



**UNAPPROVED  
PLANNING COMMISSION  
MEETING MINUTES  
MONDAY, MARCH 23, 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, Solomon, and Wallis.  
Absent: None.

Staff present: Director of Planning and Environmental Services Steve Chase, Current Planning Manager Patricia Miller, Senior Planner Cindy Moore, Senior Planner Scott Kolwitz, Principal Civil Engineer Marti Schultz, City Attorney Tim W. Giles, and Recording Clerk Linda Gregory.

**PUBLIC FORUM**

No speakers.

**AMENDMENTS OR ADJUSTMENTS TO AGENDA**

None.

## A. ADMINISTRATIVE AGENDA

### A.1 Planning Commission Minutes for the Planning Commission meeting of February 23, 2009.

Recommendation:

- A. Approve the Planning Commission minutes for the Planning Commission meeting of February 23, 2009.

MOTION: Commissioner Kavanagh moved/seconded by Commissioner Wallis, to approve the Planning Commission minutes of February 23, 2009, as submitted.

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

## B. PUBLIC HEARING

### B-1. 04-226-TM, -DP; Citrus Village Project located at 7388 Calle Real; APN 077-490-043.

Recommendation:

1. Adopt Planning Commission Resolution No. 09-\_\_ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta Approving the Final Mitigated Negative Declaration (07-MND-004) and Accepting the Addendum Dated March 18, 2009 to the Mitigated Negative Declaration and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Citrus Village Project; Case No. 04-226-TM, -DP; 7388 Calle Real, APN 077-490-043".
2. Adopt Planning Commission Resolution No. 09-\_\_ (Attachment 2), entitled "A Resolution of the Planning Commission of the City of Goleta Approving a Vesting Tentative Tract Map (TM 32,027) for Condominium Purposes and a Final Development Plan for the Citrus Village Project; Case No. 04-226-TM, -DP, -RN; 7388 Calle Real; APN 077-490-043".

Staff speakers:

Cindy Moore, Senior Planner  
Patricia Miller, Current Planning Manager  
Steve Chase, Director of Planning and Environmental Services  
Marti Schultz, Principal Civil Engineer  
Tim Giles, City Attorney

Cindy Moore, Senior Planner; presented the staff report and PowerPoint entitled "City of Goleta Planning Commission March 23, 2009, Citrus Village Project, 7388 Calle Real". She stated that the following additional written communications were received:

1) E-mail from Terre Lapman, dated March 23, 2009; and 2) Letter from Janet Horton, dated March 18, 2009.

Site visits and ex-parte conversations:

1) Commissioner Solomon made several site visits and one visit to view the story poles. 2) Commissioner Wallis made several site visits. She reported that she was not a member of the Planning Commission when the project was considered at the previous hearing but she has reviewed the material and is ready to participate in the hearing today. 3) Commissioner Kavanagh made a site visit to view the story poles. No ex-parte conversation reported since prior to the previous Planning Commission hearing. 4) Commissioner Shelor made a site visit to view the story poles. No ex-parte conversations reported. 5) Chair Daniels made a site visit to view the story poles. He reported that he unexpectedly saw the applicant downtown and discussed the story poles.

The plans were presented by Lisa Plowman, agent, on behalf of Detlev Peikert, applicant, representing 7388 Calle Real, L.L.C., property owner. Lisa Plowman also provided an overview with regard to the State Density Bonus Law requirements.

Detlev Peikert, applicant, made a PowerPoint presentation regarding the proposed project. He explained the shadow study that was conducted by the applicant in response to previous Planning Commission comments. In conclusion, he stated that the proposed project is superior to the previous proposed courtyard design in certain ways because it is more of an entry level housing product that has a much greater need in the community. He requested approval of the proposed project because the applicant believes it would enhance the neighborhood, provide a variety of housing choices for the local workforce, and include the affordable housing units on site.

PUBLIC HEARING OPENED AT 7:05 P.M.

