



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

September 27, 2006

CALL TO ORDER:

Bettie Weiss, City Planner called the meeting to order at 1:02 p.m.

STAFF PRESENT:

Bettie Weiss, City Planner
Danny Kato, Senior Planner
Brenda Beltz, Planning Technician II
Kathleen Goo, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
No requests.
- B. Announcements and appeals.
Ms. Weiss announced the following pending appeals to the Planning Commission:
- 3408 & 3412 State Street scheduled for the October 5th Planning Commission meeting.
 - 625 Flora Vista Avenue scheduled for the November 2nd, Planning Commission meeting.
- C. Comments from members of the public pertaining to items not on this agenda.
No comments.

II. PROJECTS:

ACTUAL TIME: 1:03 P.M.

A. APPLICATION OF MANUEL CONTRERAS, 832 ORANGE AVENUE, APN 037-024-002, R-3 MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS PER ACRE (MST2005-00657)

The 5,600 square foot project site has frontage onto Orange Avenue and a public alley at the rear. Current development on site consists of two (2) single-family residences. The proposed project involves demolition of the rear unit and construction of a 2,200 square foot attached two-story residence with 2-car garage and two (2) uncovered parking spaces. The discretionary application required for the project is a Modification to permit the new garage and uncovered parking to be located within the required interior yard setbacks (SBMC §28.21.060).

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

Manuel Contreras, Applicant; and César Cruz, Designer, present.

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

The Public Hearing was opened at 1:05 p.m. and, as no one wished to speak, was closed at 1:06 p.m.

Ms. Weiss announced that she visited the site and surrounding neighborhood, and read the Staff Report and the Historic Landmarks Commission's (HLC) comments on the demolition and addition in terms of any historic architectural matters for the proposed project.

Ms. Weiss stated she supports staff's recommendations regarding the three foot setback being acceptable for a garage structure in an uncovered parking space, the Architectural Board of Review's request for a pedestrian walkway, the appropriate and consistent parking design, and the building footprint and location off the property line.

Ms. Weiss stated she supported the Historic Landmark Commission and Architectural Board of Review concerns regarding the architecture and the design massing of the proposed project, and clarified for the applicant that a return for review by the ABR for design massing and architecture will be necessary.

ACTION:

Assigned Resolution No. 059-06

Approve the parking spaces in the interior setbacks as proposed for the project, making the findings that the Modifications are consistent with the purposes and intent of the Zoning Ordinance; and the Modifications are necessary to secure an appropriate improvement on the lot, with the condition that the proposed window for the south wall of the garage be removed.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 1:10 P.M.

B. APPLICATION OF KENNETH & JANE HAHN, 644 CALLE RINCONADA, APN 053-063-010, E-3 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2006-00111)

The 7,000 square foot project site is currently developed with a 1,700 square foot single-family residence and attached one-car garage. The proposed project involves 626 square feet of new living space on the first and second floors and a 270 square foot expansion of the existing garage. The discretionary application required for this project is a Modification to permit the garage expansion to be located within the required front and 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 15305.

Kenneth & Jane Hahn, Property Owners/Applicants, present.

Ms. Weiss announced that she read the Staff Report and gained a sufficient understanding of the proposed project from the provided site photo documentation that she felt it was unnecessary to visit the site and surrounding neighborhood.

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

The Public Hearing was opened at 1:13 p.m. and, as no one wished to speak, was closed at 1:14 p.m.

Ms. Weiss concurred with staff recommendation to find the minor encroachment of the garage expansion into the required front and interior yard setbacks as necessary, appropriate, and a uniformity of improvement in terms of the Code.

ACTION:

Assigned Resolution No. 060-06

Approve the project, making the findings that the minor expansion into the required front and interior setbacks is necessary to secure an appropriate improvement, promotes uniformity of improvement and is consistent with the purpose or intent of the Zoning Ordinance, with the condition that the window on the north wall of the garage remains the same size.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 1:16 P.M.

C. APPLICATION OF HUGH TWIBELL, 2211 ELISE WAY, APN 041-325-003, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2006-00501)

The 6,200 square foot project site is currently developed with a 932 square foot single-family residence and one-car carport. The proposed project involves a 462 square foot first floor addition, a new entry porch, and two accessory rooms connected by a patio cover. The discretionary application required for the project is a Modification to permit the addition to be located within the required interior yard setback (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 15305.

Hugh Twibell, Applicant, present.

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

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

The Public Hearing was opened at 1:18 p.m. and, as no one wished to speak, was closed at 1:19 p.m.

Ms. Weiss concurred with staff's condition regarding reducing the height of the hedges, and informed the applicant that the hedges must comply with zoning ordinance height requirements and regulations.

ACTION:

Assigned Resolution No. 061-06

Approve the project making the findings that the proposed addition is a uniform improvement and since there will be no new openings proposed in the area of the setback, aside from the new bathroom window, the Modification is consistent with the purposes and intent of the Zoning Ordinance and the Modification is necessary to promote uniformity of improvements. Said action is subject to the conditions that all hedges on site are brought into compliance with zoning ordinance height regulations, the new window in the master bathroom is to be constructed with glass block, and that the illegal accessory building is to be relocated out of the setbacks.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 1:21 P.M.

D. APPLICATION OF THOMAS MORAN, 935 CARRILLO ROAD, APN 029-262-013, E-1 SINGLE-FAMILY ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2006-00387)

The 8,620 square foot project site is currently developed with a 1,600 square foot two-story single-family residence, a detached one car garage and an unpermitted 175 square foot detached accessory structure. The proposed project is a request to legalize the detached accessory structure. The discretionary application required for the project is a Modification to allow an accessory structure to be located within the required interior and rear 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.

