



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

NOVEMBER 8, 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  
Roxanne Milazzo, Associate Planner  
Chelsey Swanson, Assistant Planner  
Irma Unzueta, Project Planner  
Stacey Wilson, Associate Transportation Planner  
Kathleen Goo, Staff Hearing Officer Secretary

### I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

No requests. Announcements and appeals.

Ms. Weiss announced two appeals reviewed by the Planning Commission regarding:

1. 625 Flora Vista, a front and interior yard modification, which the Commission denied the appeal and denied the modification.
  2. 3408 & 3412 State Street, modification and condominium conversion, which the Commission granted the appeal and reversed the SHO modification approval, and there may be an appeal before City Council.
  3. 606 Calle Granada is a pending appeal that may be resolved through staff.
- C. Comments from members of the public pertaining to items not on this agenda.

No comments.

II. PROJECTS:

ACTUAL TIME: 1:04 P.M.

A. 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

R. Brian Nelson, Architect, present.

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

Ms. Weiss noted that open areas were tallied on the plans, indicating that the justification for the modification includes a 400 square foot deck above the garage which also provides the outdoor amenity, and with that, the total square footage calculated for the site exceeds the 1250 square foot maximum.

Ms. Weiss announced that she read the Staff Report and the attached Architectural Board of Review (ABR) minutes and that the Board supported the project with the opinion that the proposed changes were technical in nature. She also announced she had visited the site and surrounding neighborhood.

Mr. Nelson provided photo documentation of the existing retaining wall to clarify safe driveway visibility and Zoning Ordinance height requirements.

Ms. Weiss stated that no modification requests exist for fences, walls, or hedges along driveways, so the applicant is expected to comply with the Zoning Ordinance by either demonstrating existing improvements have permits or by revising the plans to meeting the 3 ½ foot height requirement.

The Public Hearing opened at 1:10 p.m. and, as no one wished to speak, closed at 1:11 p.m.

Ms. Weiss stated that this item was heard at a previous modification hearing in September, and the applicant clarified that the neighbor has already submitted a letter in support of the project.

**ACTION:**

**Assigned Resolution No. 071-06**

Approve the project, making the findings that the Modification is necessary to secure an appropriate improvement on the property and that the additions and alterations proposed within the interior yard, both required front yards and the reduction in the technical area for open yard areas does not violate the purpose or intent of the Zoning Ordinance.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:12 P.M.**

**B. APPLICATION OF COLLEEN KELLY FOR KELLY, RAMIREZ, & WILSON, 1229 GILLESPIE WAY, APN 039-141-003, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2005-00694)**

The 8,000 square-foot "L" shaped lot has frontage onto both Gillespie Way and W. Victoria Street. Current development on site consists of two (2) single family residences, a 1-car carport, and one uncovered parking space. The proposed project involves remodeling of the rear house including a new front and rear porch, conversion and expansion of the existing attic area, demolition of the 1-car carport, and replacement with a 1-car garage and one uncovered parking space. The discretionary application required for this project is a Modification to permit the new garage and the uncovered parking space to be located within the required front (facing Gillespie Way) and interior yard setbacks (SBMC §28.18.060 & 28.90.100).

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

Colleen Kelly, Applicant/Designer and Co-owner; and Paige Wilson, Co-Owner, present.

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

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

Ms. Milazzo clarified that the R2 zone standard for a single-family one-story structure would be 15 feet, and for a second-story portion or a garage facing the street the required setback would be 20 feet.

Ms. Milazzo clarified that staff is proposing to allow portions of the secondary front yard to be utilized as an open yard. Mr. Kato clarified that eventually the Zoning Ordinance will be amended for open yard modifications; which would require only a six-foot interior setback instead of the currently required 20 feet.

The Public Hearing opened at 1:20 p.m.

Mr. Norm Salzman expressed concern regarding congestive parking along the both sides of the alleyway of Gillespie Way.

Even though the alleyway is not posted for no parking or timed parking, Ms. Weiss directed Mr. Salzman to express his concerns to the Public Works' Streets Division. She commented that as more on-site parking issues are resolved and improved, more off-site parking, such as along the alleyway, should also improve.

The Public Hearing closed at 1:22 p.m.