Speakers:

John Matulich spoke in support of the proposed project. He commented: a) Speaking from his experience hiring employees for a company that is growing in the area, it is challenging because a lot of people who want to work in the area cannot afford housing here. b) When workers need to commute from Lompoc, Santa Maria, or Ventura, there is a strain on their family life as well as impacts on the community that include air pollution from the traffic. c) Although single family homes are desirable, he believes there is a place for well-designed, multi-unit residential developments. d) The proposed craftsmanship is well done and would improve the community.

Barbara Massey, Goleta, spoke in opposition to the proposed project. She submitted a document entitled "Comments on Citrus Village for March 23, 2009 Planning Commission Meeting". Her comments included: a) This project is too big for a small lot. b) The story poles only showed part of the problem that the buildings are too high and too massive for the site. c) Without story poles that outlined the garages and parking spaces, it was not obvious that the driveway was narrow, with only 24 feet of usable street. d) The units should be reduced, stepped back from the street, and

limited to two stories. e) She expressed concern that this project creates a three-story wall blocking the view of the public and the residents of Brookside Condominiums. f) The project is not consistent with General Plan policies including Policy LU 1.8, Table 2.1, CE 12.1, VH 3.2, VH 3.3, VH 3.4, and VH 4.4. g) Expressed concern that the Floor Area Ratio (FAR) exceeds the recommended FAR standards. h) The bulk, mass, and scale of the proposed project are greater than the surrounding commercial area. i) She does not believe the good cause finding can be made. j) Both air quality and traffic are not adequately addressed in the MND and Addendum. k) A comment from the DRB in October 2008 expressed concern that the site plan appears dense and that an 11-unit project may be more appropriate. l) The project needs to be designed to fit this parcel.

Ken Knight, Goleta, spoke in support of the proposed project. He commented: a) The type of housing that is proposed by the applicant is needed by the community. b) This type of housing is a good starter home. c) The affordable units are a bonus, and the entire project includes housing that will be needed here in the future. d) The project is appropriately dense. e) He believes that the applicant and staff have responded to the direction of the Planning Commission at the previous hearing.

Karen Lovelace, resident of El Encanto Heights, spoke in opposition to the proposed project. She provided color photographs taken of the story poles, noting that there were no story poles for the garages. She commented: a) The proposed FAR is not appropriate or compatible with the neighborhood. b) She believes that the bonus density is only 11 percent, in terms of the square footage of the units dedicated to affordable units. c) She would not consider the market rate homes as starter homes, stating that the proposed square footages are comparable to existing homes in the neighborhood. d) The east-west orientation will make the units extremely dark, other than the end unit on the south. e) The project should be considered as three stories, not two and one-half stories. f) She expressed concern that the DRB considered only the 12-unit proposed project. g) The driveway is only 24 feet and may not meet standards. h) It does not seem that vehicles could exit the garages with less than two turning movements. i) Expressed concern that the stormwater runoff goes through the private yards. j) The landscape on the west side does not conform to the Zoning Ordinance. k) She believes that this project needs to be reduced before findings of approval can be made. l) The existing conditions are in the current General Plan. m) Requested that the fireplaces be eliminated. n) Expressed concern that there will be additional parking needs if students will be living in the houses.

Shirley Luna, resident for 44 years in El Encanto Heights, Goleta, spoke in opposition to the proposed project. She commented: a) She believes that the site is open space, not a derelict lot or an infill site to be developed. b) Expressed concern regarding standards that would allow more density with smaller yards. c) The existing traffic conditions are bad on Calle Real. d) When the neighbors met with the developer, she did not agree to a three-story development.

Debbie Cox Bultan, executive director, Coastal Housing Coalition, spoke in support of the proposed project. She commented: a) This project is supported because it is believed that the project will provide entry level workforce housing both with the two affordable units and the market rate houses. b) The proposed type of housing is

needed in the community. c) The developer's plan to forge some partnerships with local employers is an innovative potential model for housing some of the local employees.

Richard Foster, El Encanto Heights resident, spoke in opposition to the proposed project. He provided a photograph comparing the second-story roof next door relative to the proposed project, stating that there is a big difference with regard to the proposed project. He commented: a) There is a problem with the size, bulk and scale of the proposed project. b) The project towers over the neighborhood and is not appropriate for the site. c) An appropriate project for this site would meet the existing guidelines, would not need modifications, and would blend with the neighborhood. d) He believes that adding only two affordable housing units hardly addresses the housing imbalance in the community and actually brings in more traffic and congestion, noting that an average residence generates ten trips per day. f) Thirty-six parking spaces are not enough, especially if there is no off-street parking.

Karen Chuckel, Goleta, spoke in favor of the proposed project. She commented: a) This project is well-designed. b) The overall scale and style of the project, and the percentage of open space, are appreciated. c) The drought tolerant landscaping is a good feature. d) Traffic is not seen as a big issue. e) The project is somewhat affordable and she believes it would provide housing so employees could live where they work and work where they live. f) She noted that, depending on the timing, over fifty percent of her employees have commuted to this area from Lompoc and Santa Maria.

PUBLIC HEARING CLOSED AT 7:27 P.M.

Lisa Plowman, applicant's agent, responded to comments made by the public as follows: a) Templates prepared by ATE were provided to the City for review that show vehicles could exit the garages and parking spaces with a single movement. b) All of the fireplaces will be gas fireplaces so there will be no associated air quality issues. c) This project provides three additional parking spaces beyond the Zoning Ordinance requirements. d) She provided some clarification with regard to density and the requirements for providing affordable housing in the community.

Detlev Peikert, applicant, provided an overview of the procedure he plans to pursue with regard this project that would offer local employers an opportunity to help provide housing for their employees.

The applicant and staff responded to questions from the Planning Commission.

Commissioner Wallis requested additional discussion with staff at a later date with regard to the State Density Bonus Law requirements.

Detlev Peikert, applicant, stated that the applicant is committed to looking for opportunities to incorporate energy conservation techniques into the design, including solar panels as well as other green building considerations.

Commissioner Wallis requested in the future that staff consider requirements with regard to the use of story poles. Commissioner Shelor recommended that staff consider requirements that story poles be in placed longer than three to four days, and that the time between the removal of the story poles and the public hearing be less than two months.

Marti Schultz, Principal Civil Engineer, Community Services Department, clarified that the GTIP fees go into a general fund for the City's Capital Improvement Projects.

Commissioner Kavanagh suggested that staff may want to consider re-striping Calle Real to add a right turn lane into both the Brookside Condominiums and the proposed project at an appropriate time in the future.

Marti Schultz, Principal Civil Engineer, stated that there would be room along Calle Real to add a right turn lane into the proposed project if there was consideration in the future to add a lane in the future; however, it is not warranted with the project.

Current Planning Manager Patricia Miller clarified that the Fire Department reviewed the plans and indicated that the 24-foot width of the driveway meets requirements.

RECESS HELD FROM 8:04 TO 8:10 P.M.

Commissioner Shelor requested if the good cause finding is approved that staff create an inventory of good cause findings that will be provided for reference as part of future staff reports.

Commissioner Wallis commented that she believes there are a lot of good things about the proposed project but the project is not right for this site. She stated that the project is too big and tries to do too many things. She commented that she cannot make the following findings: a) The good cause finding #a. She stated that there is a big difference between 0.30 FAR and 0.51 FAR. She does not believe that the DRB comments from October 2008 can be used to justify the good cause finding for a 0.51 FAR, particularly with the accompanying language regarding size, bulk, and scale. b) The good cause finding #b. She commented that the proposed inclusionary percentage seems too low compared with the standard in the General Plan, and that if the site cannot accommodate more, in-lieu fees should be considered to address the difference. c) Finding 1.4 (in Exhibit 1), that the site is physically suitable for the proposed density of development; or d) Finding 2.1 (in Exhibit 1) that the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed. She does not believe that the three-story element and the density are compatible with both the abutting residential and commercial development in this area.