Thomas Moran, Property Owner/Applicant, present.

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

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

Mr. Kato expressed concern that the applicant's letter seemed to imply that the proposed accessory structure is intended for use as a child care facility.

Ms. Weiss requested the applicant to clarify the electrical line near the accessory structure and it was demonstrated that it relates to other lighting. The applicant stated that the proposed accessory structure has no lighting of its own with only an outlet for gardening in the general vicinity.

The Public Hearing was opened at 1:34 p.m.

Mr. Michael (Matt) Kelly, adjacent neighbor, expressed concern regarding the accessory structure and parking impact issues, and briefly explained the permitted and unpermitted history of the proposed structure, which is fully visible from his adjacent property. Mr. Kelly also proposed that the accessory structure seems to be intended as living quarters given the way it is constructed. He stated that if the accessory structure was outside the setback and intended to be a shed or gazebo, no objection would be raised; however, if the intent is a permanent livable structure, then his and other adjacent neighbors are submitting their objection to allow the accessory structure to be built.

The Public Hearing was closed at 1:46 p.m.

Ms. Weiss clarified that the Zoning Ordinance states that a property owner is allowed an accessory building with allowable use, and not just a storage shed. An accessory structure can have utilities such as electricity and water and plumbing for a half-bath, but not a full bath, but the building must be located outside the setback.

Ms. Weiss stated that she concurs with staff and cannot find the requested modification consistent with the Zoning Ordinance due to staff's recommendations for denial, the concern of an affected adjacent neighbor, and the door and window improvements as proposed and partially constructed which encroach into the side yard setbacks along the property line of the adjacent neighbor.

Ms. Weiss suggested that, if the applicant is willing to modify the accessory structure's design and shape to ensure no encroachment into the side yard, she would be willing to approve the minor encroachment of the rear corner of the accessory structure, and staff concurred.

Ms. Weiss clarified for the applicant the options presently available to the applicant are to appeal the decision by this hearing, demolish the structure with the appropriate demolition permit, or revise/redesign the structure.

Ms. Weiss further clarified for the applicant that since the building permit has expired, void, and is no longer a valid permit, it is necessary that some action be taken to resolve the matter. Ms. Weiss further explained to the applicant that even though the Zoning Ordinance allows a habitable detached accessory structure, it must strictly conform to the Building Code or a violation could ensue, and all permits must be kept valid.

ACTION:

Assigned Resolution No. 062-06

Deny the side yard encroachment of the project within the required interior setbacks on the basis that the project does not meet the purpose and intent of the Zoning Ordinance, does not provide a sufficient buffer zone, and it not necessary to provide an appropriate improvement.

Approve the minor rear yard encroachment of the accessory structure for purposes of a revised project, and said action is subject to the condition that all hedges on site are brought into compliance with Zoning Ordinance height regulations, and that the illegal spa be relocated out of the setback and permitted.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 1:50 P.M.

E. APPLICATION OF R. BRIAN NELSON FOR SANTA BARBARA VALERIO LLC, 1703 SANTA BARBARA STREET, APN 027-111-008, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00454)

The 6,300 square foot project site is located on the corner of Santa Barbara and Valerio Streets. Current development on site consists of a 3,000 square foot duplex and attached two-car garage. The proposed project involves conversion of the duplex to a single-family residence, a 393 square foot two-story addition and elevator, exterior door, window, and stairwell alterations, and site/landscape improvements. The discretionary application required for this project is a Modification to permit alterations, installations, and additions within the required interior, open, and both front 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 15305.

R. Brian Nelson, Applicant/Architect, present.

The Public Hearing was opened at 1:51 p.m.

Ms. Rebecca Hardin, adjacent neighbor at 135 E. Valerio Street, expressed support for the proposed project since the previous owner's allowed the property's decline. She believed the proposed detached home will reduce density and parking needs, observe privacy needs of the adjacent neighbors, and the proposed architectural design is in keeping with the area's diverse design and scale, and submitted a letter stating such.

The Public Hearing was closed at 1:52 p.m.

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

Danny Kato, Senior Planner, gave the Staff presentation and recommendation, and informed the applicant that the proposed project requires review by the ABR, and apologized for previously missing the requirement.

Ms. Weiss addressed issues of tenant displacement with regard to the proposed Tenant Relocation Assistance Ordinance which should be in effect by the time the proposed project begins construction, and stated that she believes that any tenants in residence within the last six months should be duly compensated for their displacement according to the proposed Ordinance.

Ms. Weiss found the side and front yard modifications acceptable as presented, but requested clarification for her concerns that the site requested will reduce the open yard.

Ms. Weiss confirmed staff's determination that the use of the garage deck within the setback is an allowed use for all the development along the alley.

Mr. Kato clarified for the applicant that the lot expansion of the building footprint does not meet the location requirements of the open yard which means that it is non-conforming as to its location, size and dimensions. Ms. Weiss further clarified that it is not acceptable to reduce any yard when the site itself is non-conforming, i.e., intensifying the non-conformance.

Ms. Weiss concurred with staff to refer the applicant to the ABR for review and input on conformance with regard to the size of the building and lot, elevations, building footprint expansion with resultant open yard modification and reduction of the open yard.

ACTION:

The proposed project is continued to the November 8, 2006 modification hearing, and referred to the Architectural Board of Review for concept review and input on conformance with regard to the size of the building and lot, elevations, building footprint expansion with resultant open yard modification and reduction of the open yard.

III. ADJOURNMENT

Ms. Weiss adjourned the meeting at 2:14 p.m.

Staff Hearing Officer Minutes
September 27, 2006
Page 9

Submitted by,

Kathleen Goo, Staff Hearing Officer Secretary