

<p>CALL TO ORDER and ROLL CALL Chair La Fevers called the meeting to order at 5:33 p.m.</p> <p>Commissioners Present: David Allen, Vice-Chair Jane L. Benefield John Callender Glenn La Fevers, Chair John Moyer</p> <p>Others Present: Alexandra Barnhill, Deputy City Attorney Jonathan Leech, Contract Planner Jackie Campbell, Community Development Director Approximately eight interested persons</p>	<p>CALL TO ORDER & ROLL CALL</p>
<p>PLEDGE OF ALLEGIANCE - Chair La Fevers called for the flag salute.</p>	<p>PLEDGE OF ALLEGIANCE</p>
<p>INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS Community Development Director Jackie Campbell announced that on January 11th the City Council will consider whether to take a position on the Pardon Initiative. She added that on Saturday, January 30th the Council will hold its annual Work Program meeting in the Council Chamber at 8:00 am.</p>	<p>INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS</p>
<p>CONSENT CALENDAR</p> <p>Minutes of the regular Planning Commission meeting held December 7, 2009.</p> <p>MOTION: Upon a motion by Commissioner Benefield, seconded by Commissioner Callender, the Planning Commission voted 5-0 to approve the minutes of the regular Planning Commission meeting held on December 7, 2009.</p>	<p>CONSENT CALENDAR</p> <p>MOTION</p>
<p>PRESENTATIONS BY CITIZENS – None</p>	<p>PRESENTATIONS</p>
<p>NEW PUBLIC HEARING</p> <p>Main Family Resource Center Compliance Report</p> <p>The Planning Commission received a report regarding compliance of the Main Family Resource Center with conditions of approval of Development Plan/Coastal Development Permit 08-1445. Community Development Director Jackie Campbell reported that the center had complied with the conditions regarding hours of operation and limitation of evening events. She said that the applicant wants to expand the number of evening events and will need to submit an amendment to the Development Plan which involves coming before the Commission for review. She said only one noise complaint was received, and the number of students at the preschool was within the parameters. She asked that the Commission accept the compliance report and direct staff to return with an annual report in January 2011.</p> <p>Michelle Robertson of First Five said the center is considering asking for additional evening events in order to offer parenting classes and counseling sessions for parents who work during the day. She said they are looking to expand and to add an infant/toddler center, as well as an infant/toddler resource center. She said they plan to request some additional Saturday use, around four to six Saturdays per year, in order to host the Orchard to Ocean Run, a literary fair, flu shot clinics, etc.</p> <p>PUBLIC HEARING OPENED Chair La Fevers opened the public hearing.</p> <p>Graeme Tuck said there was nothing in the agenda informing citizens about the center asking for additional evening use. He said he was happy to be their</p>	<p>NEW PUBLIC HEARING</p>

neighbor but expressed concern about the transparency of their intentions. *Chair La Fevers clarified that no action on that issue would take place at the meeting and that a separate hearing for it would be publicly noticed and agendized.* Tuck went on to express his concerns about the Center’s intention to expand and said he was worried about SBCC utilizing the building. He said at some point there must be restrictions. He asked that it be kept the way it is.

Manuel Valle said they have been good neighbors and that there was only one problem which was immediately resolved. He said things get a bit crowded when there is a food hand-out by the Foodbank. He complained that he didn’t get any notice in the mail about the meeting taking place. He said it is ridiculous that notices are only sent to property owners and described it as un-American.

PUBLIC HEARING CLOSED

Chair La Fevers closed the public hearing.

Community Development Director Jackie Campbell clarified to the Commission that noticing requirements apply to property owners within 300 feet of the project site and occupants within 100 feet. She said she would check into the location of Mr. Valle’s residence. She noted that the notices are published in the newspaper and on the City website.

Commissioner Benefield expressed concern about using the building for emergency issues. She said she checks out the parking a couple of times per day and she thinks it’s working well. She recommended revisiting the issue in a year unless the center applies for other uses.

Chair La Fevers thanked the center for making an effort to be a good neighbor and to work within the conditions of their permit. He said he supports the concept of an annual report and that he is willing to entertain concepts for additional uses at a future date.

Commissioner Allen agreed with Benefield and La Fevers’ comments.

Commission Moyer said he would continue to take into consideration the neighbors’ concerns. He said the center has shown it can be a good and responsible neighbor. He noted that the L-shaped building and interior parking minimize impacts.