Vice Chair Solomon commented: a) There are pros and cons with regard to this particular project. b) The proposed project is very pretty and the craftsman style is consistent with other projects of the same style being developed in the City. c) Using an infill site, such as this location, to create as much housing as possible allows for the ability to protect more open space in the City. d) Hopefully, solar panels and other green building features will be included in project plans that are presented by

applicants in the future. e) She believes that very low income housing is appropriate for rental housing and not for purchased housing. She expressed support for in-lieu fees to help create rental housing that is needed in the community. f) The good cause finding notion is highly subjective, and she supports Commissioner Shelor's recommendation to create an inventory of good cause findings that set a precedent. g) When comparing the density of the proposed project with the existing Brookside Condominium project, there may be a discrepancy to consider because it is unlikely with the current value of land that there will be many projects now with similar low density.

Commissioner Shelor stated that he appreciates the applicant's offer to dedicate frontage, the provision of two affordable housing units, the 55-year affordability covenant, the inclusion of a detention basin, and the intent to provide as many green building features as possible. He commented that he cannot make the following findings with regard to the proposed project: a) Finding 2.1 (in Exhibit 1) that the scale and design of the Citrus Village project would allow it to function as a transition between business uses and single-family residential neighborhoods. He stated that the proposed project is located in El Encanto Heights, a predominantly single-family neighborhood, and he believes any transition should be from one-story to two-stories, not one-story to three stories or two-stories to three stories. b) Finding 2.5 (in Exhibit 1) that this project will not be incompatible with the surrounding area. He stated that this project is better suited for a more urbanized area. c) Finding 2.6 (in Exhibit 1) that this project is consistent with the General Plan regarding community aesthetics. Commissioner Shelor stated that he could make the above findings for approval of this project if the project incorporated two-story elements.

Commissioner Kavanagh spoke in support of the proposed project. She commented: a) She believes that there is a need for the proposed type of housing and that the site is an infill site and is appropriate for this housing. b) The proposed housing type can be considered starter housing which is needed in the community. c) The proposed project is "appropriately dense". d) The applicant responded to the previous Planning Commission comments, which is appreciated. She noted that the Planning Commission supported the inclusion of the affordable units and directed that the project move forward with consideration of the 12 Unit Alternative plan. e) The number of parking spaces, which can be considered as three spaces per unit, meets the City's requirements.

Chair Daniels spoke in support of the proposed project. He commented: a) From his perspective, the transition is the zoning itself, and that the zoning transition is compatible with regard to density when considering the existing zoning on the proposed project site. b) The visual blockage from the south elevation that was shown on the photographic simulations provided by neighbors would be seen only briefly when driving or walking along the Calle Real corridor. An one-story building located close to the road on the south elevation could have the same effect as a two-story building farther back. He noted that provisions have been made in the plans for some additional viewing of the mountains from the south elevation. c) Some compelling arguments have been made tonight that are both pro and con with regard to the proposed project.

MOTION: Commissioner Kavanagh moved/seconded by Vice Chair Solomon, to adopt Resolution No. 09-04 (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta Approving the Final Mitigated Negative Declaration (07-MND-004) and Accepting the Addendum Dated March 18, 2009 to the Mitigated Negative Declaration and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Citrus Village Project, Case No. 04-226-TM, -DP; 7388 Calle Real, APN 077-490-043".

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

MOTION: Commissioner Kavanagh moved/seconded by Vice Chair Solomon, to adopt Resolution No. 09-05 (Attachment 2), entitled "A Resolution of the Planning Commission of the City of Goleta Approving a Vesting Tentative Tract Map (TM 32,027) for Condominium Purposes and a Final Development Plan for the Citrus Village Project; Case No. 04-226-TM, -DP, -RN; 7388 Calle Real; APN 077-490-043".

