



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

SEPTEMBER 10, 2008

#### CALL TO ORDER:

Susan Reardon, Senior Planner called the meeting to order at 9:00 a.m.

#### STAFF PRESENT:

Susan Reardon, Senior Planner  
Renee Brooke, Senior Planner  
Roxanne Milazzo, Associate Planner  
Maggie Walker, Assistant Planner  
Gloria Shafer, Staff Hearing Officer Secretary

#### I. PRELIMINARY MATTERS:

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

Ms. Reardon announced that the application for a Medical Cannabis Dispensary Permit at 501 Chapala was withdrawn.

- B. Announcements and appeals.

Ms. Reardon announced the following appeals reviewed by the Planning Commission:

1. 1420 Alameda Padre Serra – on September 4, 2008 the Planning Commission upheld the appeal and overturned the Staff Hearing Officer's denial.
2. 810 Bond Ave. and 516 N. Nopal – on September 4, 2008 the Planning Commission continued discussion of this project to September 18, 2008.

- C. Comments from members of the public pertaining to items not on this agenda.

No public comment.

#### II. PROJECT(S):

ACTUAL TIME: 9:02 A.M.

A. APPLICATION OF TRAVIS WILSON, 417 SHASTA LANE, APN 027-122-011, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2008-00378)

The 3,500 square foot project site is currently developed with a single family residence and several "as-built" structures including 350 square feet of the residence, an attached front trellis, rear deck, and a detached accessory structure. The proposed project involves removal of the trellis and detached accessory structure and a request to permit the "as-built" floor area and attached rear deck. The discretionary application required for this project is a Modification to permit legalization of structures located within the required six-foot (6') interior setback (SBMC §28.18.060).

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

Present: Travis Wilson, Applicant; Maritza Mejia, Owner.

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

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

Ms. Reardon asked whether there was documentation to indicate the location of the original approved tandem parking. Mr. Wilson replied that a search of street files provided little documentation for the property. Ms. Mejia stated that a document dating to 1964 is the basis for the understanding that tandem parking is permitted.

Ms. Reardon questioned what ZIR violations would be abated. Mr. Wilson stated that all violations will be corrected.

The Public Hearing was opened at 9:09 p.m. As no one wished to speak, the Public Hearing was closed.

**ACTION:**

**Assigned Resolution No. 069-08**

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement which allows for a uniform addition to the legally existing portions of the residence within the interior setback on a extremely small lot in a non-conforming neighborhood. The Modification meets the purpose and intent of the Ordinance by not resulting in impacts to adjacent residential uses in that the addition is one-story and does not contain any window or door openings within the interior setback. Said approval is subject to the condition that all outstanding zoning/building violations be a part of any plan submitted in conjunction with the Modification.

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

**ACTUAL TIME: 9:14 A.M.**

**B. APPLICATION OF DAVID WINITZKY FOR PETER CONSOS AND MITRA JAVIDI, 1857 EAST LAS TUNAS ROAD, APN 019-083-009, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2007-00411)**

The 30,471 square foot (0.70 acres) project site is currently developed with a single family residence and detached one-car garage. The proposed project involves a major remodel of the existing residence, increasing the living area by 931 square feet and includes enclosing a 39 square foot portion of an existing covered porch, alterations to windows and doors, relocating the attached 2-car garage within the existing structure, increasing the 2-car garage size by 68 square feet, and converting a 33 square foot portion of the attached garage crawl space to habitable space. The discretionary applications required for this project are Modifications to permit alterations within the required front and both interior 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.

Present: David Winitzky, Architect.

Maggie Walker, Assistant Planner, gave the Staff presentation and recommendation.

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

Ms. Brooke clarified that although staff typically discourages conversion from uninhabitable to habitable space within the setback; in this case the conversion from crawl space to a bedroom creates a minimal impact, and does not expand the footprint, therefore staff supports the modification.

The Public Hearing was opened at 9:28 a.m.

Gloria Hendley, neighbor, requested a lighting plan to be incorporated per request of Single Family Design Board at their last meeting.

Public comment was closed at 9:30 a.m.

Ms. Reardon stated that converting the existing area within the building footprint is an appropriate improvement rather than expanding out or up. There is a concern of impacts to neighbors from additional windows, however the applicant has been sympathetic to the neighbors in terms of the window placement, and the number of windows on the second floor is decreasing. Changes in the front yard setback,

although increasing the square footage, is minimal and within an existing overhang and does not move the building closer to the street.

**ACTION:**

**Assigned Resolution No. 069-08**

Approved the project, making the findings that the Modifications being requested are necessary to secure an appropriate improvement of increasing the habitable space within the existing building footprint. The project is consistent with the purpose and intent of the Ordinance by not increasing the building footprint in the setback, maintaining a sufficient buffer between residences, and not creating safety issues for the community. Said approval is subject to the following conditions: 1) replacement of landscaping adjacent to the driveway shall be species that do not grow higher than 3 ½ feet in height; 2) trees along the front setback line be pruned to remove the visual barrier per direction of Transportation Engineer; 3) a Zoning Compliance Declaration be recorded; 4) the detached one car gar used as accessory space be converted back to a garage as originally approved; and, 5) a lighting plan to be reviewed by Single Family Design Board prior to building permit issuance.

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

**C. APPLICATION OF AZAT YAPUDZHIAN FOR THE GREENHOUSE OF SANTA BARBARA MEDICAL CANNABIS DISPENSARY, 501 CHAPALA STREET, SUITE C, 37-163-010, C-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (MST2008-00330)**

The project consists of establishment of a medical cannabis dispensary within an existing 525 square foot tenant space at 501 Chapala Street. A maximum of three employees are proposed at any one time and hours of operation are proposed to be 9 a.m. to 7 p.m. Monday through Friday. The discretionary applications required for this project are a medical cannabis dispensary permit (SBMC § 28.80.030).

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

This application was withdrawn.

**III. ADJOURNMENT**

The meeting was adjourned at 9:33 a.m.

Submitted by,

 9/12/2008

Gloria Shafer, Staff Hearing Officer Secretary