Commissioner Callender concurred with other Commissioners’ comments. He said he would be interested in hearing from the community about the parking situation if the Saturday uses are to be expanded.

Michelle Robertson thanked the Planning Commission for their feedback and said the center wants to be a good neighbor and will consider everything said.

Community Development Director Jackie Campbell said she had included information about the center’s intention to expand in the staff report as an opportunity to inform the public. She said she hoped communication lines had been opened.

MOTION

Commissioner Allen moved and Commissioner Moyer seconded that the Planning Commission receive the report. Chair La Fevers noted that another report will be scheduled for January of 2011. The motion was passed 5-0.

**Caltrans Highway 101 HOV Lane Planner: Jonathan Leech
 Project #09-1500-CUP/CDP**

Hearing on the request of the California Department of Transportation (Caltrans) to consider Case No. 09-1500-CUP/CDP [application filed April 14, 2009] for a

Conditional Use Permit and a Coastal Development Permit to allow the construction of a part-time High Occupancy Vehicle (HOV) Lane within the median of the existing highway under the provisions of the Carpinteria Municipal Code and the Transportation Corridor Land Use Designation; and to accept the Mitigated Negative Declaration prepared by Caltrans pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Noise, Public Facilities, Recreation, Transportation and Water Resources. The application involves 2.2 miles of Highway 101 between the eastern City boundary at Highway 150 and approximately ½ mile west of the Bailard Overpass.

Jonathan Leech, contract planner from Dudek, presented the staff report. He conducted a powerpoint presentation and gave a project description, an overview of the existing situation and a summary of the environmental review document. He also highlighted the issues and provided a policy analysis. He said staff was recommending that the Commission approve the project.

The Commissioners asked questions. Regarding the location of the staging area, Community Development Director Jackie Campbell said it was likely it would take place at the Highway 150 interchange, and that a condition was included in the plan that states staging areas that support the Ventura County portion of the project cannot be located within the City of Carpinteria.

About what options the Commission would have if they found aspects of the Mitigated Negative Declaration (MND) inadequate, Mr. Leech explained that if the Commission’s intention is to approve the CUP/CDP, they need to make a determination in their minds that it is adequate. If they don’t find it adequate, they need to require additional information from Caltrans or City staff.

Regarding the process used to determine whether a sound wall would go up, Mr. Leech explained that the affected property owners received ballots and more than one-half had to approve construction of the wall. He said a meeting was held with Bailard area residents and most did not want to give up their ocean views and voted to reject sound walls in the area. With respect to noise during construction, he said if it occurs outside the standard construction hours that the policy is to provide the residents lodging nearby in a hotel or motel.

PUBLIC HEARING OPENED

Chair La Fevers opened the public hearing at 7:00 p.m.

Erinn Petersen of GPA Environmental, representing Caltrans District 7, explained that the project has been in the pipeline since 2001 and is part of a greater regional plan. She said hours have been spent doing public outreach and meeting with staff, the ARB and other agencies. She said they feel a consensus has been reached in this jurisdiction and they are asking the Commission to approve the project.

Pat Kistler from the regional Chamber of Commerce said that Traffic Solutions held a meeting on December 17th in Carpinteria and that more meetings will be held to inform employers about commuting during the construction. She said this project is an important part of the regional transportation improvement plan.

PUBLIC HEARING CLOSED

Chair La Fevers closed the public hearing at 7:05 p.m.

Commissioner Callender asked about hours of operation for the HOV lane. Mr. Leech explained that studies need to be finalized before times are determined. He

said other district areas designated times between 5:00 and 9:00 a.m. and 4:00 to 7:00 p.m., Monday through Friday. At all other times, the lane is available to all traffic. He said the lane is only to be used at these peak traffic times by vehicles with more than one occupant, motorcycles and alternative fuel vehicles.

In response to a question from Chair La Fevers whether tonight’s action would be preliminary, Community Development Director Jackie Campbell explained that their action would be final but appealable by the City Council. She said the City’s approval would not be final until all other agencies have acted to approve their segments of the project.

Commissioner Benefield said she has driven the stretch of highway for 45 years and it has gotten worse and worse and help is needed. She said HOV is the way to go and she recommends approval for the project the way it is.

Commissioner Moyer agreed with Benefield. He commented that he attended a traffic meeting where a speaker said, “Build it and they will come.” He said he rides the MTD bus and the lane might encourage more commuters to use the bus. He said he would support the resolution.

Commissioner Allen said the project is well mitigated and less impacting than other projects they have seen. He expressed support.

Commissioner Callender said he can support the MND and that the lane is a small step in the right direction.

Chair La Fevers concurred with the others and said the project is long overdue. He expressed full support for it.

MOTION
 Commissioner Benefield moved and Commissioner Callender seconded that the Planning Commission approve the resolution for the Caltrans 101 HOV project 09-1500, adopt the findings for the CUP and CDP, and accept the MND prepared by Caltrans. Motion was passed 5-0.

BREAK
 Chair La Fevers called for a break at 7:18 p.m. The meeting reconvened at 7:21 p.m.

OTHER BUSINESS

The Planning Commission discussed the Pardon Oil and Gas Development Initiative and ways the Commission can offer assistance to the City Council in review of the land use issues raised by the proposed Initiative.

Commissioner Allen disclosed that he lives in proximity to the project site, has an interest in real property that might be affected by the Pardon Initiative and said he is required to excuse himself due to conflict of interest.

Community Development Director Jackie Campbell gave a short presentation. She stated that per the Planning Commission’s request at the last meeting, a discussion item was placed on this agenda so the Commission could discuss how to participate in supporting the City Council in their decision of whether or not to take a position on the Initiative. She said the City Council’s discussion is scheduled for January 11th and that a draft letter from the Commission has been prepared to include in the City Council staff report. The letter asks that the Council consider either requesting a meeting with the Planning Commission to receive its input regarding taking a position on the Initiative, or request that the Commission provide written recommendations to the Council regarding taking a position on the Initiative.

OTHER BUSINESS

Commissioner Callender said he would be happy if the Commission could discuss the question of whether there should be a chance for public input on whether they should play a role. Chair La Fevers stated that it was his preference to not open a public hearing.

Commissioner Benefield felt strongly that they should discuss their views on how the Initiative will affect land use issues. She said at some point, they should say something beyond saying that they want to meet.

Deputy City Attorney Alexandra Barnhill explained that the Commission's role tonight is limited in that they are to discuss the role they will play in supporting the City Council and not take a position on the Initiative as a Commission. She suggested that the Commissioners may participate as private citizens at the January 11th meeting and/or at other hearings. She explained how each Commissioner plays two roles: as a public official abiding by state law and as a private citizen with first amendment rights.

Commissioner Benefield said that as a Planning Commission they need to make important issues known to the City Council. She noted that you can't expect busy people to know what will happen to land use laws, and that with no EIR, a huge chunk of planning will be taken away. She expressed concern that if all is left to popular vote that there will be a problem. She said she is available to help the City Council write an opinion regarding the project.

Chair La Fevers stated that the proposed letter is quite strong in its request that the City Council consider the Commission's input in the process.

Commissioner Callender stated that he shares Benefield's frustration with how the process is playing out and he would like to see the Commission play a larger role than just telling the City Council they have an opportunity for their input. He said he shares her view that the Initiative will have an enormous impact on the planning process and expressed frustration that it is designed to circumvent their role. He said it is their responsibility to not only go to the City Council, but to educate voters of the impacts on land use. He suggested placing this item on every public hearing from now until the election and analyzing impacts of the Initiative.

Commissioner Moyer said the key is to try to help educate the voters as much as possible and avoid litigation. He said he supports sending a letter to the City Council and being of whatever service the Council wants the Commission to be.

Chair La Fevers said he agrees it is an appropriate role for the Commission to play, to help the community and the City Council understand the impacts the Initiative can bring. He said he is cognizant of staff's effort to keep the Commission informed. He noted that the issue is not a normal one and is being handled at the City Council level and staff is doing a fine job illuminating the City Council of the issues. He said the Commission must work with time constraints and staff resources. He said it is appropriate to ask the City Council to consider their request to be heard and he supports the proposed letter. He asked the other Commissioners to support it, as well.

Commissioner Benefield agreed with Chair La Fevers. She suggested providing to the City Council a list of topics, covered in an organized way, that are important to them as a Planning Commission. She said she is in total support of the letter.

Commissioner Callender expressed support for the letter as drafted and said he would be happy to go beyond the letter and meet with the City Council. He said he is mindful of staff's limited resources. He said there is a lot of information that