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

**B-2. 08-146-CR: Fairview Gardens Commercial Poultry Operation and Farm Labor Camp Operations/Compliance Hearing; 598 North Fairview Avenue; APN 069-090-052.**

Recommendation:

1. Find that the applicant is in compliance with the Fairview Gardens Commercial Poultry Operation CUP (03-159-CUP) and the Farm Labor Camp CUP (08-111-CUP).

Staff speakers:

Scott Kolwitz, Senior Planner

Patricia Miller, Current Planning Manager

Steve Chase, Director of Planning and Environmental Services

Tim Giles, City Attorney

Site visits and ex-parte conversations: Chair Daniels reported that he previously recused himself from a hearing with respect to the approval of this project at Fairview Gardens. He understands that this hearing is more of an informational nature with regard to compliance and he believes he can participate appropriately in this hearing.

Scott Kolwitz, Senior Planner, presented the staff report and PowerPoint.

Document: E-mail received from Larry and Linda Cobb, dated March 22, 2009, regarding Trash bin at Fairview Gardens.



Tiffany Cooper, acting executive director of Fairview Gardens, stated that the project is moving forward towards meeting the target date for completion. John Heffner, project coordinator, of Allen Associates, stated that the relocation of the trash enclosure will be completed by July 1, 2009.

PUBLIC HEARING OPENED AT 8:50 P.M.

Speakers:

Phil Seymour, acting as attorney for Fairview Gardens, stated that there have been a large amount of community input and contributions in the past nine months which he believes were made because the community thinks of Fairview Gardens as a tremendous asset. He expressed appreciation for all of the contributions as well as the efforts that have been made by staff.

Jim Hurst, neighbor on the east side of Fairview Gardens, expressed appreciation with regard to the progress that has been made and stated that the neighbors look forward to the continuing success.

PUBLIC HEARING CLOSED AT 8:56 P.M.

Commissioner Kavanagh commended the public for expressing their needs with regard to Fairview Gardens, and Fairview Gardens for responding, as well as City staff for their efforts.

Commissioner Wallis agreed with the comments made by Commissioner Kavanagh. She thanked all persons who have been responsive to the needs with regard to Fairview Gardens. She urged everyone to keep up the good work even if it gets more difficult.

Chair Daniels commented that he appreciates the opportunity to view Fairview Gardens as he drives by each day and he appreciates the work that has been done.

MOTION: Vice Chair Solomon moved/seconded by Commissioner Kavanagh, to find that the applicant is in compliance with the Fairview Gardens Commercial Poultry Operation CUP (03-159-CUP) and the Farm Labor Camp CUP (08-111-CUP).

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

### **C. DIRECTOR'S REPORT**

Director of Planning and Environmental Services Steve Chase, reported that the following items that may be of interest to the Planning Commission will be on the upcoming City Council agendas: 1) Review of the Haskell's Landing Project is scheduled for April 7, 2009. 2) Track 2.5 General Plan Amendments are scheduled for April 21, 2009. 3) The Strategic Planning Workshop will be held on March 30, 2009. He also reported that the City Council

approved web video streaming services for the Planning Commission and City Council meetings which will be effective at the Planning Commission meeting on May 25, 2009.

**D. PLANNING COMMISSION COMMENTS**

Chair Daniels requested that staff provide information with regard to the upcoming meeting schedule with regard to the Track 3 General Plan Amendments.

Commissioner Wallis requested that staff provide clarification with regard to the State Density Bonus Law requirements. She commented that when staff considers story pole specifications, the requirements needs to ensure that the story poles will provide the real message with regard to each particular site. She spoke in support of the suggestion by Commissioner Shelor that staff develop an inventory of approved good cause findings as a precedent.

**E. ADJOURNMENT: 9:20 P.M.**