



**UNAPPROVED
PLANNING COMMISSION
MEETING MINUTES
MONDAY, MAY 12, 2008**

6:00 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

Members of the Planning Commission

*Kenneth Knight, Chair
Brent Daniels, Vice Chair
Edward Easton
Doris Kavanagh
Julie Kessler Solomon*

*Patricia Miller, Secretary
Linda Gregory, Recording Clerk
Brian Pierik, Legal Counsel*

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 p.m. by Chair Knight followed by the Pledge of Allegiance.

ROLL CALL OF PLANNING COMMISSION

Present: Planning Commissioners Daniels, Easton, Kavanagh, Knight, and Solomon.
Absent: None.

Staff present: Director of Planning and Environmental Services Steve Chase, Current Planning Manager Patricia Miller, Interim Advance Planning Manager Pat Saley, Legal Counsel Brian Pierik, Director of Community Services Steve Wagner; Environmental Consultant Charles Smith of Jones & Stokes, and Recording Clerk Linda Gregory.

PUBLIC FORUM

No speakers.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. ADMINISTRATIVE

A.1 Planning Commission Minutes for April 21, 2008, and April 28, 2008.

Recommendation:

Approve the Planning Commission minutes for the Special Meetings of April 21, 2008, and April 28, 2008.

MOTION: Commissioner Easton moved/Commissioner Solomon seconded to approve the Special Planning Commission Meeting minutes of April 21, 2008, as submitted.

VOTE: Motion approved by unanimous voice vote.

MOTION: Commissioner Easton moved/Commissioner Kavanagh seconded to approve the Special Planning Commission Meeting minutes of April 28, 2008, as submitted.

VOTE: Motion approved by unanimous voice vote.

B. PUBLIC HEARING

B.1 07-201-GPA: City-Initiated Track 2 Minor Revisions to the General Plan/Coastal Land Use Plan.

Recommendation:

Adopt Planning Commission Resolution 08-____ (Attachment 1), Recommending to the City Council Acceptance of a CEQA Addendum, dated March 17, 2008, to the General Plan/Coastal Land Use Plan Final Environmental Impact Report, Adoption of CEQA Findings, Adoption of a Statement of Overriding Considerations, and Adoption of Track 2 Revisions to the General Plan/Coastal Land Use Plan. (continued from April 14, 2008).

Staff Speakers:

Director of Planning and Environmental Services Steve Chase

Current Planning Manager Patricia Miller

Interim Advance Planning Manager Pat Saley

Director of Community Services Steven Wagner

Legal Counsel Brian Pierik

Environmental Consultant Charles Smith of Jones & Stokes

Documents:

PowerPoint entitled "Continued Public Hearing, City Initiated General Plan Amendments (Track 2), May 12, 2008".

Director of Planning and Environmental Services Steve Chase provided an overview of the staff report dated May 5, 2008, briefly summarizing the Planning Commission's progress to date on proposed Track 2 General Plan Amendments, along with a PowerPoint presentation. He stated that the following items were deferred by the Planning Commission to May 12, 2008, for deliberation and action: a) revisions to Land Use Tables 2-1 through 2-4; and b) revisions to Policy OS 2.4 Mitigation of Impacts to vertical Coastal Access.

At the request of Chair Knight, Director of Community Services Steven Wagner provided additional information regarding staff's Final Recommended Amendment for Transportation Element Policy TE 6.5 Limitation on Expansion of Intersections, which was considered by the Planning Commission on April 21, 2008.

Chair Knight stated that he had thought that he may want to reconsider his vote on the motion on April 21, 2008, regarding TE 6.5 Limitation on Expansion of Intersections, which recommended capping the number of lanes at the Storke/Hollister intersection at the existing eight lanes, but he still has questions regarding whether more lanes would be appropriate in the City. He believes that the impacts of the UCSB Long Range Development Plan and the Isla Vista Master Plan will need to be taken into consideration, and that this item will deserve more attention from the City Council.

Legal Counsel Brian Pierik summarized and discussed his memorandum dated May 7, 2008, with the Subject "General Plan and Building Intensity", which he prepared in response to the Planning Commission's request for an analysis with regard to building intensity standards. He said that he concluded in the memorandum that building intensity standards should be included in the General Plan. He also concluded that the standards should be recommended standards. He recommended consideration to include a statement in the General Plan that may allow for revisions with regard to building intensity standards by the decision-making body based upon a finding of good cause.

In response to a request from Commissioner Solomon, Current Planning Manager Patricia Miller provided two examples to help understand the Floor Area Ratio of 0.30 in the Planned Residential category. She stated that the 0.30 FAR is difficult to meet and that some other treatment may need to be considered after additional discussion and deliberations, such as the possibility of setting a range.

Legal Counsel Brian Pierik clarified that under the Brown Act the Planning Commission would have flexibility to allow the public to make comments if an interest was expressed.

Speakers:

Lisa Plowman, Peikert Group Architects, recommended not adding building intensity standards, which she believes are complicated, to the General Plan and then creating a section to modify the policies. From her experience as a planner, she stated that typically General Plan policies are non-modifiable and that intensity standards are usually included in the zoning ordinance which is intended to implement the General Plan. She believes the process should be kept simple and that standards should be in the zoning code where there may be some flexibility and unexpected circumstances would be addressed. She does not believe that building intensity standards are required in the General Plan based on her reading of Court cases and the law. She noted that the County zoning standards, which were adopted when the City was incorporated, would be in effect until the City's zoning ordinance is adopted. She recommended consideration of Form Base Code planning which she believes is a useful tool that provides clear guidance to the development community regarding the type of product the City wants and helps get the product on the ground.

Detlev Peikert, Peikert Group Architects, recommended that it would be more appropriate to locate the building intensity standards in the zoning ordinance rather in the General Plan, stating that the General Plan is more specific and does not allow the flexibility needed to review and approve projects in a wide range of circumstances. As an example, he commented on a proposed eleven-unit residential project that has been in the process for four years in the City, which would be unworkable if the standards that are set out here would be applied.

Barbara Massey, Goleta, commented that the General Plan should keep the current Land Use Tables, stating that the General Plan is a solid, long-term plan for the community and only after years of experience should any changes be considered. She believes that these tables need to be within the General Plan and not just in the zoning code.

Director of Planning and Environmental Services Steve Chase stated the staff recommendation with regard to building intensity standards as follows: a) building intensity standards should be included in the General Plan (Option 3) ; b) the building intensity standards shall be recommended standards and shown on the tables as recommended standards; c) a statement such as the following recommended by legal counsel shall be included in the LU Tables 2-1 through 2-4: “The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.”; and d) the Planning Commission shall recommend that the City Council direct staff to recalculate the building intensity standards (Option 4).

MOTION: Vice Chair Daniels moved/Commissioner Kavanagh seconded to approve the staff recommended amendments with regard to Land Use Tables 2-1 through 2-4 as follows: a) approve Option 3 with regard to Building Intensity Standards to clarify that building intensity standards are recommended and shall be retained in LU Tables 2-1 through 2-4 in the General Plan; b) the building intensity standards shall be recommended standards and shown on the Land Use Tables as recommended standards; c) a statement such as the following recommended by Legal Counsel shall be included in the LU Tables 2-1 through 2-4: “The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.”; and d) approve Option 4, that the Planning Commission shall recommend that the City Council direct staff to recalculate the building intensity standards; for recommendation to the City Council.

VOTE: Motion approved by the following voice vote. Ayes: Chair Knight, Vice Chair Daniels, Commissioners Kavanagh and Solomon. No: Commissioner Easton.

Prior to the vote on the above motion, Commissioner Easton requested that the motion be amended to require that any decision to exempt a project from the

provisions of the General Plan as stated in Option 3 require full review by the Planning Commission and City Council.

Vice Chair Daniels and Commissioner Kavanagh did not accept Commissioner Easton's recommended amendment to the above motion.

Director of Planning and Environmental Services Steve Chase clarified that the eight dependent policies (LU 2.1, 2.2, 3.1, 4.2, 4.3, 5.1, 6.1 and 7.1) would be amended for consistency with the changes made to LU Tables 2-1 through 2-4 in accordance with the approval of the above motion.

RECESS HELD FROM 7:23 P.M. TO 7:33 P.M.

Director of Planning and Environmental Services Steve Chase stated that staff recommends that the language be retained in Policy OS 2.4 Mitigation of Impacts to Vertical Access, and that Policy LU 9.1.g be amended to add language, which is shown on Page 5 of the PowerPoint presentation, to allow for more flexibility with regard to precedents for relocation of vertical accessways. He clarified that Policy OS 2.4 is city-wide and that Policy LU 9.1 is specific to Bacara.

MOTION: Vice Chair Daniels moved/Commissioner Solomon seconded to approve the language recommended by staff for incorporation into Policy LU 9.1.g, Site #1 Coastal Resort Parcels (Visitor Commercial), with regard to the precedent for relocation of vertical accessways, to include Items #1 through #3, as shown on Page 5 the PowerPoint entitled "Continued Public Hearing, City Initiated General Plan Amendments (Track 2) May 12, 2008," for recommendation to the City Council.

VOTE: Motion failed by the following voice vote. Ayes: Chair Knight and Vice Chair Daniels. Noes: Commissioners Easton, Kavanagh and Solomon.

By consensus, the Planning Commission clarified that the intent of the outcome of the above motion was to retain the current language in General Plan Policy LU 9.1.g.

Commissioner Kavanagh noted that during the process, the public was outspoken and concerned with regard to vertical access. She said that she is not comfortable with the language recommended by staff for Policy LU 9.1.g, stating that it seems vague.

Commissioner Easton stated that he believes the recommended change by staff for Policy LU 9.1.g should be processed along with an application from Bacara, and not as a general change.

Vice Chair Daniels stated that he believes that staff's recommendation for Policy LU 9.1.g is much broader and would provide the Coastal Commission with language with regard to relocation precedents, which he sees as positive for the community.

Chair Knight stated that he believe the language recommended by staff for Policy LU 9.1.g was intended to provide for the improvement of coastal access.

MOTION: Commissioner Solomon moved/Commissioner Easton seconded to retain the current language in General Policy OS 2.4 Mitigation of Impacts to Vertical Coastal Access, for recommendation to the City Council.

VOTE: Motion approved by the following voice vote. Ayes: Chair Knight, Commissioners Easton, Kavanagh and Solomon. No: Vice Chair Daniels.

MOTION: Commissioner Solomon moved/Commissioner Kavanagh seconded to adopt Planning Commission Resolution No. 08-05, entitled "A Resolution of the Planning Commission of the City of Goleta Recommending to the City Council Acceptance of a CEQA Addendum, Dated March 17, 2008, to the General Plan/Coastal Land Use Plan Final EIR, Adoption of CEQA Findings, Adoption of a Statement of Overriding Considerations, and Adoption of the Track 2 Amendments to the Goleta General Plan/Coastal Land Use Plan (Case No. 07-201-GPA)" (Attachment 1).

VOTE: Motion approved by unanimous voice vote.

B.2. 07-007-GPA, -OA, -DP, -TPM; 07-167-DP AM: Marriott Residence Inn and Hollister Center. (continued from April 28, 2008)

Recommendation:

Adopt Planning Commission Resolution 08-____ (Attachment 1), thereby recommending to the City Council approval of Case No. 07-007-GPA, -OA, -DP, -TPM; 07-167-DP AM. (continued from April 28, 2008).

Staff Speakers:

Director of Planning and Environmental Services Steve Chase
Current Planning Manager Patricia Miller
Contract Planner Laura Bridley
Legal Counsel Brian Pierik

Director of Planning and Environmental Services Steve Chase provided an overview of the staff report. He stated that this item was continued from the meeting on April 28, 2008, to address concerns raised by members of the Native American community and to provide more time to allow for a meet and confer, non-binding process, which was conducted on May 5, 2008. He stated that no decision was reached at the meet and confer but that staff, the Native American community representatives, and the applicant would like to speak to the discussion points. He suggested that the Planning Commission discuss whether to reopen a portion of the hearing to take testimony. He stated that another meet and confer session was scheduled for May 19, 2008.

By consensus, the Planning Commission requested that the applicant provide testimony at this point in the hearing.

Scott McChesney, Vice President, R. D. Olson Development, representing the applicant, provided background information regarding the history of the project. In retrospect, he said that it was unfortunate that the applicant did not consult with the

Native American community earlier in the process. As a result of the meeting with the Native American representatives, he said that the applicant tried to redesign the building to avoid any sensitive areas and plans to continue with the meet and confer process. The building changes, which are conceptual, include moving a portion of the building to the northwest corner, leaving an open space on the southeast corner, which the applicant believes will address some concerns with regard to the mass and height of the building, and views along the corridor. Additional conceptual plans to help mitigate disturbance to the site include reducing the amount of grading upon the top of the archaeological site and utilizing lateral drilling on the site to avoid the midden area. Scott McChesney stressed that the applicant believes the hotel will provide a good amenity in the community and that there are other benefits from the project, for example, undergrounding utility lines in front of the site which will make the view corridor more pleasant and renovating the adjacent bus stop, as well as providing for the City funds toward road improvements and transit occupancy tax fees. He stated that the applicant is willing to work with the community to address concerns and design a building that has less impact on the site.

Legal Counsel Brian Pierik stated that the Planning Commission would have the discretion to allow public comment.

There being no objections, Chair Knight allowed public comment.

Quin Tan Shup, representing Native Chumash (Owl Clan), provided a packet with pictures of the site that show shells and other midden on the surface throughout the area, stating that the presence of shells is a big indicator on most sites of a large village. He stated that his purpose for showing the photographs is to emphasize that the data from previous studies is not correct because the site boundaries are bigger; therefore, he believes there are some details that need to be updated. He stated that he does not want more testing for artifacts but he wants to know if there is human burial. He requested additional time in order to conduct another meet and confer and hopefully find a solution that is workable for all parties.

Sam Cohen, representing Santa Ynez Band of Chumash Indians, commended the developer for working with the tribe and attending the meet and confer session. He requested a time extension in order to conduct another meet and confer on May 19, 2008, which he believes will be of great benefit to this project. He made the following four points for consideration: 1) The City has an established open space in the General Plan, Policy OS 8.3 Preservation, which states that the City shall protect and preserve cultural resources from destruction; and also states that the preferred method for preserving a recorded archaeological site shall be by preservation in place to maintain the relationship between the artifacts and the archaeological context. 2) There needs to be a better way of vetting projects with regard to the presence of an archaeological site to protect both the developer and the Native American community. 3) Past mistakes should not be repeated; for example, there were two known cemetery sites near CA-SBA-58 that are destroyed or covered up. 4) He read the fourth paragraph from a letter to the Planning Commission from Professor Michael A. Glassow, dated May 4, 2008, which referred to the concern of the Chumash people that boring the holes for the piles would disturb human burials and which indicated although investigations in the 1920s revealed that cemeteries were present in portions

of CA-SBA-58 already destroyed, it is possible that isolated human burials may exist within the portion of the site that would be impacted by the proposed development, and further indicated that it is typical that prehistoric deposits at sites in this region contain isolated human burials, consequently the concerns of the Chumash people are justified. Sam Cohen commented that the real resolution is avoidance, if possible, and that the best solution would be for everyone to hopefully reach a consensus.

Frank Arredondo, Chumash native, stated that he attended the meet and confer on May 5, 2008, and requested more time for continued talks with the applicant. He expressed concern that he does not believe that a Mitigated Negative Declaration can be justified, stating that both a scientific assessment and a cultural assessment are required. He submitted a letter with his comments dated May 12, 2008, with the Subject: Draft MND For the Marriott Residence Inn Project. He also stated that the proposed stacked stone design is a Navajo architectural design, which he does not believe is appropriate for the Chumash site, although the design is beautiful.

David Stone, project archaeologist, briefly reported on the outcome of the meet and confer session on May 5, 2008. He stated that all of the participants are concerned regarding preservation and that the applicant has made two important changes to address preservation which will be further discussed at the next meet and confer: 1) a reduction in the amount of grading upon the top of the archaeological site; and 2) a reduction in the number of pilings by redesigning a portion of the footprint in the southeast corner away from the archaeological site.

Gene Fong, project architect, presented sketches of a redesign of the project that was developed by the applicant, based on the meet and confer discussions, which removed the southeast mass of the building and relocated it to the northwest corner of the structure. He said that as a result, 15 rooms were moved from the southeast corner, at the front of the building, to the northwest corner in the rear, which is less desirable than in front. The proposed landscaped park area in the rear was moved to the front to provide more open space. Mr. Fong stated that the redesign is a work in progress which will be presented for continued dialogue at the next meet and confer.

Commissioner Solomon made a suggestion, if agreeable by all parties, that consideration be given to the creation of some kind of an interpretive space for the southeast corner open space area where visitors who stay at the Marriott Residence Inn can understand the historical significance of the site and where community residents and others can learn about this significance.

Commissioner Kavanagh stated that she attended the meet and confer which included representatives from the Native American community and the applicant, and reported that that progress is being made. She commented that the dialogue and the applicant's interest in listening to the concerns of the Native American community were very encouraging with regard to this project.

Commissioner Easton, who also attended the meet and confer, reported that he was educated to a significant degree about the project and he also learned more from the varied points of view that were presented by the participants. He presented a document with his comments for review entitled "Comments on the Marriott Residence

Inn and Hollister Center – Edward Easton”. He summarized two of his concerns which relate to the floor area ratio and aesthetics, noting that some of his concerns may be resolved with the new design.

Director of Planning and Environmental Services Steve Chase discussed potential timeframes with regard to the review process. He suggested that it may be of benefit, if story poles are erected, for the Planning Commission to convene at the site for a brief tour as part of the hearing process. Steve Chase commented that the City of Goleta will establish and maintain a good relationship with the Native American community as it relates to all projects coming forward.

MOTION: Commissioner Easton moved/Vice Chair Daniels seconded to continue Item B-2, 07-007-GPA, -OA, -DP, -TPM; 07-167-DP AM: Marriott Residence Inn and Hollister Center, to July 14, 2008; and direct staff to re-notice the item as a new public hearing.

VOTE: Motion approved by unanimous voice vote.

C. DIRECTOR’S REPORT

No report.

D. PLANNING COMMISSION COMMENTS

Commissioner Easton commented that he is working on an essay with regard to flexibility, which is not project specific.

Chair Knight commented that from the Planning Commission’s review of its first major project, he believes that the process can operate more effectively and efficiently if there is some sort of conceptual review at an earlier stage in the process which would also provide a clearer understanding for the applicants. He suggested that the Planning Commission authorize him to attend the City Council’s strategic planning workshop to discuss how the Planning Commission can provide input earlier in the review process.

Commissioner Solomon spoke in support for Chair Knight’s comments and suggested that staff provide information to the Planning Commission with regard to the review processes in other jurisdictions that are more established, and also possibly provide some guidance.

Commissioner Easton stated that from his experience as a member of the Design Review Board, the comments from conceptual review are very useful; however, he expressed concern that an applicant may have the idea that once conceptual review is completed they have a project that is ready. He requested an opportunity to join Chair Knight in discussions with regard to providing input earlier in the review process.

There being no objections, Chair Knight stated that by consensus of the Planning Commission, he and Commissioner Easton will move forward in the direction to attend the City Council’s strategic planning workshop to discuss how the Planning Commission can provide input earlier in the review process.

E. ADJOURNMENT: 9:15 P.M.

Prepared by Linda Gregory, Recording Clerk.