**ACTION:** **Assigned Resolution No. 072-06**

Approve the project, making the findings that the Modification of required front and side yards, for construction of a new garage and an uncovered parking space, is necessary to secure an appropriate improvement by bringing parking into conformance with current parking requirements and that the purpose and intent of the Ordinance is being met.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:24 P.M.**

**C. APPLICATION OF JYL RATKEVICH, AGENT FOR JOHN CHAPMAN, 2202 DE LA VINA STREET, APN 025-183-018, R-4 HOTEL-MOTEL-MULTIPLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2006-00470)**

The 4,500 square-foot lot is located on the corner of De la Vina and Los Olivos Streets. Current development on site consists of a 950 square foot single family residence with detached one-car garage. The proposed project involves a 67 square foot first floor addition, 880 square foot second floor addition, and an additional parking space. The discretionary application required for the project is a Modification to permit the new parking space, which is required by the additional floor area, to be uncovered (SBMC §28.90.100).

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

Jyl Ratkevich, Architect, present.

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

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

The Public Hearing opened at 1:28 p.m.

Mr. George Bowman expressed concern regarding driveway clearance at 8 feet wide to the carport on such a small lot area, and concerns that the owner may decide to create a duplex out of the garage after the proposed project is approved.

Ms. Milazzo responded that the Transportation Division has visited the site, reviewed the proposed driveway situation, and states that there is adequate space for two vehicles.

The Public Hearing closed at 1:30 p.m.

Ms. Weiss expressed concern regarding the practicality of the design of the parking as it appears and is constrained on the plans for use as only one parking space, but commented that the plans indicate that space would not be fenced or walled off for privacy, and encouraged the Transportation Division staff to make the driveway larger but maintain the balance between a servable driveway and to be in keeping with the street frontage of the surrounding neighborhood.

Ms. Weiss expressed concern whether the garage will function as a garage, given it is a shared garage. On her site visit she observed it didn't appear that the garage had been regularly used, prior violation of garage usage, and the requested increased 50%. She determined that the parking space is located in a reasonable location, and the site required a properly designed two-car parking area; covered or uncovered.

Ms. Weiss recommended that applicant work with their surrounding neighbors concerning parking and driveway issues.

**ACTION:**

**Assigned Resolution No. 073-06**

Approve the request by making the finding that the Modification is necessary to secure an appropriate improvement on this property, with the condition that all fences, walls, screens and hedges along the interior and exterior property line shall conform to the Zoning Ordinance standard requirements with no special waiver requested nor granted, the rear porch shall be reduced and the rear door relocated to

provide easy access, with direction to the ABR and staff to review all applicable curb cuts and the driveway slope to ensure sufficiency, and that a Zoning Compliance Declaration shall be recorded on the property to state that there shall be two functioning parking spaces to mitigate illegal usage and ensure that the garage functions for parking at all times.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:44 P.M.**

**D. APPLICATION OF KENT MIXON, AGENT FOR RICK ERICKSON, 1674 LAS CANOAS ROAD, APN 021-072-006, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2006-00581)**

The 77,000 square-foot lot is currently developed with 4,000 square foot residence and an attached 3-car garage. The proposed project involves the conversion of a portion of the garage to accessory space, and the construction of a new detached 1-car garage and 500 square foot accessory room. The discretionary application required for the project are Modifications to permit the new accessory room within the remaining front yard (SBMC §28.87.160) and for existing fences and entry gates to exceed 3 ½' in height when located along or within the first 20' of the 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 Act Guidelines Section 15305.

Kent Mixon, Applicant; and Rick Erickson, Owner, present.

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

Ms. Weiss announced that she read the Staff Report and reviewed the photo documentation for the proposed project.

Ms. Milazzo informed the applicant that staff will not support the request for encroachment permit of the significant 4-foot mutual-use neighborhood mailbox due to driveway visibility issues, and requested the applicant relocate it to a new location out of the public right of way through the proper channels.

Mr. Mixon commented that he feels that the proposed project makes reasonable and comfortable use of the proposed site, and is in keeping architecturally with the original design, style, and materials of the existing house, and minimizes grading and is tucked into the natural slope of the site to minimize visibility.

The Public Hearing opened at 1:53 p.m. and, as no one wished to speak, closed at 1:54 p.m.

