



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

June 21, 2006

#### CALL TO ORDER:

Bettie Weiss, City Planner, called the meeting to order at 1:03 p.m.

#### STAFF PRESENT:

Bettie Weiss, City Planner  
Harwood A. White, Jr., Planning Commissioner  
Danny Kato, Senior Planner  
Roxanne Milazzo, Associate Planner  
Chelsey Swanson, Assistant Planner  
Kathleen Kennedy, Assistant Planner  
Kathleen Goo, Staff Hearing Officer Secretary  
Deana McMillion, Administrative/Clerical Supervisor

#### I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
**\*\*None were made.\*\***
- B. Announcements and appeals.  
**\*\*None were made.\*\***
- C. Comments from members of the public pertaining to items not on this agenda.  
**\*\*No one wished to speak.\*\***

#### II. PROJECTS:

##### ACTUAL TIME: 1:04 P.M.

- A. APPLICATION OF SHERRY & ASSOCIATES, FOR SCOTT SLATER, 25 VIA ALICIA, APN 015-311-006, E-1 RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2004-00158)

The project consists of a major remodel and 1,000 square feet of additions to an existing 2,000 square foot single family residence. A Modification was approved for these improvements on August 11, 2004. Failure to obtain the required building permits resulted in expiration of the Modification approval. This is a request to reinstate that approval.

The discretionary application required for this project is a Modification to permit additions and alterations to portions of the residence located within the required thirty-foot (30') front yard setback

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (ENV2004-00158).

Case Planner: Roxanne Milazzo, Associate Planner

Email: [rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov)

Dawn Sherry, architect, present.

Roxanne Milazzo, Assistant Planner, gave the Staff presentation and recommendation.

Ms. Weiss announced that she read the Staff Report recommendation for the proposed project and also visited the site and surrounding neighborhood.

The Public Hearing was opened at 1:09 p.m., and with no one wishing to speak, it was closed.

**ACTION:** **Assigned Resolution No. 028-06**

Approve the project by making the findings that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:10 P.M.**

**B. APPLICATION OF WM. HOWARD WITTAUSCH FOR JANET NANCARROW FRENCH 1680 FRANCESCHI ROAD, APN 019-102-028, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2005-00176)**

The project consists of a 310 square foot "as-built" Yurt accessory structure. The structure, which was built without permits, was constructed within the front and required thirty-five foot (35') front yard setbacks. On April 20, 2005, the Modification Hearing Office made the required findings and approved the structure as it exists. Failure to obtain the required building permit resulted in the expiration of the Modification approval. This is a request to reinstate that approval.

The discretionary application required for this project is a Modification to permit an accessory structure within the front yard and the required thirty-five foot (35') front yard setback (SBMC §28.87.160 & 28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (ENV2004-00414).

Case Planner: Roxanne Milazzo, Associate Planner

Email: [rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov)

Howard Wittausch, architect; and Janet Nancarrow French, property owner, present.

Roxanne Milazzo, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 1:17 p.m. and with no one wishing to speak, it was closed.

Ms. Weiss announced that she read the Staff Report recommendation for the proposed project and visited the site and surrounding neighborhood, and that she was specifically seeking clarification on the setback distances.

**ACTION:**

**Assigned Resolution No. 029-06**

Approve the project making the findings that the project does not violate the purpose and intent of the Zoning Ordinance and that the Modification is necessary to secure the improvement which is appropriate for the site, and with the following conditions:

1. The Approval is for the structure as presently proposed, and involves the same canvas materials, the color of the materials, and the height and shape of the structure. Any repair or replacement of any part of the structure shall be replaced in kind with the same materials.
2. Upon sale of the property, this structure could be relocated as long as it is not in the front yard setback of the back yard without the need for another modification for the accessory building in the remaining front yard. There are other opportunities for other kinds of accessory buildings utilizing up to 500 square feet.

