



**PLANNING COMMISSION
SPECIAL MEETING MINUTES
MONDAY, APRIL 28, 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
Scott Porter, 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, Legal Counsel Scott Porter, Associate Planner Laura Vlck, Contract Planner Laura Bridley, Principal Civil Engineer Marti Schultz, and Recording Clerk Linda Gregory.

PUBLIC FORUM

No speakers.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. ADMINISTRATIVE AGENDA

A.1 Planning Commission Minutes for April 14, 2008.

Recommendation:

Approve the Planning Commission minutes for the meeting of April 14, 2008.

MOTION: Commissioner Kavanagh moved/Vice Chair Daniels seconded to approve the Special Planning Commission meeting minutes for April 14, 2008, as submitted.

VOTE: Motion approved by unanimous voice vote.

B. PUBLIC HEARING

B.1 07-117-GPA, -RZ, -DP RV01: Winchester Union 76 Land Uses and Sale of Alcoholic Beverages Project.

Recommendation:

Adopt Planning Commission Resolution No. 08-__ (Attachment 1), thereby recommending to the City Council approval of Case No. 07-117-GPA, -RZ, -DP RV01.

Site visits: Made by all Commissioners.

Ex-parte conversations: None.

Staff speakers:

Director of Planning and Environmental Services Steve Chase

Current Planning Manager Patricia Miller

Associate Planner Laura Vlk

Associate Planner Laura Vlk made a presentation regarding the staff report. She stated for the record that staff recommends that the following amendments be added to the staff recommended action in the staff report: a) the revision of condition #6 of Exhibit 2 to delete the phrase "for double transfer of license no. 443314", as it is not the City's purview to condition how an ABC license is obtained by the applicant; and b) any references to the CH zone district within the Development Plan's project description and conditions of approval be corrected to encompass the C-2 zoning designation.

Documents: a) Supplemental Information (including the landscape plan): Winchester Union 76 Land Uses and Sale of Alcoholic Beverages Project, City Case No. 07-117-GPA, -RZ, -DP RV01. b) Letter from nearby neighbor (signature is illegible), dated April 24, 2008, submitted at the hearing on April 28, 2008, in support of the application to allow the sale of beer and wine.

PUBLIC HEARING OPENED AT 6:23 P.M.

Jay Higgins, representing John Price, property owner, stated that after the property owner purchased the service station in 2001 he discovered that most of the service stations similarly located on the South Coast are allowed to sell beer and wine. Mr. Higgins noted that since 1984 when the CH zoning designation was amended to prohibit the sale of alcohol in the CH zone district, there has been a sixty percent growth of residential parcels within one mile of the site, but there is a lack of neighborhood shopping opportunities. He said that the applicant has worked with staff

and the Sheriff's Department to implement mitigations to address any potential impacts. He noted that the property owner met with the neighbors and City staff regarding complaints when the convenience store reopened in 2002. Mr. Higgins stated that the complaints were addressed as evidenced by records from the Sheriff's Department which show a dramatic decline in complaints since 2005. He stated that the property will conform to the existing, approved landscape plan, and also that the property owner plans to transfer an Alcoholic Beverage Permit from another service station owned by his family.

Speakers:

Stephen Edson, President of the Winchester Commons Homeowners Association, stated for the record that the homeowners association is opposed to the sale of alcoholic beverages at this convenience store which is located directly across the street from their development. He expressed concern that the sale of alcohol would attract an undesirable element and threaten the overall way of life in the development. He noted that when the service station owner applied to establish the convenience store several years ago, the homeowners were assured no alcoholic beverages would be sold. He also expressed concern that it would be easier for those traveling on the highway to purchase alcohol at the store, thereby increasing the likelihood for the potential for drunk driving and accidents.

Helen Smart, Winchester Commons resident, spoke in opposition to the sale of alcoholic beverages at the convenience store, stating that her home is separated from the business by one street. She expressed concern that alcohol sales will cause problems and attract young people to the neighborhood who will likely create more graffiti which is a constant problem. She also expressed concern that she observes trucks parked along Calle Real that leave their motors running after they have pulled out of the service station. She stated that another convenience store is located approximately one mile away for those who wish to purchase alcoholic beverages. She noted that motorists who exit the highway to purchase alcoholic beverages are not supposed to drink while driving.

PUBLIC HEARING CLOSED AT 6:34 P.M.

Chair Knight noted the residents' concerns with regard to potential problems with the sale of alcohol, stating that he believes the issues relate to enforcement.

MOTION: Commissioner Easton moved/Commissioner Kavanagh seconded to approve and adopt Planning Commission Resolution No 08-04 (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 Winchester Union 76 Land Uses and Sale of Alcoholic Beverages Request, Case No. 07-117-GPA, -RZ, -DP RV01, at 20 Winchester Canyon / 7798 Calle Real: Assessor Parcel Number 073-020-025", as amended at the Planning Commission public hearing on April 28, 2008.

VOTE: Motion approved by unanimous voice vote.

RECESS HELD FROM 6:45 P.M. TO 6:52 P.M.

B.2 07-007-GPA, -OA, -DP -TMP; 07-165-DP AM: Marriott Residence Inn and Hollister Center.

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.

Staff speakers:

Director of Planning and Environmental Services Steve Chase

Current Planning Manager Patricia Miller

Contract Planner Laura Bridley

Principal Civil Engineer Marti Schultz

Current Planning Manager Patricia Miller presented an overview of the staff report. Contract Planner Laura Bridley presented the details with regard to the proposed structural development and site plan of the proposed project, an overview of the environmental review process, and PowerPoint presentation. Patricia Miller stated that, parallel to this permit process, staff is following the procedures for the SB 18 Local and Tribal Intergovernmental Consultation process with the intent to encourage collaborative and comprehensive land use planning at the local level with regard to archaeological and cultural resources.

Current Planning Manager Patricia Miller stated for the record that the staff recommendation should include a specific recommendation in the resolution to approve the Vesting Tentative Parcel Map.

Documents: Letter from the Santa Ynez Band of Indians Tribal Elders Council, dated April 18, 2008; letter from Morris Jurkowitz and Richard Sanders, owners of Pacifica Suites Hotel, Goleta, dated April 25, 2008; letter from Frank Arredondo, dated April 25, 2008; letter from Frank Arredondo, dated April 28, 2008, received April 28, 2008; and letter from Tom Blabey, Goleta Valley Chamber of Commerce, received April 28, 2008.

Director of Planning and Environmental Services Steve Chase provided an overview of the findings for consideration by the Planning Commission with regard to the proposed project.

PUBLIC HEARING OPENED AT 7:20 P.M.

Robert Olson, president of R.D. Olson Development Company, applicant, stated that the Marriott Residence Inn is considered high quality and will address the accommodation needs in the community that include UCSB, business travelers, leisure travelers, temporary stays, and families displaced from their homes. He said that the benefits for the community would include tax revenue for the City, employment opportunities, and additional meeting room facilities. He stated that the applicant attended meetings with the DRB regarding architecture and also noted that

the landscape plan will improve the appearance of the Hollister corridor. He stated that the corporate owners of the Marriott Residence Inn are known to be involved in community events, fundraising and philanthropy. He presented a PowerPoint presentation entitled "Marriott Residence Inn, 6300 Hollister Avenue, Goleta, CA, Applicant R.D. Olson".

David Stone, project archaeologist, in the area for over thirty years, provided a brief archaeological background based on his work on the project for the past two years. He stated that the whole hotel site is on a SBA 58 archaeological site in the area, and that the proposed hotel site contains both previously undisturbed and previously disturbed areas which were evaluated in 1980 as follows: a) the Locus 1 site contains previously undisturbed portions that are found eighteen inches below the surface which are of archaeological research value, noting that the top eighteen inches have been disturbed; and b) the Locus 2 site includes archaeological remains that have been previously disturbed, which still have important significance in terms of heritage value to contemporary Native Americans, but less archaeological research value. He stated that the direct grading proposed for the project site is limited to the top twenty inches which will result in an impact of only two inches on the Locus 1 site and impact on the Locus 2 site. He clarified that utilities including gas, electricity and water would remain outside the Locus 1 boundary and deep landscaping would be minimized. He provided an overview of the Phase 3 Data Recovery procedures that comprise mitigation measures for the project. He pointed out from his experience that the design to preserve over sixty percent of this archaeological site is very consistent with guidance identified in CEQA and in General Plan open space policies. He stated that a portion of the archaeological site would be impacted but the vast majority of the site would be capped and preserved for future generations.

Gene Fong, Gene Fong Architects, project architect, made a slide presentation regarding the project architecture. He stated that two reviews and two subcommittee meetings were held with the DRB which were informative and that many of the comments and concerns were adapted with regard to massing, building materials, colors and textures.

Katie O'Reilly Rogers, project landscape architect, provided an overview of the proposed landscape plans. The plans include standard drought-tolerant native, or native in character, Mediterranean landscaping, with a low water-usage irrigation system and low-intensity lights. She pointed out that the plans include stormwater cleansing with the use of bioswales and a large detention basin. She commented with regard to the General Plan policy related to providing trees in parking lots every four spaces that it would seem reasonable to designate the number of trees that would be required within an area, on an average basis.

RECESS HELD FROM 8:08 P.M. TO 8:17 P.M.

Speakers:

Barbara Massey, Goleta, spoke in opposition to the project, limiting her comments to the request for General Plan amendments, stating that she believes the applicant should be required to meet General Plan standards. She expressed the following

concerns: 1) eliminating the FAR requirement would provide a tremendous advantage to this hotel and other in the planning process and eliminates important standards; 2) the height of the building is important because the project is located at the edge of the airport clear zone and across the street from the airport; 3) the 35-foot height limit should not be eliminated, rather the applicant can design the hotel with necessary changes to meet the standards; 4) requested that the applicant be required to design a more appropriate project that fits better with Goleta; and 5) she hopes the City will not be sold for the transient occupancy tax.

Quin Tan Shup, representing Native Chumash archaeological resources, expressed concerns regarding the Final Mitigated Negative Declaration, stating that he believes the cultural resources mitigation measures should be conducted in a Phase 2 context which is testing, not Phase 3 which is a system of recovery. His comments included the following: 1) the archaeological remains that have been disturbed are still important to Native Americans; 2) the ultimate preference of the Native Americans would be for the remains to be left in the ground and undisturbed because the sites contain the memory and legends of their people; 3) he believes that the archaeological information from 1980 is outdated; 4) he observed the site today and noticed evidence of some disturbance on top; and 5) his interest in this matter is to educate and provide alternatives.

Sam Cohen, representing Santa Ynez Band of Chumash Indians, expressed appreciation to City staff for cooperating with the tribe with regard to SB-18 consultations. He made the following six points: 1) there should be additional EIR study, under CEQA, if there is any question with regard to significant archaeological sites, not Phase 3 recovery; 2) in 1979, a study by Albert Bixler and Pandora Snethkamp found that the site was one of the most significant remaining undisturbed sites in the Goleta Slough and recommended against development, which was followed by the Burroughs Corporation; 3) letters from two experts in the agenda packet recommended that an EIR be prepared and one letter from an UCSB professor states that CA-SBA-58 stands a good chance of containing prehistoric human remains; 4) destruction is not mitigation which will result from pile driving that will destroy approximately forty percent of the site; 5) the project is not ready because CEQA requires mitigation; and 6) Phase 3 is not an alternative for the last remaining historic Goleta village because he believes it involves excavating the site, sifting through and placing items in a museum.

Freddie Romero, representing Santa Ynez Band Chumash Indian Elders Council, reviewed some of the statements made in a letter sent to contract planner Laura Bridley, as follows: 1) the Santa Ynez Chumash people recognize this site as a significant area; 2) he regards this particular area in its context as a full community; 3) expressed concern that cultural resources are constantly being lost with the amount of development taking place today; 4) he noted that two prehistoric cemeteries were mapped as being nearby the site; 5) as a representative of the Elders Council, he was not consulted with regard to the excavation of the holes and placement of the pilings; 6) he believes that Phase 3 is a destruction and not mitigation; and 7) requested consideration of how the role of the Chumash and Native people can be shared with regard to the history of California

Frank Arredondo stated that he is a Chumash, descending from the prehistoric village of Tipu and would be speaking on behalf of his ancestors with regard to arguing the merits of the cultural resources section of the Mitigated Negative Declaration. He presented a letter dated April 28, 2008, which included a list of twenty points of concern. His verbal comments included: 1) the timing of public comment notice is not in compliance (#1); 2) there is no adherence to PRC 21083.2(b) by making a reasonable effort to preserve or leave in an undisturbed state the resource (#5); 3) avoidance and open space in the General Plan is not being followed in the project design (#13); 4) recommended that a phase 2 survey be redone every 5 years (#15); and 5) requested an explanation regarding why the fill is being removed (#17). He stated that this site is one of the oldest sites and its remaining portion is considered to be the last intact site. He believes the proposed mitigation method will not work for this project.

