City of Santa Barbara
Planning Division

PLANNING COMMISSION MINUTES

March 10, 2016

CALL TO ORDER:

Chair Campanella called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair John P. Campanella, Vice-Chair June Pujo, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson.

STAFF PRESENT:

Beatriz Gularte, Senior Planner
Danny Kato, Senior Planner
Susan Reardon, Senior Planner
Ashleigh Shue, Supervising Engineer\
Cameron Benson, Creeks Restoration/Clean Water Manager
N. Scott Vincent, Assistant City Attorney
Dan Gullett, Supervising Transportation Planner
Steven Greer, Project Planner
Allison De Busk, Project Planner
Jessica Grant, Project 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. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. February 18, 2016
2. PC Resolution No. 005-16
   251 S. Hope Avenue

MOTION: Thompson/Schwartz
Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 2 (Campanella, Lodge). Absent: 0

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

Chair Campanella opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:03 P.M.

APPLICATION OF DON SWANN, DESIGNER FOR MICHAEL AND JAMI GOTT, 1417 SAN MIGUEL AVENUE, APN 045-132-006, E-3/SD-3 (ONE FAMILY RESIDENCE/COASTAL) ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX.5 DU/ACRE) (MST2015-00426)

The 10,589 square-foot site is currently developed with a 1,513 sq. ft., two-story, single family residence, a detached two-car garage and an uncovered parking space. The proposed project involves a circular driveway and parking/loading space at the front of the house, with a new curb cut and driveway. The discretionary application required for this project is a Front Setback Modification to allow uncovered parking in the required 20-foot front setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Contact: Danny Kato, Senior Planner
Email: DKato@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 2567

Danny Kato, Senior Planner, gave the Staff presentation.

Don Swann, Designer, gave the appellant presentation, joined by Michael Gott, Owner.

Chair Campanella opened the public hearing at 1:23 P.M., and with no one wishing to speak, the public hearing was closed.

MOTION: Jordan/Schwartz **Assigned Resolution No. 008-16**
Denied the appeal and uphold the decision of the Staff Hearing Officer to deny the Front Setback Modification, making the findings in the Staff Report dated March 3, 2016.

This motion carried by the following vote:

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

Chair Campanella announced the ten calendar day appeal period.

Chair Campanella called for a recess at 2:16 P.M and reconvened the meeting at 2:30 P.M.

IV. CONTINUED ITEM:

ACTUAL TIME: 2:30 P.M.

APPLICATION OF THE PARKER FAMILY FOR 433 EAST CABRILLO BOULEVARD (WATERFRONT HOTEL), APN 017-680-009, ZONING DESIGNATION: HOTEL AND RELATED COMMERCE/ PARK PLAZA SPECIFIC PLAN/ COASTAL ZONE OVERLAY (HRC-2/SP-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED COMMERCIAL/ MEDIUM HIGH RESIDENTIAL, LOCAL COASTAL PLAN DESIGNATION: HOTEL AND RELATED COMMERCE; AND 103 SOUTH CALLE CESAR CHAVEZ (HOTEL PARKING LOT), APN 017-113-020, ZONING DESIGNATION: OCEAN-ORIENTED LIGHT MANUFACTURING/ COASTAL ZONE OVERLAY (OM-1/SD-3), GENERAL PLAN DESIGNATION: OCEAN-RELATED INDUSTRIAL, LOCAL COASTAL PLAN DESIGNATION: OCEAN ORIENTED INDUSTRIAL (MST2013-00371)

Continued review of a request for a Development Agreement and an associated Ordinance Amendment related to Transfer of Existing Development Rights. The Planning Commission reviewed this item on January 7, 2016 and continued it with direction to the applicant to incorporate changes and address Planning Commission comments.