**ACTION:** **Assigned Resolution No. 074-06**

Approve the project, making the findings that the Modifications for location of the accessory structure, which is not visible from the street, and the pillars, fence and gates, which do not create visibility or public safety issues, are necessary to secure appropriate improvements and do not violate the purpose or intent of the Ordinance.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:55 P.M.**

**E. APPLICATION OF BRIAN NELSON FOR BOB ROE & SUSAN SHELLER, 203 EL MONTE DRIVE, APN 045-124-008, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2006-00583)**

The 7,700 square foot lot is located on the corner of El Monte Drive and Santa Rosa Avenue. Current development on site consists of a 1,553 square foot single family residence and attached 2-car garage. The proposed project involves a new front porch for the residence. The discretionary application required for the project is a Modification to permit new construction within the required front yard setback facing Santa Rosa Avenue (SBMC§28.15.060).

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

Bob Roe, Owner, present.

Ms. Weiss waived the need for the Staff presentation and recommendation for the proposed project.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood, but expressed concern regarding observed prohibited parking of recreational vehicles within the side and open yard areas.

Ms. Weiss warned the applicant to be aware of Zoning Ordinance against recreational vehicle parking within the side and open yard lot areas, and that Zoning Ordinance violations must be resolved and abated through time schedules of the enforcement program.

Ms. Weiss advised the applicant that any subsequent modification request for a recreational parking space encroachment or screening fence into the side yard would have to be requested at another time and cannot be considered as part of the current modification request.

The Public Hearing opened at 2:02 p.m. and, as no one wished to speak, closed at 2:03 p.m.

**ACTION:** **Assigned Resolution No. 075-06**

Approve the project, making the findings that the Modification is necessary to secure an appropriate improvement on the lot and meets the purpose and intent of the Zoning Ordinance.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 2:04 P.M.**

**F. APPLICATION OF ROBERT STAMPS FOR ARTURO HERRERA, 308 NORTH ALISOS STREET, APN 031-372-024, R-2 ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2006-00350)**

The 8,731 square foot lot is currently developed with a 1,552 square foot duplex with an attached 210 square foot garage. The proposal consists of converting the existing duplex to a single-family residence and constructing a new 1,619 square foot two story residence with an attached 402 square foot two car garage. The proposal includes demolition of the existing carport and storage area, and the existing 540 square foot two-story accessory structure. The discretionary application required for the project is a Modification to allow less than the required 1,250 square feet of open yard area (SBMC §28.1.060.C).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

Robert Stamps, Applicant, present.

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

Ms. Milazzo stated that a recent site visit by staff revealed a violation of the Zoning Ordinance of an enclosed existing carport currently being used for storage for the existing on-site duplex, and that a citizen complaint had been filed with enforcement for abatement.



Ms. Milazzo also requested the applicant to provide assurances that the existing on-site two-story accessory structure is used as a storage structure and not in violation of the Zoning Ordinance requirements for accessory structures.

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

Ms. Weiss clarified for the applicant that Zoning Ordinance violations must be resolved and abated through time schedules of the enforcement program and separate from this review of the requested modification.

The Public Hearing opened at 2:06 p.m. and, as no one wished to speak, closed at 2:07 p.m.

Ms. Weiss concurred with the decisions made by the Architectural Board of Review.

**ACTION:**

**Assigned Resolution No. 076-06**

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement on this property and that the yard areas, as designed, meet the purpose and intent of the Ordinance, and conditional upon resolution of all Zoning Ordinance violations regarding the existing carport and accessory structure.

Ms. Weiss announced the ten calendar day appeal period.

**\*\* THE HEARING RECESSED FROM 2:08 P.M. UNTIL 2:20 P.M. \*\***

**ACTUAL TIME: 2:20 P.M.**

**G. APPLICATION OF KIRK GRADIN, ARCHITECT FOR CCCP, LLC, 822 E. CANON PERDIDO STREET, APN 031-042-006, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2005-00506)**

The proposed project for 822 E. Canon Perdido involves the demolition of two existing residential units and two garages and the construction of four new three-bedroom, two-story condominium units ranging in size from 1,354 square feet to 1,468 square feet, on an 11,250 square foot lot in the C-2 zone. Parking would be provided with four attached two-car garages. The project is processing concurrently with the development of the adjacent property to the north (824 E. Canon Perdido Street) with shared easements for the access drive and utilities. The adjacent property is under a separate application for the development of four residential condominiums.

The proposed project will require the following discretionary application:

Tentative Subdivision Map for a one-lot subdivision with four (4) new condominiums (SBMC §27.07.030 and §27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303, New Construction of Small Structures, and 15315, Minor Land Divisions.

Kirk Gradin, Applicant, present.