Ms. Weiss asked the applicant if they understood the amended Conditions of Approval, and the applicant replied positively.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:27 P.M.**

**C. APPLICATION OF JOHN KELLEY, FOR MR. & MRS. EARDLEY, 618 MIRAMONTE DRIVE, APN 035-252-004, E-1 ONE-FAMILY RESIDENCE ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00228)**

The 12,000 square foot project site is currently developed with a 3,800 square foot residence with attached 2-car garage. The proposed project involves a remodel and new front porch.

The discretionary application required for this project is a Modification to allow the new porch and door and window alterations within the required thirty-foot (30') front and ten-foot (10') interior yard setbacks (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (ENV2006-00228).

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov)

John Kelley, architect, present.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 1:29 p.m., and with no one wishing to speak, it was closed.

Ms. Weiss announced that she read the Staff Report recommendation for the proposed project and visited the site and surrounding neighborhood, and has a concern with the parking that currently exists in the front yard in violation of the Zoning Ordinance.

**ACTION:** **Assigned Resolution No. 030-06**  
Approve the project by making the findings that the Modification is necessary to secure an appropriate improvement on this lot and is consistent with the purpose and intent of the Zoning Ordinance, with the condition that the all improvements in the setbacks shall be shown clearly on the building permit plans. The applicant shall work with City Transportation Division staff and study options to minimize the paving, yet still allow for a proper turning radius for a safe paved turn around egress from the site.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:34 P.M.**

**D. APPLICATION OF DAVID WINITZKY FOR FERER-NISSENSON FAMILY TRUST, 2027 SANTA BARBARA STREET, APN 025-322-002, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00167)**

The project consists of demolition of an existing swimming pool, garage, and driveway and the construction of a new pool, two-car garage with accessory above, and a 450 square foot addition to the lower level of the residence.

The discretionary application required for this project is a Modification to permit:

1. A garage and accessory space to be located within the required thirty foot (30') front yard setback facing Green Lane (SBMC §28.15.030);
2. An accessory structure in the front yard (SBMC §28.87.160); and,
3. A fence to exceed three and one-half feet (3 ½') in height when located along a front lot line (SBMC §28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (ENV2006-00167).

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov)

David Winitzky, architect; and Mike Nissenson, property owner, present.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

Ms. Weiss requested clarification from the applicant regarding the vegetation (hedges) and the new fence modification related to the pool enclosure, i.e., proper fencing for the pool enclosure, and if any trees are being moved in the relocation of the garage.

Ms. Weiss announced that she read the Staff Report recommendation for the proposed project, visited the site and surrounding neighborhood, and reviewed the ABR comments, and concurred with the ABR comments regarding the setback requirements for the pool and staff's comments regarding the garage requirement at 20 feet. Since the variety of structures in the neighborhood is mixed, both the structure and the parking improvement are deemed acceptable.

The Public Hearing was opened at 1:45 p.m., and with no one wishing to speak, it was closed.

**ACTION:**

**Assigned Resolution No. 031-06**

Approve the project by making the findings that the benefits of the Modification are necessary to secure an appropriate improvement on the site meets the purpose and intent of the ordinance while eliminating both the existing garage which currently encroaches into the required interior yard setback, and the driveway on Santa Barbara Street, which currently creates a zoning violation with open, exposed parking in the required front and interior yard setbacks and with the following conditions:

1. To remove the paving of the driveway on Santa Barbara Street.
2. The fence and hedge heights shall match and remain in compliance with the Zoning Ordinance consistent with the modification request as shown on the plan.

Ms. Weiss announced the ten calendar day appeal period.

\*\*The Hearing recessed from 1:47 p.m. to 1:51 p.m.\*\*

**ACTUAL TIME: 1:51 P.M.**

**E. APPLICATION OF RAYMOND APPLETON, AGENT FOR PETE AND DEBBIE VEUGER, 827 SPRING STREET, APN 031-051-004, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2006-00170)**

The 2,500 square foot project site involves a construction project involving the demolition of an existing residence and garage and the “as-built” construction of a two-car garage with a two-story residence above and swimming pool. The discretionary applications required for this project are Modifications to permit:

The residence to be located within the required twenty-foot (20’) front and six-foot (6’) interior and rear yard setbacks (SBMC §28.18.060); and,

Reduction to the required 1,250 square foot open yard area (SBMC §28.18.060); and,

A swimming pool to be located within the required fifteen-foot (15’) front yard setback (SBMC §28.87.060); and,

Walls along the driveway to exceed 3-1/2 feet within 10 feet of either side of the driveway for a distance of 20 feet back from the lot line. (SBMC § 28.87.170).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301.