On August 15, 1995, City Council adopted Ordinance 4920, which included a Development Agreement (DA) and associated conditions of approval for development of the Chase Palm Park expansion, the Waterfront Hotel (433 East Cabrillo Boulevard), and a youth hostel. The DA allowed the Chase Palm Park expansion project to commence immediately and provided the property owner, American Tradition, 12 years to construct the hotel and hostel. In 2007, the City issued building permits for both the 150-room Waterfront Hotel and associated parking lot, and the youth hostel. While the hostel (12 E. Montecito St.) has since been completed, the hotel project has stalled. In order to maintain the existing development rights for the approved hotel and establish the potential and associated process for a revised project, a new DA is being considered. As such, the proposed DA includes the following major components:

- Establishment of a new ten-year term for the DA.
- Acknowledgment of the approved status of the 150-room hotel project, including parking lot, which could continue to be constructed without further discretionary review.

- A provision that all current Building and Public Works permits for the approved hotel project would expire upon the effective date of the DA, and new ministerial permits (consistent with current codes) for the approved project must be issued within five years of the effective date of the DA.
- A provision that if the approved 150-room hotel project is abandoned and a revised hotel project is pursued at any time during the term of the DA, the project would be subject to policies, ordinances, resolutions, codes, rules, regulations and official policies governing development of the site(s) in effect as of the effective date of the DA.
- If a revised hotel project is approved during the term of the DA and it results in less than the currently approved 150 hotel rooms, the Applicant has the ability to propose the transfer of excess rooms or square footage to another parcel, consistent with applicable City ordinance provisions and processes for doing so.

Note: A Development Agreement and Ordinance Amendment require City Council approval at a subsequent public hearing to be scheduled. The purpose of this March 10th hearing is for the Planning Commission to consider the request and environmental document prepared for the project and provide a recommendation to City Council on the following:

1. A Development Agreement to allow an additional ten (10) years to construct the approved 150-room hotel and parking lot, or a revised project (Council Resolution 89-120); and
2. A Zoning Ordinance Amendment (SBMC Chapter 28.95 - Transfer of Existing Development Rights) to defer to the Waterfront Hotel Development Agreement for provisions allowing the applicant to propose the transfer of excess (approved but undeveloped) hotel rooms from the Waterfront Hotel site.

An Addendum to the 1993 Final Environmental Impact Report (EIR) has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164 to address minor changes to the project and EIR analysis. The Planning Commission will consider the Addendum together with the previously certified Final EIR, and consider a recommendation to City Council regarding the adequacy of the environmental review pursuant to CEQA Guidelines Section 15090.

Contact: Allison DeBusk, Project Planner
Email: ADebusk@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Suzanne Elledge, Suzanne Elledge Planning and Permitting, gave the Applicant presentation. Also present were Eli Parker and Ashleigh Parker-Snyder, and Graham Lyons, Mullen & Henzell, LLP.

Chair Campanella opened the public hearing at 2:48 P.M., and with no one wishing to speak, the public hearing was closed.

Commissioner Thompson left the dais at 5:05 P.M. and did not return.

MOTION: Pujo/Jordan
Continue to a special meeting on March 24, 2016.

Commissioner Jordan left the dais at 5:40 P.M. and did not return.

Motion was withdrawn for absence of the seconder to the Motion.

Straw poll:
Who agrees with the recommendations as stated?

Ayes 2 (Campanella, Higgins)

Straw Poll:
Who agrees with the recommendations with the removal of section 11.1 from the Development Agreement?

Ayes: 2 (Lodge, Schwartz)

Commissioner Pujo would agree to support the project if some of the language such as the "low/lower income" modifiers on the youth hostel and "luxury" for the hotel were removed. With regard to Section 11.1, if that section was eliminated altogether, she would not be dissatisfied with the Development Agreement. However, she would also be satisfied if additional language was added, such as that proposed by staff earlier that nothing contained therein would obligate the City to approving a proposed transfer and to clarify that any proposal would be reviewed based on the entire record, including the original conditions for the Fess Parker Hotel. She also suggests including a finding of fact in regards to the cap on the number of units at the Fess Parker Hotel.

Graham Lyons, Attorney for the Applicant, asked for, and was granted, two minutes to confer with the applicant team regarding a potential amendment that might help the Commission reach consensus. Following the conference, Mr. Lyons stated that the applicant proposes to remove Section 11.1 from the Development Agreement.

