

MOTION: White/Larson

Assigned Resolution No. 051-05

Deny the project without prejudice.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Myers, Maguire) Abstain: 1 (Jostes) Absent: 1 (Mahan)

Chair Maguire announced the ten calendar day appeal period.

V. NEW ITEMS

ACTUAL TIME: 1:51 P.M.

A. APPLICATION OF BRENT DANIELS, AGENT FOR JORGENSEN RANCH, LLC, 561 W. MOUNTAIN DRIVE, APN: 021-110-018, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT PER ACRE (MST2004-00206)

The proposed project involves the subdivision of an 8.8-acre lot into six residential lots. One lot would be designated as an affordable home site. Current development on the site includes a single-family residence, detached garage and shed.

As currently proposed, the discretionary applications required for this project would be: a Modification to provide less than the required lot area for the proposed affordable lot (SBMC §28.15.080); a Modification of the lot frontage requirement for each lot (SBMC §28.15.080); a Tentative Subdivision Map (TSM) to divide one lot into six residential lots (SBMC Title 27); Neighborhood Preservation Ordinance findings by the Planning Commission for a residential subdivision in the Hillside Design District (SBMC §22.68.040); Historic Landmarks Commission review and approval of the Phase 1 Archaeological Resources Report; and a Public Street Frontage Waiver (SBMC §22.60.300).

The purpose of the concept review is to allow the Planning Commission 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. 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.

Ms. DeBusk gave a brief overview of the project.

Brent Daniels, L&P Consultants and agent for the applicant, addressed the Planning Commission.

Craig Parker, Investec, gave a presentation of the project.

The public hearing was opened at 2:24 p.m., and the following people spoke in opposition to the project:

William Makler
Anthony Mulac
Muriel Ridland (also read a letter from the Riviera Association Board)
Carlos Gutierrez-Jones
Christopher Wiedmann
Craig Christenson
Susan Christenson
Lisa Sands
Cody Campbell
John Warnock
Randall Wade
Mary Quittner

The following people spoke in favor of the project:

John Lason
Chuck Schlosser

With no one else wishing to speak, the public hearing was closed at 3:24 p.m.

Commissioners' Comments and Questions:

1. Asked Mr. Schlosser, representing Santa Barbara Foundation, to define the mechanics behind affordable housing and their organization. Also asked if a non-profit organization associated with the Foundation is the only candidate that would be eligible to move into this house, and if that candidate happened to leave the particular non profit they are working for and move on to another non profit that might not be associated with the Foundation – would that affect their tenancy/ownership of the house.
2. Asked applicant if Investec will build these houses, or will they sell the lots to individual builders?
3. Asked what the street waiver means and what is required.
4. Asked staff if the City has received previous development applications on this parcel.
5. Asked applicant why the building envelope for Lot 4 have such an odd shape.
6. Asked a follow-up to question about the waiver; are there any notes to the 1948 or 1949 Planning Commission hearing regarding the access road, and are there any minutes, maps, etc. regarding this project.
7. Asked if Fire turnarounds are posted and enforced for no parking.
8. Asked applicant if a gate will be proposed at the subdivision entrance?
9. Asked how Civil Code affects ability of one party to encumber another party's access easement.
10. Asked Fire staff if fire trucks, and other vehicles such as UPS, or trash trucks, are able to maneuver in a turnaround with an island.
11. Asked for clarification from Fire on how a parcel that is heavily vegetated and has no access is a better condition than one that would have ample access and structures with clearings around it.

12. Asked about access to the property at 565 Mountain Drive.
13. Stated this is a tough situation because many lots in the area are already developed to the same standard the applicant is proposing, but has a hard time with the street frontage waiver because of the public safety issue, and is reluctant about going forward with a private street for this project. Asked if there is lesser density that would work. Also stated that this is not necessarily the best location for an affordable housing unit. Finally, indicated that it would be difficult to make Neighborhood Preservation Ordinance findings regarding neighborhood compatibility; might be willing to consider a project with two-acre minimum lots.
14. Commented that the lack of street frontage compels special treatment and feels access to the site is problematic. Cannot support the proposal because of its density; two lots are supportable, but four lots are not. Slope density is important to protect, so cannot support the lot area modification. Feels the project just does not fit the area. Different site/different access would certainly help.
15. Noted concern with carving up the Hillside Design District and feels the hillside is fragile for environmental and public safety reasons. Stated support for keeping the 1940's adobe home as it is a keystone for design of other units. Appreciates applicant trying to work with neighbors, and feels there is going to be much discussion before something that will work is found here. Would like to see a public road providing access for the neighborhood. The trade off for this would be considerably less density, two maybe three units. A few points to keep in mind include that minimal grading is the goal. Consider green building standards (a two green star status) for new construction, no gates, no tennis courts, no excessive paving, etc. Do not see this as an affordable housing site.
16. Two Commissioners can support affordable housing here because part of the environment of Santa Barbara consist of is the richness of our non profits, and how they service our community, and it can't be denied. Any place they can find to put a significant different type of affordable housing for a different level of income that is satisfying our non profits should be supported. Sorry not to see greater support for it. However, cannot support lot area modifications to provide the unit. Density should be reduced by one unit.
17. Stated part of the Commission's charge is maintaining the neighborhood preservation ordinance. Supports a public road, properly inspected fire hydrants, and a much less dense proposal in terms of units on the property. Would like to see the retention of the Pittman adobe, and also preserving open space.
18. Expressed concern about the street frontage waiver because of access and circulation reasons. Lot splits are always easier to review and comment upon when they know what exactly is going to go on them.

Mr. Schlosser responded that, while first priority for occupancy of the affordable unit would be for Santa Barbara foundation-associated non-profit organizations, the Foundation would not preclude occupancy by other non-profits.

Mr. Parker stated that no decision had been made on whether Investec would build the market-rate units, but they would build the affordable unit.

Mr. Vincent stated that Municipal Code Section 22.60.300 requires any subdivision approved within the City shall provide either a public street frontage, or a private driveway serving no more

than two lots unless a waiver is approved by the Planning Commission. There are several findings that the Planning Commission needs to make before approving such a waiver. Many of those findings are related to issues that have been raised by both the applicants and the interested parties.

Ms. Hubbell indicated she was not aware of any previous proposal to subdivide this property.

Mr. Vincent could not provide definitive opinion as to the rights of the applicant to increase the burden on that easement. However, the easement is serving a parcel that has a potential build-out possibility, and he will evaluate whether or not that build-out possibility is anticipated in the potential use of that easement in the future.

Jim Austin, Fire Inspector, stated the island does meet their requirements. Access would be designed to meet fire requirements, and the Fire Code does not limit density; whatever is built up there would have to meet their requirements.

Janaki Wilkinson, Fire Marshall, clarified that it is an issue of evacuation and not an issue of fire management.

Mr. Daniels asked the Commission if they would support a waiver of the public street frontage if they bring back a less dense project.

Chair Maguire suggested a straw poll, and asked who would consider a frontage street waiver on a less dense project?

Ms. Hubbell clarified and asked if the Commission would support a public or private access if the density is reduced.

Four commissioners stated they would support a street frontage waiver if only two parcels were proposed. Two commissioners were not willing to say without knowing what the houses would look like.

One commissioner noted that this issue provides an incentive for the applicant to seriously sit down with the neighbors to determine if there is a solution acceptable to the neighbors and might be willing to consider one more parcel if the applicants have the neighbors on their side.

Ms. Hubbell stated there are two things they have to be clear on: 1) there will be more than two lots, total, off the private street if this project goes forward with the two-lot subdivision, and 2) there are two different sections of the Municipal Code; one that is in the zoning ordinance, which is the lot frontage modification, and one that is in the environmental policy title about public street frontage, and it's about how streets are constructed. Two sets of findings are involved.

Recessed at 4:08 p.m., and reconvened at 4:24 p.m.