Russell Goodman, property owner, Sares-Regis Group, stated that they believe the project will be an important addition to the community, will satisfy long-term hotel needs that have been expressed by tenants in the business community, and will be consistent with other projects in the area. He said that the property owners have worked closely with the developer and City staff for 2-1/2 years to bring this project forward and he noted that the prior City Council approved a hotel overlay in the General Plan. He expressed respect for the prior speakers and their points. He stated that he understands from historical records that the site was planned for a three-phase development and that Burroughs had approved plans from the County for a third building but their business demands did not reach a level of capacity to commence forward on a third building before selling the property to Applied Magnetics.

PUBLIC HEARING CLOSED AT 8:43 P.M.

David Stone clarified that Phase 2 archaeological investigation work was done in 1979 and 1980 with everyone agreeing that the archaeological site was significant. He stated that nothing has changed since then with regard to the significance of the site and that a Phase 2 study at this time would be duplicative information.

Current Planning Manager Patricia Miller said that staff believes that the comments that were raised with regard to the deficiencies in the Draft MND have been resolved in the Final MND. She stated that all persons who commented on the Draft MND were provided notice of the availability of the Final MND as well as this hearing, and that written comments were also provided with a copy of the proposed Final MND. A response was not received from any of them prior to this hearing. She stated the Planning Commission will need to determine whether the Final MND environmental document is adequate and appropriate to forward to the City Council.

In response to a question from the Planning Commission, Sam Cohen stated that the Elders Council would prefer that the remaining archaeological significance of this site be respected and that no project be placed on the site and it be left as an open space. If that is not possible, he said they would ask that this area be avoided and that additional testing and study be done if foundational elements will be installed. He said he believes that extra care is justified in a significant area.

Vice Chair Daniels stated that from the information presented, there seems to be agreement that the site is a significant archaeological resource and that the issue that needs to be considered is whether the mitigation is appropriate.

Commissioner Solomon suggested that a meet and confer process would be useful at this point in the process.

MOTION: Commissioner Solomon moved/Commissioner Easton seconded that a meet and confer process be conducted with regard to the mitigation measures for the proposed project, and that as a part of the process there shall be an outreach to contact people who commented on the Draft MND; with the process to begin immediately, and that the results of the process shall be reported by staff at the Planning Commission meeting on May 12, 2008; and further that Commissioner Easton and Commissioner Kavanagh shall serve as liaisons to the meet and confer process.

VOTE: Motion approved by unanimous voice vote.

Commissioner Easton stated that he believes the size of the proposed building is too big for the site and that the project should conform to the development rules that exist today and not require changes to the General Plan. He expressed concern that the size of the project may impact General Plan policies with regard to protection of mountain and foothill views and with regard to development projects along scenic corridors. He said that he appreciates that the proposed project incorporates meandering sidewalks which was a directive from the DRB review and hopes the applicant follows all of the DRB comments. He suggested that the exterior lighting needs to be protected from airplanes landing at the airport.

Vice Chair Daniels commented that a FAR is one of many different tools for design review.

Commissioner Kavanagh stated that her concern is with regard to the height of the hotel because of its proximity to the airport and landing path for small aircraft. She commented that conceptually the design is a beautiful addition to the corner. From her experience staying at different hotels, she believes the concept of shared parking is useful and creative.

Commissioner Solomon suggested that the applicant join in a discussion with the Planning Commission at the next meeting with regard to items of interest that include concerns with regard to the possibility that the building is under-parked, the height of the building, and other issues.

MOTION: Commissioner Kavanagh moved/Commissioner Easton seconded to continue Item B-2, 07-007-GPA, -OC, -DP -TMP; 07-165-DP AM: Marriott Residence Inn and Hollister Center, to May 12, 2008, noting that the public hearing was closed.

VOTE: Motion approved by unanimous voice vote.

C. DIRECTOR'S REPORT

Director of Planning and Environmental Services Steve Chase reported that the following two items of interest to the Planning Commission are scheduled for the City Council meeting on May 6, 2008: a) Fairview Gardens; and b) the final reading of the ordinance to update the Building and Safety Codes.

D. PLANNING COMMISSION COMMENTS

None.

E. ADJOURNMENT: 10:17 P.M.

Prepared by Linda Gregory, Recording Clerk