Motion: Lodge/Schwartz
Recommends that City Council make the required planning and CEQA findings and approve the Development Agreement, with the exclusion of Section 11.1., and approve an Amendment to the Zoning Ordinance, Chapter 28.95, related to the Transfer of Existing Development Right, as found in the Staff Report dated March 3, 2016, with the following revisions to the Development Plan:

1. Revise Recital B to read, "Whereas, beginning in the late 1970's, The City and Fess Parker began working to revitalize the waterfront area and the properties controlled by the Parkers along Cabrillo Boulevard. The City's and the Parker's plans for the waterfront came to include a conference center hotel, a waterfront public park, significant public open space, a hostel, and a waterfront hotel; and"
2. Revise Recital V to read, "Whereas, the City and the Parker Family wish to complete the development of the waterfront area in accordance with the Amended Specific Plan, and"
3. Revise Recital X.a. to read, "Dedicated land to enlarge Chase Palm Park,"
4. Revise Recital Z to read, "Whereas, a redesigned hotel may be in the best interest of both the City and the Parker Family as it may have fewer impacts on traffic and public views, and may create more open space on Parcel B, while continuing to provide a first-class hotel on the City's waterfront; and"

Commissioner Pujo could agree with the historical references in the Development Agreement, but felt that the modifiers do not fit today, such as the youth hostel is not low-cost, and the hotel may not be luxury. She would like to remove the "low" or "lower cost" and "luxury" or "first class" modifiers out of the Development Agreement, as found on pages 2, 4, 5, 9, and 23. The motion maker and seconder agreed to include the requested changes in the motion.

This motion carried by the following vote:

Ayes: 4 Noes: 1 (Higgins) Abstain: 0 Absent: 2 (Jordan, Thompson)

Commissioner Higgins voted in the minority based on principle and because he believes that the modifiers being removed are factual and should remain in the Development Agreement.

Chair Campanella announced the ten calendar day appeal period.

V. CONCEPT REVIEW:

ACTUAL TIME: 6:01 P.M.

APPLICATION OF ASHLEIGH SHUE, SUPERVISING CIVIL ENGINEER FOR CITY OF SANTA BARBARA PUBLIC WORKS DEPARTMENT, CITY RIGHT OF WAY ALONG MODOC ROAD AND LAS POSITAS ROAD, ZONES ADJACENT CITY RIGHT OF WAY INCLUDING: PARK AND RECREATION ZONE WITH COASTAL ZONE OVERLAY (P-R/SD-3), PARK AND RECREATION ZONE (P-R), ONE FAMILY RESIDENCE ZONES (A-1, E-1, E-3), ONE FAMILY RESIDENCE ZONE WITH PLANNED UNIT DEVELOPMENT (E-1/PUD), PLANNED UNIT DEVELOPMENT (PUD 2.5), TWO-FAMILY RESIDENTIAL (R-2), UNINCORPORATED COUNTY PROPERTIES, GENERAL PLAN DESIGNATIONS ADJACENT TO CITY RIGHT OF WAY INCLUDE: PARKS AND OPEN SPACE, LOW DENSITY RESIDENTIAL (5 DU/ACRE), LOW DENSITY RESIDENTIAL (3 DU/ACRE), UNINCORPORATED COUNTY LAND (MST2014-00055)

The proposed project involves design of a 2.6 mile-long separated multiuse pathway for bicyclists and pedestrians in City right of way along Modoc Road from Calle de Los Amigos to Las Positas Road and along Las Positas Road from Modoc Road to Cliff Drive. The project would provide key connections among Santa Barbara's regional Cross-town and Coastal Bike Routes, the neighborhoods adjacent to the path, Elings Park, Arroyo Burro Beach County Park, and the Douglas Family Preserve.

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. 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 application required for this project a Coastal Development Permit (SBMC § 28.44.060) since a portion of the project is located within the Non-Appealable and Appealable Jurisdiction of the Coastal Zone.

Contact: Ashleigh Shue, Supervising Engineer
Email: AShue@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 2507

Contact: Jessica Grant, Project Planner
Email: JGrant@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 5338

MOTION: Schwartz/Pujo
Continue to April 14, 2016.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:05 P.M.

A. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report

None was given.

B. Other Committee and Liaison Reports

None were given.

VII. ADJOURNMENT

Chair Campanella adjourned the meeting at 6:05 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary