



**UNAPPROVED
PLANNING COMMISSION
MEETING MINUTES
MONDAY, FEBRUARY 9, 2009**

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

Members of the Planning Commission

*Brent Daniels, Chair
Julie Kessler Solomon, Vice Chair
Doris Kavanagh
Bill Shelor
Jonny Wallis*

*Patricia Miller, Secretary
Tim W. Giles, City Attorney
Linda Gregory, Recording Clerk*

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

ROLL CALL OF PLANNING COMMISSION

Present: Planning Commissioners Daniels, Kavanagh, Shelor, and Wallis.
Absent: Planning Commissioner Solomon.

Staff present: Director of Planning and Environmental Services Steve Chase, Current Planning Manager Patricia Miller, Director of Community Services Steven Wagner, City Attorney Tim W. Giles, Advance Planning Manager Anne Wells, Contract Planner David Stone (Dudek), and Recording Clerk Linda Gregory.

PUBLIC FORUM

Barbara Massey, Goleta, requested that the public hearing with regard to agenda Item B-1, Haskell's Landing Project at Las Armas/Hollister Avenue, be postponed. She believes that no decision should be made until the City Council decides on the General Plan Amendments. She also commented that the public should have more time to review the addendum staff report.

Connie Hannah, representing Santa Barbara League of Women Voters, requested that the public hearing on Item B-, Haskell's Landing Project, either be postponed, or that no action be taken tonight, and any final decision be delayed until a later hearing, after public comment is heard, given that the material for the hearing was not released in a timely fashion. She submitted a written copy of her comments made entitled, "Goleta's Process for Facilitating Public Input."

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. ADMINISTRATIVE AGENDA

A.1 Planning Commission Minutes for the Planning Commission meeting of January 26, 2009.

Recommendation:

- A. Approve the Planning Commission minutes for the Planning Commission meeting of January 26, 2009.

MOTION: Commissioner Shelor moved/seconded by Commissioner Kavanagh, to approve the Planning Commission minutes for the for the Planning Commission Regular Meeting of January 26, 2009, as submitted.

VOTE: Motion carried by the following voice vote: Ayes: Chair Daniels; Commissioners Kavanagh, Shelor, and Wallis. Absent: Vice Chair Solomon. Noes: None.

B. PUBLIC HEARING

B-1. 07-102-GPA, -TM, -DP: Haskell's Landing Project at Hollister Avenue/Las Armas Road; APN 079-210-049.

Recommendation:

1. Adopt Planning Commission Resolution No. 09-__ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta Recommending to the City Council Approval of Various Actions Related to the Haskell's Landing Project; Case No. 07-102-GP, -TM, -DP, -RN; Northwestern Corner of the Hollister Avenue/Las Armas Road Intersection; APN 079-210-049."

Site Visits and Ex-parte Conversations:

Commissioner Wallis stated that she conducted a site visit, and noted that she has been familiar with this property for a long time. (She said she became familiar with the property with regard to the previous project proposed on the site.) She reported that she met with Chuck Lande, applicant, and was not given any information that was not otherwise available to the public. She also stated that she reviewed the entire agenda packet and other information from the Planning Commission meeting on November 17, 2008, understands those materials, and is ready to participate in this hearing.

Commissioner Kavanagh reported that she met recently with Chuck Lande, applicant, and Mary Reichel, agent. She also met with them prior to the hearing on November 17, 2008.

Commissioner Shelor stated that he made a site visit and walked around the perimeter of the proposed project site. He reported no ex-parte conversations.

Chair Daniels reported a telephone call from Mary Reichel, agent, on February 9, 2009, and also an ex-parte conversation previous to the November 17, 2008, meeting with Chuck Lande, applicant, and Mary Reichel, agent.

Documents: 1) Letter from League of Women Voters of Santa Barbara, Inc., dated February 9, 2009, "Statement to the Goleta Planning Commission on February 9, 2009". 2) Letter from Bob Wignot, dated February 9, 2009, Re: Haskell's Landing Project. 3) "Haskell's Landing comments for the Planning Commission", from Barbara Massey, dated February 1, 2009. 4) Letter from Ingeborg Cox, M.D., dated February 8, 200, with attachments. 5) Letter from Eddie Harris, president, Santa Barbara Urban Creeks Council, dated February 6, 2009.

Staff Speakers:

Current Planning Manager Patricia Miller

Contract Planner David Stone, Dudek

Director of Planning and Environmental Services Steve Chase

Director of Community Services Steven Wagner

City Attorney Tim Giles

Steve Chase, Director of Planning and Environmental Services, stated that the only new information provided in the additional staff report is with regard to the proposed project Road Naming, and that the staff report addendum most recently provided to the Commission only provides further clarification and edits with regard to the previous hearing of November 17, 2008. He recommended that the Planning Commission conduct this public hearing, and then decide if there is sufficient information and clarity for them to make a decision today.

Commissioner Wallis stated that she believes it would be appropriate to open the public hearing and receive testimony, but not to make a decision today. She believes the public may have not had enough time to review the additional staff report.

Commissioner Kavanagh spoke in support of proceeding with the public hearing at this point. Commissioner Shelor spoke in support of proceeding with the public hearing.

The staff report and PowerPoint, including an overview of the November 17, 2009 hearing presentation, was presented by David Stone, Contract Planner.

Chuck Lande, applicant, stated that since the last PC hearing on November 17, 2008, the applicant has worked diligently with staff to answer the questions that were raised. He said that he is proud of the plans for the proposed project including the design, affordability aspect, sustainability, open space, revegetation, and environmental protections.

The proposed plans and PowerPoint were presented by Mary Reichel, project planner and agent. Ms. Reichel explained that a series of 20 measurements had been taken perpendicular from the Devereux Creek top of bank to proposed building footprints. The average setback from the eastern creek top of bank is 189 feet, and the average

setback from the western top of bank is 145 feet. The maximum setback is 218 feet to the east, and 301 feet to the west. Structures are located between 100 and 200 feet from the eastern top of bank. Six to eight proposed structures are located within the 100-foot setback from the western creek top of bank; two of these are just over 50 feet from the top of bank, and a total of three units are within 75 feet of the top of bank. She has researched setback requirements in other coastal California jurisdictions and they provide for an averaging of the development from top of bank setback, rather than an absolute distance. No other examples of an absolute 100-foot setback were identified.

Commissioner Shelor asked who is responsible for Devereux Creek maintenance.

Mary Reichel, project planner, explained that Caltrans is responsible for the creek culvert under US 101, and the Union Pacific Railroad is responsible for the box culvert under the tracks north of the project site. She added that the project would provide for a 3:1 replacement of all eucalyptus trees to be removed.

Commissioner Shelor asked if the proposed Devereux Creek restored prism can accommodate the additional stormwater runoff resulting from increased project site impervious surfaces.

Chuck Lande responded that the Devereux Creek only conveys "nuisance runoff" from the Winchester Commons project north of US 101. The project creek restoration plans have been designed to accommodate existing runoff and that additional runoff generated onsite.

PUBLIC HEARING OPENED AT 7:04 P.M.

Barbara Massey, Goleta, spoke in opposition to the proposed project. She does not believe that a project that proposes Track 3 General Plan Amendments should be heard by the Planning Commission or City Council until the City Track 3 Amendments EIR have been reviewed, and any changes to the existing General Plan Amendments have been decided through that process. She expressed her concerns that were included in a written document dated February 1, 2009, entitled "Haskell's Landing comments for the Planning Commission." She mentioned that mitigation was required to implement street sweeping of the proposed internal private roadways. Insufficient guest parking is provided, in her opinion.

Robert Rice, Santa Barbara, spoke in support of the proposed project, stating that this is the type of project that is needed in the community and will provide an opportunity for housing for many people. He noted that the project has more open space than is required and that there is a real need for a fire station in the area.

Bob Wignot, Goleta, representing himself rather than a City Design Review Board (DRB) member, requested that the currently proposed project be denied because it is an overly-dense development, given the site constraints, and when compared to adjacent developed residential areas. Maximum noise and diesel particulate levels need to be evaluated. He presented a letter that includes his comments, dated February 9, 2009, Re: Haskell's Landing Project APN 079-210-049. He commented

that, absent this project, Caltrans would work out a way to address the concern with regard to the Devereux Creek culvert. He asked what fees would the applicant be required to contribute in addition to the Development Agreement fees proposed? What impacts would project development have on existing high pressure gas lines buried along the eastern property boundary?

Jonathan Raimer, Goleta, spoke in support of the project, stating that more projects providing affordable housing like this are needed in Goleta. He stated that the project is sustainable with responsible development, and would restore wetlands, provide for open space, provide housing, and contribute towards a fire station. He noted that many of his friends who have graduated from UCSB must move out of the area to find housing that is affordable.

David Given, Goleta, spoke in support of the proposed project, stating that it makes good sense to place well-designed homes on property that is not an agricultural site. He believes that the Devereux Creek restoration plans and repairs to the drainage are much-needed improvements. He stated that a 50-foot setback seems large when compared to other communities, and that it seems that much of the setback from the creek is more than 100 feet. He appreciates the sustainable building elements and the environmental sensitivity.

George Relles, Goleta, does not believe that the project should be considered until the City Track 3 General Plan Amendments have been reviewed in the context of the EIR and General Plan. He commented that a 50-foot setback is not very large. He also commented that it is not clear that the open space is a kind of public space. He estimates that with a median income of \$65,000 in Goleta, approximately 90 percent of the population will not be able to afford to buy an affordable or market rate unit, estimated at \$500,000 and \$800,000 per unit respectively.

Herb Rubinstein, Goleta, spoke in support of the proposed project, stating that he believes there needs to be more development in that area. He noted that there is excellent road access and that the proposal to clean up and manage the creek area will make the area nicer.

Steven Brown, Santa Barbara. (Chair Daniels read from the Request to Speak form received from Steven Brown as follows: "I am not able to stay the duration of hearing, but please make note of my support. This will be a wonderful addition to Goleta. Yes to Haskell's Landing".)

Ron Bruns, Goleta, spoke in support of the proposed, stating that it is much-needed on a piece of land that has not seemed to have any function since he moved to the area in 1969.

Mickey Caughey, Goleta, spoke in support of the proposed project, stating that it is a good project and that more housing is needed. He commented that he believes the only way to accomplish affordable housing is through rentals. The location of this affordable project next to US 101 is appropriate, and the MTD bus line continues along the project frontage. He recommended that photovoltaic panels should be required for all new projects.

Stan Darrow, Goleta, spoke in support of the project, stating that the design is beautiful, and the proposed housing density is needed. He believes that a fire station needs to be built in this area sooner rather than later.

Susan Smith, Goleta, spoke in support of the project, stating that she believes it is a beautiful project.

Betty Watt, Goleta, spoke in support of the proposed project. She expressed concern with regard to her family's need for affordable housing, stating that her children and grandchildren are not able to stay in Goleta and that her granddaughter would like to stay and raise her family here.

Ingeborg E. Cox, M.D., Goleta, spoke in opposition to the project, and read her letter dated February 8, 2009, with attachments, which she submitted.

Keith Busby, Goleta, spoke in support of the proposed project. He stated that his children have moved out of the area because they cannot afford to stay here.

Belinda Busby, Goleta, spoke in support of the proposed project, stating that her grown children are in Arizona because they cannot afford housing in the Goleta area.

Cris Sandoval, Goleta, manager of the UCSB Coal Oil Point Reserve, stated that the Devereux Slough is at the bottom of the Devereux watershed, and is the most important biological resource in this region. She stated that the proposed development will block a wildlife corridor between the east and west of Devereux Creek which will be the only corridor left. She spoke in opposition to the change in the buffer from 100 feet. She stated that the native grasslands in this area need better protection than what is currently proposed. She requested a requirement for using local genotypes from the Devereux watershed for the restoration areas, stating that this is important because the scientific studies at the reserve depend on the plant community being the species that have been there historically.

Darlene Chirman, president of Santa Barbara Audubon Society, stated that her main concern relates to the request to reduce the Devereux Creek development setback from 100 to 50 feet. She believes that any exception to the General Plan Police CE 2.2 that is currently in effect should wait until the City Track 3 General Plan Amendment process is completed with regard to creek setbacks.

Eddie Harris, president of the Santa Barbara Urban Creeks Council, expressed concerns with regard to the impact of the proposed project on wetlands, Devereux Creek and the Devereux watershed. He believes that the 50-foot setbacks proposed are a step backwards for the environment, clean water, and the vision when the City was incorporated. He requested that the project be redesigned to reflect the current 100-foot setbacks. Also, the project should be conditioned to correct hydrologic conditions by removing sediments and unclogging culverts as needed at the upper boundary of the site, and to provide a maintenance plan that ensures Devereux Creek's hydrologic functionality into the future. He stated that this site contains significant native grasslands as well as important native coastal sage scrub. He

recommended that all native grasslands should be preserved and afforded large buffers such as 25 to 50 feet.

Brian Trautwein, Goleta, representing the Environmental Defense Center, expressed concern that the project does not comply with current policies in the General Plan and requested that the regulations not be changed for developers. In his professional opinion, he believes the creek would be damaged by the proposed project and become polluted by the runoff from the street, fertilizers and pesticides. He noted that creek buffers are important for filtering these pollutants. He believes that the native grasslands in the southeast corner and the coastal sage along the northern property need better protection. He suggested that if the project were changed to fit the site constraints it may be appropriate. He believes the culvert can be unplugged without this development.

Minister Gwendolyn Hampton, Santa Barbara, encouraged consideration be given to the need for more housing in Goleta and the County. She understands that modifications can be made. She stated that she has friends who live in a new development near the freeway in Santa Barbara and noted that she has observed that it is very quiet within the units.

Gary Vandeman, Goleta, spoke in opposition to the project. Although the DRB deliberations resulted in reduced density, the project remains too dense for the site. He suggested providing affordable housing on the site for the gardeners that will be needed for landscaping maintenance. He believes that the \$80,000 in-lieu affordable housing per unit fee is inadequate and not realistic.

Olivia Urine, Goleta, associate director of Santa Barbara County Action Network, expressed concern that the proposed project is seeking standards for affordable housing that most Goleta residents cannot and will not be able to afford. She believes that inclusionary housing should not be utilized as a primary or significant method of increasing the supply of affordable housing. She expressed concern that a change in the setbacks would impact the creek, watershed, wetlands, grasslands, and coastal sage. She spoke in opposition to the proposed process of changing the creek setbacks in the entire city to accommodate one project.

Bernie MacElhenny, Santa Barbara, spoke in support of the proposed project, stating that he believes it is a good project and that people want to buy housing. He pointed out that 97 percent of California is undeveloped, the project is not too dense, and that the Devereux Creek would be enhanced. Developing affordable housing is tough, it's a very nice project, and the people of Goleta should stand up and cheer, and approve this project.

Jack Easterbrook, Santa Barbara, spoke in support of the project, stating that this is in an area where there is a lot of high tech industry with people who want to buy a nice home. Regarding affordable pricing, no housing is truly "affordable." He appreciates the architectural plans as well as the beauty of the open space aspect on the site.

PUBLIC HEARING CLOSED AT 8:00 P.M.

RECESS HELD FROM 8:00 P.M. TO 8:10 P.M.

Steve Chase, Director of Planning and Environmental Services, reviewed several of the Conditions of Approval, (Exhibit 2) in the supplemental Staff Report that also are included in the EIR Addendum. He pointed out the mitigation measures in Conditions #16 to #27 regarding Biological Resources. He stated that with regard to the ecological systems and Devereux Creek, the project description incorporates components designed to enhance biological resources, and that these measures address the various concerns the protection of the Devereux watershed that were expressed at this hearing. With regard to air quality impacts related to the proximity of the project site to US 101, the Supplemental EIR on the City's proposed General Plan Amendments (Track 3) identify approximately 260 developable acres remaining in the City's jurisdiction, and the bulk of these are located within 500 feet of the freeway. The City's original General Plan identified these areas as targets for intensification of residential development, including the proposed project site. Safety improvements conditions at the Venoco Ellwood Onshore Oil and Gas Processing Facility as identified in the EIR Addendum under Impact AQ-6, have reduced potential toxic hazard footprints such that no significant impacts to future project site residents would result.

Commissioner Kavanagh requested clarification on the following Condition #21 Plan Requirements with regard to why the word "may" is used rather than a requirement: "The applicant *may* be required to record an agreement for long-term maintenance of storm water control measures per Santa Barbara County Water Agency and Flood Control District conditions to ensure maintenance is completed over the life of the project.

Steven Wagner, Director of Community Services, clarified that long-term maintenance of storm water control measures will be required with regard to this project.

Commissioner Wallis asked for clarification regarding the "optional bedroom" for some 3-bedroom units identified in the revised Table 1: Haskell's Landing Residential Habitable Building Areas, on page 2 of the Staff Report Addendum.

Chuck Lande responded that before the 3-bedroom units are sold, the buyer would have the option to build in an additional bedroom.

Commissioner Kavanagh requested information on the proposed timing of implementing the Cathedral Oaks Overpass, relative to Condition #46 and providing pedestrian access to Ellwood School students crossing Hollister Avenue.

Steven Wagner, Director of Community Services clarified that construction is slated to begin in 2009, and would take 2-3 years to complete. Completion of the Overpass is anticipated before proposed project occupancy. Relative to Condition #46 as revised on page 16 (and Large Page 16) of the Hearing Staff Report, if the Cathedral Oaks Overpass improvement project is delayed or not completed prior to the Haskell's Landing project occupation, the applicant shall be required to provide for a pedestrian controlled signalized crosswalk at the corner of Hollister Avenue and Las Armas Road.

Commissioner Shelor requested consideration of the use of passive solar orientation and photovoltaics with regard to incorporating energy-conserving techniques. He recommended, if possible, that the project be designed initially to be able to accept reclaimed water. He commented that he appreciates that the applicant is working with the MERV 13 filters (as included as revised Condition AQ-7 of the staff report). He noted that he understands from reading the literature that prefiltering should be utilized in advance of the MERV 13 filters, when feasible.

Commissioner Wallis requested that Condition #48 be revised to delete reference to "Santa Barbara Shores County Park." She also asked if proposed improvements to Hollister Avenue would result in vehicular traffic closer to the southern project property boundary.

Mary Reichel, project planner, responded that traffic would not be closer, only that pavement would be expanded.

Commissioner Shelor asked for a comparison between market units and affordable units, and the formula that is used to define the difference.

Mary Reichel, project planner, responded that the formula is based on existing housing regulation. Mary Reichel, project planner, clarified that there is an affordable by design component of the project that would provide a bridge between units that are officially in the affordable housing program and those that are typical market rate. This addresses those City residents who do not qualify for affordable housing, but may not be in the position to purchase units at market rate sales prices.

David Stone, Contract Planner, clarified that, as described on page 4 of the staff report, the California Air Resources Board has not identified a threshold for assessing impacts relative to diesel particulates generated by trucks on roadways or railroad engines. The guidance cited by the Air Pollution Control District is not subject to a CEQA standard at this time.

Chair Daniels commented that the DRB's suggestion to add a secondary trail would provide additional connectivity between the two neighborhoods. He also commented that he appreciates that the applicant responded to Vice Chair Solomon's request with regard to improvement of the eastern half street improvements on Las Armas Road. He requested clarification on how in lieu fees are used, and if grants are pursued to assist in development of the City's affordable units.

Steve Chase, Director of Planning and Environmental Services, responded that the City's affordable housing account is being replenished after development of the Sumida Gardens project. In lieu fees allow for the City to request matching funds. The existing in lieu fee has been shown to provide for feasible affordable housing, for example the Peoples Self Help Project on Ellwood Beach Drive.

Chair Daniels asked about for clarification regarding parking requirements and structures over 3,000 square feet.

Current Planning Manager Patricia Miller stated that the area (expressed in square feet) in Table 1, Haskell's Landing Residential Habitable Building Areas, refers to "habitable space." This defined area includes the proposed garages. Garages, however, are not "living areas" upon which parking requirements under the City Zoning Ordinance are based. Table 1 will be updated, to identify the "living areas" excluding proposed garage space separately from total "habitable area."

Chuck Lande, applicant, stated that he believes that the study prepared by the CARB was conducted in Los Angeles County under conditions that are a lot different in comparison to the freeway in Goleta. He noted that appliances that are energy efficient will be installed and that owners will be encouraged to purchase energy-saving washers and dryers. He stated that photovoltaics are not cost effective at this point in time, but the stubs will be provided so the owners can add them as an option.

Mary Reichel, project planner, noted that CARB recently enacted a new law requiring an 85 percent reduction of the diesel PM standards for all mobile and stationery sources by 2012; therefore the recommendations will be modified when the law comes into effect. She stated that as a result of her research of jurisdictions throughout California, she found that most jurisdictions implement flexible standards when determining appropriate creek setbacks.

Commissioner Wallis asked for clarification as to why the applicant considered Devereux Creek drainage improvements to occur with the project.

Mary Reichel, project planner, responded that she does not believe that the drainage channel corridor would be fixed without the involvement of this project as Caltrans would not be capable of funding the costs associated with grading and restoring the creek gradient.

Commissioner Shelor expressed his appreciation to the applicant for the proposed 55-year resale restriction, the ESHA restoration plans, the undergrounding of utilities on Hollister Avenue, and the contribution towards the fire station. He believes that he can support a residential housing proposal on this property; however, it is not this proposal yet. He stated that he is not comfortable making city-wide changes to the General Plan until the Supplemental EIR is thoroughly vetted, particularly with regarding to Housing Element HE 11.5 and Conservation Element CE 2.2.

Commissioner Kavanagh stated that she is in support of this project. She acknowledged the applicant for making changes and addressing some of the concerns at the hearing on November 17, 2008. She also acknowledged that the addendum staff report has helped provide clarification. She appreciates the green building elements and the concept that the open space creates a community aspect. She believes that there is adequate protection of the creek area, stating that at some times some flexibility may need to be considered. She noted that there are other projects in the area that are close to the freeway, for example, Winchester Commons. She commented that there is a need for more affordable homes to be built and that this project fits well.

Chair Daniels spoke in support of the project, stating that the restoration and enhancement aspects are important throughout the property, and are not “an encroachment” as some speakers expressed. He stated that housing is always needed, and achieving affordability is a compromise; and that building lower affordable level units in the RDA core is appropriate. He commented that the Design Residential (DR) zoning designation requires creativity, and that the need to “shoehorn” development on the site is a creative way to provide for the high percentage of open space that will be of benefit to the community. By doing so, he noted that the benefit to the community may need to be balanced with the consideration of some minor zoning modifications. The Development Agreement provides substantial benefits to the City. The location of the proposed residential units adjacent to US 101 is not an issue, in that the roadway does not function similar to those freeways in Los Angeles that were used to create the CARB guidelines. He stated that he understands that the air quality guidelines from the CARB, and cited by the APCD, are advisory.

Commissioner Wallis expressed concerns with regard to the two General Plan Amendments, CE 2.2 and HE 11.5, and commented that she believes the timing is not right for this project to move forward. She requested that the language “genotype” be added to Condition #17 for clarity. She commented on the affordable housing items in the staff report on Pages 10 and 11. With regard to the plan to have 10 percent affordable housing onsite, she commented that much of it is in the range above the median in Goleta. She commented that she believes that the current in lieu fee for affordable housing is not sufficient and there needs to a review to find a better method for calibration of the in lieu fee with regard to future projects. She noted that numbers documented during review of the Sumida Gardens project with regard to in lieu fees were considerably higher. She commented that the justifications provided on page 11 of the staff report do not provide sufficient justification for adopting the HE 11.5 GPA as follows: #a - affordable units should be located along the Hollister Avenue corridor, and not just in the RDA Core, in order to provide for a diverse demographic community; #d – she cautioned with regard to characterizing affordable housing as a “segregated component of lower quality;” and #e - this is missing the point of the opportunity to place affordable housing in housing projects in different areas of the City. Regarding the CE 2.2 General Plan Amendment, she does not believe it is clear that the mitigations alone without the addition of the setback would meet the goal for stream protection, and that biological protection standards may be lowered as a result. She stated that although the site is an excellent place for housing and that the project has some good aspects, there are other items that need work. She stated that the proposed General Plan Amendments were quite controversial, and evolved with great community concern, such that they should be considered in the context of Tract 3, and with the assistance provided by the General Plan Amendment SEIR currently under public review.

Current Planning Manager Patricia Miller stated that staff will respond to the minor clarifications requested by the Planning Commissioners during the hearing that are not included in the resolution. The clarifications include separating the “habitable area” garage square footage from “living area” for clarification in Table 1; adding “genotype” in Condition #17; and deleting the language “Santa Barbara Shores County Park” from Condition #48.

MOTION: Commissioner Kavanagh moved/seconded by Chair Daniels to adopt Resolution No. 09-__ entitled "A Resolution of the Planning Commission of the City of Goleta Recommending to the City Council Approval of Various Actions Related to the Haskell's Landing Project; Case No. 07-120-GP, -OA, -TM, -DP, -RN; Northwestern Corner of Hollister Avenue/Las Armas Road Intersection; APN 079-210-049", with an amendment to include genotype plants in the Biological Resources section in Exhibit 2 of the resolution.

VOTE: Motion failed by the following voice vote: Ayes: Chair Daniels and Commissioner Kavanagh. Noes: Commissioners Shelor and Wallis. Absent: Vice Chair Solomon.

RECESS HELD FROM 9:34 P.M. TO 9:37 P.M.

Mary Reichel, project planner and agent, prefaced her comments by stating that the applicant wishes that Vice Chair Solomon had been present at this hearing because her previous comments were appreciated and the proposed project presented today is better due to her input. Mary Reichel requested that a decision be taken that would move the project to the City Council. She also requested that the motion reflect that the action to be taken is the result of a stalemate vote.

Tim Giles, City Attorney, stated that the effect of the motion and vote that has been taken is that the project would be forwarded to the City Council, deemed as a recommendation for denial based on a 2 to 2 vote.

C. DIRECTOR'S REPORT

Patricia Miller, Current Planning Manager, reported that advance planning items will be on the Planning Commission agenda for the next regular meeting on February 23, 2009. An updated Projection Report will be provided to the Planning Commission members this week.

Steve Chase, Director of Planning and Environmental Services, reported that the City Council agenda for February 17, 2009, will include consideration of the Rancho Mobile Home Park condominium conversion project; a General Plan Amendment initiation request for the proposed Kenwood Village project; and the final reading of an ordinance to add Concept Review to the Planning Commission responsibilities.

D. PLANNING COMMISSION COMMENTS

Commissioner Wallis requested that staff consider the following recommendations with regard to staff reports:

- a. Briefly describe in the next paragraph after the Recommendation the actions and items that are included in the recommended motion.
- b. Clearly state in the staff report with regard to the General Plan Consistency Analysis that consistency requires approval of the General Plan Amendment for projects with General Plan/Coastal Land Use Plan Amendments.

Chair Daniels stated that the staff report for today's hearing shows the project's site plan on the first page which is very helpful for the Planning Commissioners and the public.

E. ADJOURNMENT: 9:45 P.M.

