft Minutes and Resolutions:

**MOTION: Jostes/Lodge**

Approve the minutes and resolutions of September 17, 2009 as corrected.

This motion carried by the following vote:

Ayes: 3 Noes: 0 Abstain: As noted. Absent: 1 (Jacobs)

Commissioners Bartlett, Thompson, and White abstained from the Minutes and Resolution of September 17, 2009.

**VII. ADJOURNMENT**

Chair Larson adjourned the meeting at 5:14 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary