



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

MAY 9, 2007

CALL TO ORDER:

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

STAFF PRESENT:

Bettie Weiss, City Planner
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner
Kathleen Kennedy, Associate Planner
Irma Unzueta, Project Planner
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.
No announcement or appeals.
- C. Comments from members of the public pertaining to items not on this agenda.
No comments.

II. PROJECTS:

ACTUAL TIME: 1:06 P.M.

- A. APPLICATION OF ERIC SWENUMSON FOR MEHRAN MOBREM, 1512 PORTESUELLO AVENUE, APN 025-132-009, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2007-00051)

The 24,000 square foot, project site is currently developed with a 2,339 square foot, single-family residence and attached garage. The proposed project involves a remodel, and 1,166 square feet of first and second story expansion. The discretionary application required for this project is a Modification to permit additions and alterations to portions of the existing development currently located

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 15301.

Case Planner: Roxanne Milazzo, Associate Planner

Email: rmilazzo@SantaBarbaraCA.gov

Eric Swenumson, Applicant, present.

Ms. Weiss announced that she read the Staff Report, reviewed the photographs for the proposed project, and visited (drove by) the site.

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

Ms. Weiss stated that the proposed project was reviewed by the Architectural Board of Review (ABR) and forwarded to this hearing with positive comments.

The Public Hearing was opened at 1:08 p.m. and, as no one wished to speak, was closed at 1:09 p.m.

ACTION:

Assigned Resolution No. 034-07

Approves the project, making the findings that the Modification is consistent with the purposes and intent of the Zoning Ordinance; does not result in additional floor area within required yards, and is necessary to secure an appropriate improvement on the lot by allowing a remodel/addition that meets current development standards.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

ACTUAL TIME: 1:10 P.M.

B. APPLICATION OF LORI SMYTH, 227 EAST PUEBLO STREET, APN 025-132-009, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2007-00063)

The 25,000 square foot project site is currently undergoing City processes for major site and landscape improvements. Current development on site consists of a single-family residence, swimming pool, and a detached "as-built" accessory space. It is Staff's position that a portion of the existing accessory space is the legal garage for the property. The proposed project involves legalizing the entire 815 square foot, detached structure as accessory space and replacing the required covered parking with a two-car garage. The discretionary applications required for this project are Modifications to permit accessory space in excess of 500 square feet (SBMC §28.87.160); and for it to be located within the required 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 15305.

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

Lori Smyth, Applicant and Property Owner, present.

Ms. Weiss announced that she read the Staff Report, reviewed the plans and photographs for the proposed project, and visited (drove by) the site.

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

Ms. Weiss requested staff to clarify that the existing accessory structure (garage) will be fully converted to accessory use and to replace the parking.

The Public Hearing was opened at 1:14 p.m. and, as no one wished to speak, was closed at 1:15 p.m.

Ms. Weiss requested the applicant to record the Zoning Declaration as there is a tendency for detached structures to be used as separate living spaces.

Ms. Milazzo explained to the applicant the Zoning Declaration for single-family zoned homes pertaining to limitations-on-use for any detached structure prohibiting the installation of any amenities such as sinks, plumbing, etc., without benefit of permits, and is recorded against the property's title so that current and subsequent property owners will be aware of these limitations on detached structures.

Ms. Weiss stated that the proposed project was reviewed by the Historic Landmark Commission (HLC), and that the applicant is proceeding with the Commission's recommendations regarding the garage structure.

Mr. Kato stated that upon re-examination of the Historic Structures Report; staff is proposing to amend the conditions regarding the gates as the pillars that suspend the gates are deemed historic dating back to the year 1904; therefore, staff's condition to remove the gates will be deleted. Staff also determined that the hedge height may or may not be a pre-existing condition; therefore, staff is proposing the condition be amended to reduce the total hedge height to a maximum of 3 ½ feet or require the applicant to attain an arborist report to state that the hedge height is non-conforming, i.e., pre-existing before the year 1957.

ACTION:

Assigned Resolution No. 035-07

Approves the project, making the findings that the Modification is consistent with the purposes and intent of the Zoning Ordinance considering the size of the lot, and is necessary to secure an appropriate improvement by providing needed storage within existing floor area. Said approval is subject to the condition that: 1) A Zoning Compliance Declaration is recorded against the property's title. 2) The condition to remove the gates is deleted. 3) The existing hedges are brought into compliance with current zoning regulations to either reduce the total hedge height to a maximum of 3 ½ feet or the owner(s) shall be required to attain an arborist report to state that the hedge height is non-conforming, i.e., pre-existing before the year 1957.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

ACTUAL TIME: 1:20 P.M.

C. APPLICATION OF ROBERT STAMPS FOR ADELINE RATLIFE, 727 WESTWOOD DRIVE, APN 041-202-009, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2006-00536)

The 13,548 square foot, project site is currently developed with a 1,290 square foot, single-family residence and attached garage. The proposed project involves 460 square feet of "as-built" first-floor additions. The discretionary application required for this project is a Modification to permit the separation between the residence and the garage to be less than the required five feet (5') (SBMC §28.04.020).

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

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

Robert Stamps, Applicant, present.

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

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

Ms. Weiss requested the applicant to clarify some questions regarding the "as-built" first-floor additions, and Mr. Stamps clarified that they were corrections to the existing condition.

The Public Hearing was opened at 1:25 p.m. and, as no one wished to speak, was closed at 1:26 p.m.

Ms. Weiss commented that she believed as the basic reason and intended separation between buildings is an important issue regarding zoning standards. The proposed project's grade separation provides a visual separation between the buildings, including space between for light and air.

ACTION:

Assigned Resolution No. 036-07

Approves the project, making the findings that the Modification is consistent with the purpose and intent of the Zoning Ordinance because the difference in the finished floor heights between the residence and the garage, the configuration provides adequate separation, and that the Modification is the necessary to secure an appropriate and aesthetically pleasing improvement on the lot, and prevents the unreasonable hardship of having to remove existing square footage to regain five-inches. Said approval is subject to the conditions that the garage function as a garage and the garage door be reinstalled to restore access.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

ACTUAL TIME: 1:27 P.M.

D. APPLICATION OF BRYAN POLLARD FOR GREG KRUEGER, 1842 OVERLOOK LANE, APN 015-094-018, E-3 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2007-00104)

The 10,060 square foot, project site is located on the corner of Overlook Lane and La Vista Grande. Current development on site consists of a 1,240 square foot, single-family residence and garage. The proposed project involves a remodel, alterations to existing, non-conforming portions of the residence, 589 square feet of first floor additions, a new patio, front porch, and deck. The discretionary applications required for this project are Modifications to permit window alterations, and a deck, patio, and front porch to be located within both required front yard setbacks, and for the addition to be located within the required open yard area (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.

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

Bryan Pollard, Applicant, present.

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

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

Ms. Weiss requested staff to clarify what is considered open yard and what is not as required by the Zoning Ordinance as street frontage is usually restrained from use as open yard, and concluded that the site seems to have substantial open yard.

The Public Hearing was opened at 1:32 p.m.

Ms. Cynthia Goana expressed concern regarding the need for the modification, dimensions of the deck, and requested clarification of the open yard requirement.

Ms. Weiss clarified that the open yard requirement was due to the two street frontages, the irregular shaped lot, and the desire to make a logical connection to the existing residence.

The Public Hearing was closed at 1:36 p.m.

ACTION:

Assigned Resolution No. 037-07

Approves the project making the findings that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements, as the deck and yard area is provided for outdoor enjoyment in an area that is directly accessible from the residence, and the improvements in the setback are minor changes to the existing structures, and the conforming open yard area is limited due to the two front yards and the irregular shaped lot. Said approval is subject to the conditions that: 1) The second driveway, located off of La Vista Grande is removed. 2) The wall/hedge height along Overlook Lane and the legal driveway is reduced and maintained at a maximum height of 3 ½ feet.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

***** THE HEARING RECESSED FROM 1:39 P.M. UNTIL 1:45 P.M. *****

ACTUAL TIME: 1:45 P.M.

E. APPLICATION OF CEARNAL ANDRULAITIS LLP, ARCHITECT FOR CRAVIOTTO ENTERPRISES, 518 STATE STREET, APN 037-173-046, C-M, COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2005-00477)

The project consists of a proposal to construct a new two-story mixed-use building with 2,487 square feet of commercial space on the first floor and two apartments (one studio unit and one (1) one-bedroom unit) on the second floor on a 3,544 square foot parcel. The existing 302 square feet (net) of non-residential space would be demolished.

The discretionary applications required for this project are:

1. Modification to allow no onsite parking for the residential units instead of two required parking spaces (SBMC§28.90.100); and
2. Development Plan approval for 2,185 square feet of additional non-residential development (SBMC§28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New construction of small structures).

Case Planner: Kathleen Kennedy, Associate Planner
Email: kkennedy@SantaBarbaraCA.gov

Brian Cearnal and Jeff Hornbuckle, for Cearnal Andrulaitis LLP/Applicant; Jim Craviotto, Property Owner; Jan Hubbell, Senior Planner; and Rob Dayton, Principal Transportation Planner, Steve Foley, Supervising Transportation Planner and Stacey Wilson, Assistant Transportation Planner, present.

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

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommended additional findings, as stated below in the action/motion, be added to proposed findings for approval.

Ms. Weiss requested the applicant clarify aspects of the proposed project regarding whether condo or time-share units were considered, the property owner's motivations and desires of proposing rental units without provision for parking spaces, the possibility of providing parking at an off-site location, the practical reality and outcome if a tenant should own a vehicle, the design of the project along State Street and the entry into the paseo, keeping the open area along the State Street frontage as open as possible, and the previous design that included a public restroom.

Ms. Weiss determined that the wrought iron element for the outdoor seating area should be considered as an element to be added later if it is determined it would be part of a future restaurant.

Mr. Dayton clarified that Transportation Staff determined that the modification to allow no residential parking spaces, supported by Policies 8.5 and 13.2 of the Circulation Element of the General Plan, allows for development of housing which increases walking within the Downtown and along transit corridors. Residents of the apartments will not be allowed to receive parking permits and the Downtown Organization did not support any residential parking within customer parking areas. Parking spaces for the commercial portion of the project are available within 1200 feet at City Lot #10. City Lot #11 adjacent to the project site is impacted. Monthly parking passes for parking in City Lots are no longer available for commercial or residential parking.

Ms. Weiss suggested the applicant should gather information if future tenants request available options if they have a vehicle regarding parking, storage, and other amenities.

The Public Hearing was opened at 2:15 p.m.

Mr. Lee Holzinger expressed concern regarding the proposed project blocking the windows of his adjacent building located at 524 State Street and the resulting loss of air and light. Mr. Cearnal stated that some walls could be reduced and other opportunities sought to solve the blocking problem. Ms. Weiss suggested that this may be a building code issue which should be investigated with the Building & Safety Division and suggested that the applicant and adjacent property owner work together in regard to this issue.

The Public Hearing was closed at 2:24 p.m.

ACTION:

Assigned Resolution No. 038-07

Approves the project, making the findings as outlined in Section VII of the Staff Report with the following findings added for the Parking Modification: 1) Policy 8.5 of the Circulation Element which calls for the development of housing Downtown and to decrease parking needs "through an increased walking/biking population that lives, works, and shops in the Downtown." 2) Goal 13 of the Circulation Element which includes direction to "provide incentives for mixed use development," as well as "reducing/eliminating parking requirements (residential and nonresidential) where it can be demonstrated as appropriate." 3) The units are located in the Downtown within close proximity to employment and services along a transit corridor, and will attract tenants who will be less likely to own vehicles. Said approval is subject to the Conditions of Approval in Exhibit A, with the following added condition: 1) The Owner shall provide to the Community Development Department, Planning Division, reports that summarize the vehicle ownership status of each tenant at both the time of commencement and time of termination of the tenancy. Said reports shall be required for the first two tenant agreements for each unit.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

ACTUAL TIME: 2:33 P.M.

F. APPLICATION OF BRETT ETTINGER, ARCHITECT FOR PROPERTY OWNERS RICHARD AND ROSEMARY SANDERS, 2017 GARDEN STREET, APN 025-323-007 AND 225 E. MISSION STREET, APN 025-323-008, E-1, SINGLE RESIDENTIAL UNIT ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, THREE UNITS/ACRE (MST2006-00463)

The proposed project involves a Lot Line Adjustment between Parcel 1 (2017 Garden Street, APN 025-323-007) and Parcel 2 (225 E. Mission Street, APN 025-323-008). The lot line adjustment would increase the lot area of 2017 Garden Street from 13,019 square feet (.30 acre) to 15,684 square feet (.36 acre) and decrease the lot area of 225 E. Mission Street from 37,385 square feet (.86 acre) to 34,720 square feet (.80 acre). The intent of the lot line adjustment is to bring the lot size of 2017 Garden Street into conformance with the minimum required lot area size in the E-1 zone, as well as to increase the viability of the rear yard for 2017 Garden Street. Remodeling and additions are proposed to an existing 1,809 square foot single-story residence and attached 447 square foot attached two-car garage located at 2017 Garden Street. The project will result in a 3,025 square foot two-story residence with attached 551 square foot two-car garage, a 458 square foot detached accessory structure, and a swimming pool and spa on the 15,684 square foot lot in the Mission Area Special Design District. Modifications are requested for additions to encroach into the front and interior yard setbacks.

The discretionary applications required for this project are:

1. A Modification to allow the entry awning and front entry steps to encroach into the required front yard setback (SBMC § 28.15.060);
2. A Modification to allow structural encroachments and alterations in the required northerly yard setback (SBMC § 28.15.060);
3. A Modification to allow structural encroachments and alterations in the required southerly interior yard setback (SBMC § 28.15.060); and
4. A Lot Line Adjustment (LLA) to change the property line between Parcel 1 (2017 Garden Street, APN 025-323-007) and Parcel 2 (225 E. Mission Street, APN 025-323-008) (SBMC § 27.40).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (minor lot line adjustments).

Case Planner: Irma Unzueta, Project Planner
Email: iunzueta@SantaBarbaraCA.gov

Brett Ettinger, Architect/Applicant; and Richard Sanders, Property Owner, present.

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

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

Ms. Weiss clarified that the lot-line adjustment established that the minimum lot area requirement and Mr. Ettinger clarified some questions regarding the liquid amber tree causing the lot-line to slant off instead of extending straight to the property line, and the practicality of the pool fencing also avoiding the obstruction of the same tree.

The Public Hearing was opened at 2:33 p.m. and, as no one wished to speak, was closed at 2:34 p.m.

ACTION:

Assigned Resolution No. 039-07

Approves the project, making the findings outlined in Section VII of the Staff Report and subject to the Conditions of Approval in Exhibit A.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

III. ADJOURNMENT

Ms. Weiss adjourned the meeting at 2:45 p.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary