



City of Santa Barbara
Community Development Department

Memorandum

DATE: April 9, 2010
TO: Historic Landmarks Commission
FROM: Jaime Limón, Senior Planner
SUBJECT: **517 Chapala Street- Preliminary Approval Expiration**

As you are aware, the above reference project has had a long history of review, (see attached chronology). City Council granted preliminary approval of the project in March of 2008 and Staff granted an additional 1 year time extension which extended the preliminary approval to March 4, 2010. Due to bad economic conditions that began in 2008, the project has not proceeded in obtaining a Final HLC Approval in the last two years. Current regulations and guidelines do not allow for additional time extensions. Therefore, the Preliminary Approval has expired and a new Preliminary Approval is necessary for the project to move forward.

Staff has outlined below the unique facts and circumstances involving this project to consider prior to taking new HLC action.

- The project is a multiple approval type project and has a valid land use approval from the Planning Commission for a condominium development and expires in July 2012.
- The compatibility criteria were adopted in late 2008 after this project had obtained City Council's preliminary approval decision and they would not be applied due to Planning Commission approvals.
- The amount of reviews, design expense and time investment in a project design that was already determined to be acceptable by the Planning Commission and City Council.

Staff is of the opinion, that the focus of the review should be on verification of remaining design items consistent with the previous direction provided by City Council on March 4, 2008, (refer to Council minutes).

Chronology – 517 Chapala Street

Planning Commission Concept Review April 2005

1st HLC Concept Review March 2005

Planning Commission Approval was granted July 2006

HLC granted Preliminary Approval September 2007

Planning Commission Approval decision appeal filed July 2006

Planning Commission Approval appeal was withdrawn September 2006

HLC Preliminary Approval granted on 4/3/2 vote September 2007

On September 9/07 appeal filed of HLC Preliminary Approval granted September 2007

Shortly thereafter, Oct. 2007, the HLC Preliminary Approval is reconsidered and rescinded, the HLC stated that the project was not ready for Preliminary Approval.

Project was reviewed by the HLC on Nov 14 and Nov 28, 2007. Total of (8) HLC hearings.

On November 28, 2007, the applicant requested that the HLC deny the project because it was their belief that, despite making a number of changes to address HLC concerns, more revisions were being requested would require a major redesign of the project

On November 28, 2007, HLC denies project.

Applicant appeals the decision and the project is heard by City Council on March 4, 2008.

SHO grants (4) year time extension on approval. Approval expires July 2012

Council upholds the appeal, granted Preliminary Approval, and referred the project back to the HLC with specific direction: (see attached minutes).

Planning staff grants a time extension until March 4, 2010

Application is resubmitted for In-progress review on February 22, 2010

In –progress HLC review on March 3, 2010

HLC and Council Preliminary Approval decision expires on March 4, 2010

PUBLIC HEARINGS

10. [Subject: Appeal Of Historic Landmarks Commission Decision For 517 Chapala Street Development Project \(640.07\)](#)

Recommendation: That Council:

- A. Uphold the appeal of Peikert Group Architects filed on behalf of H&R Investments and overturn the Historic Landmarks Commission decision to deny Preliminary Approval of a proposed mixed-use project located at 517 Chapala Street; and
- B. Grant the project Preliminary Approval and refer the project back to the Historic Landmarks Commission for in-progress review with specific direction on the project's final design details, as outlined in the Council Agenda Report.

[2008 MAR 04 CAR 517 CHAPALA APPEAL - DO_70793.pdf](#)

Documents:

- March 4, 2008, report from the Acting Community Development Director.
- March 2, 2008, letter from Robert and Patricia Maxim.
- March 4, 2008, letter from Tony Fischer.

Public Comment Opened:

3:11 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon, Associate Planner Jake Jacobus, City Attorney Stephen Wiley, City Planner Bettie Weiss.
- Planning Commission: Commissioner Harwood White, Commissioner Addison Thompson, Commissioner Bruce Bartlett.
- Historic Landmarks Commission: Commissioner Donald Sharpe, Commissioner Fermina Murray, Commissioner Alex Pujo, Commissioner Robert Adams.
- Appellant: Detlev Peikert, Steve Amerikaner, Lisa Plowman.

Recess:

4:13 p.m. - 4:24 p.m. Mayor Blum left the meeting at 4:13 p.m., and Mayor Pro Tempore Grant House presided for the remainder of the meeting.

Speakers (Cont'd):

- Members of the Public: Karen McFadden; Caroline Vassallo; Tony Vassallo; George Ogle; Comments by Maureen Masson, read by Mayor Pro Tempore House; Leon Olson; James Kahan; Naomi Kovacs, Citizens Planning Association's Land Use Committee; Steve Cushman, Santa Barbara Chamber of Commerce; Cathie McCammon, League of Women Voters; Michael Self, Santa Barbara Safe Streets; Rich Untermann; Wanda Liverniors; Tony Fischer, agent for Pat and Karen McFadden; Kellam de Forest;

Jim Westby, Santa Barbara Safe Streets; Gil Barry.

Public Comment Closed:

5:08 p.m.

Motion:

Councilmembers Williams/Horton to approve the recommendations and refer the project back to the Historic Landmarks Commission for in-progress review with specific direction as follows:

1. Incorporate into the design approval the proposed roof decks/garden;
2. Eliminate elevator access to front penthouse roof garden deck and thereby further reduce the height of the tower to an acceptable height as determined by the HLC;
3. Require all air conditioning equipment or solar panels to be screened and hidden from public view; and
4. Reduce total square footage to that which was approved by the Planning Commission and require the applicant to obtain a substantial conformance determination.

Vote:

Unanimous voice vote (Absent: Councilmember Mayor Blum).