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

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

Ms. Weiss requested the applicant to clarify some issues regarding the 16-18 inch drainage swale and the amount of fill, open space adjustments, and inquired about the previously discussed ABR proposal showing reduced building heights.

Ms. Weiss inquired about vegetated alternatives to the engineered concrete structure of the drainage swale, and requested classification of the appearance of the proposed walls and drainage swale.

Mr. Kato inquired about the possibility of using an underground pipe as a substitution for the drainage swale.

Mr. Gradin explained that there not enough fall or slope from the rear to the front for a vegetative swale to function. He explained there would be a potential for flooding caused in the units or neighboring apartments with the use of a vegetated swale and that other materials besides concrete were found to be unfeasible and a liability.

Ms. Weiss addressed additional issues of the landscape plan concerning the location of the trash enclosures, and some additional plantings.

Ms. Weiss reviewed issues concerning the proposed building height, and the project's relationship to the apartment building to the west.

Ms. Weiss concurred with the decision by the Architectural Board of Review regarding both the existing and the proposed building height, and that the design and purpose of landscaping areas are not necessarily useable for outdoor activities or drainage, but noted they work well as architectural elements.

Ms. Weiss asked Mr. Gradin if he thought there was enough open space and useable outdoor living space for this project.

Mr. Gradin noted that the deck areas provide more than the minimum amount of private outdoor living space in the areas that simply don't meet the required dimensions. He explained that the open courtyard area will work as gathering areas and places for kids to play.

The Public Hearing opened at 2:53 p.m. and, as no one wished to speak, closed at 2:54 p.m.

**ACTION:** **Assigned Resolution No. 077-06**

Approve the project, which conforms to the City's Zoning and Building Ordinances and policies of the General Plan, and the size, making the findings outlined in Section VII of the Staff Report, and subject to the Conditions of Approval in Exhibit A; with the addition of Condition I, Section I that the improvements of the wall and kiosk within the Canon Perdido Street setback are not included in this approval.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 2:59 P.M.**

**H. APPLICATION OF CHRISTINE PIERRON, ARCHITECT FOR CANON PERDIDO COTTAGES LLC, 824 E. CANON PERDIDO STREET, APN 031-042-007, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2005-00504)**

The project proposed for 824 E. Canon Perdido Street involves the demolition of a 400 square foot garage and the construction of four new residential condominiums on a lot of approximately 8,053 square feet in the C-2 zone. The project contains one 1,297 square foot two-bedroom unit, and three 842 square foot one-bedroom units. Parking would be provided within four attached two and one-car garages. A Modification is required to allow the roof deck of Unit D to encroach into the required 10-foot second-story rear yard setback. The project is processing concurrently with the development of the adjacent property to the south (822 E. Canon Perdido Street) with shared easements for the access drive and utilities. The adjacent property is under a separate application for the development of four residential condominiums.

The proposed project will require the following discretionary applications:

1. Tentative Subdivision Map for a one-lot subdivision with four (4) residential condominiums (SBMC §27.07.030 and §27.13); and
2. Modification to allow the roof deck for Unit D to encroach into the required ten-foot second story rear yard setback (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 Sections 15303, New Construction of Small Structures, and 15315, Minor Land Divisions.

Christine Pierron, Applicant, and Stacey Wilson, Associate Transportation Planner, present.

Irma Unzueta, Project Planner, gave the Staff presentation and recommendation.

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

Ms. Weiss requested the applicant to clarify some questions regarding enhanced paving, and whether the Conditions of Approval should address parking issues, which the applicant clarified that parking spaces were planned on a "first-come, first-served" in relation to *ownership* and are connected to *unit purchase*.

Ms. Wilson clarified that Transportation was under the impression that the parking spaces were planned according to demand, and as common areas on a physical "first-come, first-served" basis.

The Public Hearing opened at 3:15 p.m. and, as no one wished to speak, closed at 3:16 p.m.

Ms. Weiss clarified with the applicant and staff that there were no expressed concerns from the public.

**ACTION:** **Assigned Resolution No. 078-06**

Approve the project, making that findings outlined in Section VII of this report, and subject to the Conditions Of Approval in Exhibit A; and with the additional Condition A.6.f., that the uncovered parking spaces shall be a common amenity to be used by the residents of Units B, C, and D.

Ms. Weiss announced the ten calendar day appeal period.

**III. ADJOURNMENT**

Ms. Weiss adjourned the meeting at 3:16 p.m.

Submitted by,



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Kathleen Goo, Staff Hearing Officer Secretary