Case Planner: Roxanne Milazzo, Associate Planner  
Email: [rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov)

Raymond Appleton, agent; and Pete and Debbie Veuger, property owners, present.

Danny Kato, Senior Planner, gave the Staff presentation and recommendation.

Ms. Weiss announced that she reviewed the Staff Report recommendation and photos of the surrounding neighborhood of the proposed project, and visited the site.

The Public Hearing was opened at 2:18 p.m., and with no one wishing to speak, it was closed.

Planning Commissioner White inquired whether story poles were used which might have assisted in clarifying the mass, bulk, and scale of the proposed structure.

Ms. Weiss commented that the original application did not require ABR review. Currently, a proposed two-story home with additional square footage encroachment into the front yard setback requires ABR review.

The applicant submitted a revised plan with additional setback of 2 feet for the third-story.

Ms. Weiss concurred with staff support for the revised plan provided the applicant complies with the one remaining change on the plan for the swimming pool to be setback to the water's edge of 15 feet, thus conforming to the Zoning Ordinance and negating the need for a Modification.

**ACTION:**

**Assigned Resolution No. 032-06**

Approve the revised project by making the findings that the Modifications for the interior setback encroachments, the overheight walls in within 10 feet of the driveway, the second-story front setback encroachment at 14 feet, and the third-story front setback encroachment at 16 feet are consistent with the purpose and intent of the Ordinance and necessary to secure an appropriate improvement on this small, 2,500 square foot residential lot.

Ms. Weiss announced the ten calendar day appeal period.

**\*\*The Hearing recessed from 2:39 p.m. to 2:42 p.m.\*\***

**ACTUAL TIME: 2:42 P.M.**

**F. APPLICATION OF LAURA HANSON DESIGN, AGENT FOR STEPHEN F. LEROY, PROPERTY OWNER, 420 W. GUTIERREZ STREET, APN 037-191-007, R-4: MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2004-00007)**

The project consists of a proposal to convert an existing two-story, three-unit apartment building into three condominium units. The existing building consists of one (1) two-bedroom unit, two (2) three-bedroom units and four attached covered parking spaces. Unit A is an existing 825 square foot, two-bedroom unit that would

be converted to a 750 square foot, one-bedroom unit with an attached one-car garage. Unit B is an existing 1,293 square foot, three-bedroom unit that would be converted to a 1,374 square foot, two-bedroom unit with an attached two-car tandem garage. Unit C is an existing three-bedroom unit that would be increased from 1,158 to 1,187 square feet with an attached two-car garage. An exception to the physical standard requirements for condominium conversions, to allow only one parking space for Unit A instead of two, is requested.

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision for the conversion of three residential units into condominium units (SBMC§27.07); and
2. Condominium Conversion Permit to convert three residential units to three condominium units, including a waiver of the parking requirements (SBMC§28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Case Planner: Kathleen Kennedy, Associate Planner

Email: [kkennedy@SantaBarbaraCA.gov](mailto:kkennedy@SantaBarbaraCA.gov)

Laura Hanson, designer; and Stephen F. Leroy, property owner, present.

Kathleen Kennedy, Associate Planner, gave the Staff presentation, recommendation, and changes to the current project design per comments from both the Planning Commission and the ABR.

Ms. Weiss clarified that the conversion of the three existing units with a greater bedroom count would result in the same number of required parking spaces as with fewer bedrooms. Staff concurred that what is actually requested is not a parking modification, but an "exception" allowed by the condominium conversion ordinance.

The Public Hearing was opened at 2:50 p.m., and with no one wishing to speak, it was closed.

Planning Commissioner White stated that the proposed project was a dramatic improvement, and deemed it a credit to the neighborhood. Mr. White also agreed with Ms. Weiss that the ABR should review the landscaping, and the materials to be "called out" on the plans to ensure they are developed on the site.

**ACTION:**

**Assigned Resolution No. 033-06**

Approve the requested condominium conversion project with the findings that all provisions of the Condominium Conversion Ordinance are met and that the three existing units and the project description as proposed with the condition that the landscape plan returns to ABR for design review. Approve the project by making



the findings that the tentative subdivision map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The Conditions of Approval shall be revised in terms of direction to the ABR for the landscape plan, requiring curbing between the driveways of Unit B and C, and appropriate drought tolerant low-maintenance landscaping.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 2:57 P.M.**

**G. APPLICATION OF MR. BRENT DANIELS, AGENT FOR BOLLINGER FAMILY TRUST, PROPERTY OWNER, 687 GROVE LANE, 057-263-018, E-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS/ACRE (MST2005-00814)**

The project includes a proposal to subdivide a 38,891 square foot lot to create two (2) parcels of 22,600 square feet and 16,291 square feet in the E-3/SD-2 Zone. One of the proposed lots (Lot A) contains an existing single-family residence that would remain on the property, and no new development is proposed on either lot as part of this application. A street frontage modification would be required for proposed Lot A.

The discretionary applications required for this project are:

1. A Modification to provide less than the required 60 feet (60') of frontage along a public street in the E-3 Zone (SBMC § 28.15.080); and
2. A Tentative Subdivision Map to create two new lots (SBMC § 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15315, Minor Land Divisions.

Case Planner: Chelsey Swanson, Assistant Planner  
Email: cswanson@SantaBarbaraCA.gov

Brent Daniels, agent; Mr. Gary Bollinger, property owner; and Ms. Victoria Johnson, Project Planner, present.

Chelsey Swanson, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 3:03 p.m.

Kathleen Sawyer, an adjacent neighbor, explained history of the property and expressed concern regarding the proposed project's encroachment into her privacy, and other aesthetic and density issues.

Janet Millar, easterly neighbor, requested clarification regarding the proposed project's shared driveway, the need for the requested modification on the front lot, and whether the proposed project would be forwarded on to the Planning Commission.

Rick Sawyer, neighbor, expressed concern regarding the proposed project's large size in overlooking adjacent properties thereby causing privacy issues. He also requested size and height limit restrictions on the proposed lot-split development with no further lot-splits allowed for the area.

Helen Dolan, neighbor, expressed concern regarding privacy issues of the proposed project.

Mr. White, Planning Commissioner, commented on the compatibility issues of concern of the proposed project, the second-story northern addition, and the applicant's accommodations to the northerly neighbors. It was further requested that if the modification is approved and then reviewed by the ABR, that the Board focus their attention on the northerly second-story section of the proposed project.

The Public Hearing was closed at 3:27 p.m.

Comments and questions posed by Ms. Weiss to Ms. Victoria Johnson, Project Engineer:

Questioned the necessity of a mid-block street light fixture.

Suggested a precursor to the Conditions of Approval that the applicant shall provide survey distance information regarding the existing streetlights to the Streets Facilities Manager to determine if the existing mid-block streetlight condition satisfies the requirements for the area.

Ms. Weiss, and the applicant, agreed that a 10 foot setback be added to the easterly side of the proposed lots into the interior yard would be more acceptable.

Ms. Weiss stipulated that such a two-story development shall be required to be reviewed by the ABR, as a building envelope restriction and to exclude the existing structures.

**ACTION:**

**Assigned Resolution No. 034-06**

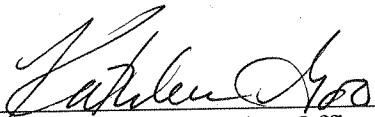
Approval of the Modification and the Tentative Subdivision Map making the findings contained in Staff Report and subject to Conditions of Approval.

Ms. Weiss announced the ten calendar day appeal period.

**III. ADJOURNMENT**

Ms. Weiss adjourned the meeting at 4:00 p.m.

Submitted by,



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Kathleen Goo, Staff Hearing Officer Secretary