



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

SEPTEMBER 23, 2009

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
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner
Suzanne Rieglè, Assistant Planner
Gloria Shafer, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

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

Susan Reardon, Senior Planner announced that Items C, 110 W. Sola Street and D, 714 - 716 N. Voluntario Street, will be heard in reverse order.

- B. Announcements and appeals.

Ms. Reardon announced that on Thursday, September 17, the Planning Commission heard an appeal of the Staff Hearing Officer decision a Modification and Tentative Subdivision Map for 617 Bradbury Avenue. Appeal was upheld and the project was denied.

Mr. Reardon announced that the Staff Hearing Officer Approval of a Medical Cannabis Permit at 2 W. Mission has been suspended to allow determine whether a school is located within 500 feet of the site.

- C. Comments from members of the public pertaining to items not on this agenda.
No comments.

II. PROJECTS:

ACTUAL TIME: 9:02 A.M.

A. APPLICATION OF BILL ISAMAN, ARCHITECT FOR JEREMY LINDAMAN, 10 EALAND PLACE, APN 019-061-026, A-1 ONE-FAMILY RESIDENCE. ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00361)

The 10,019 square foot project site was previously developed with a single-family residence and attached two-car garage, which were destroyed in the Tea Fire. The proposed project consists of the construction of a 2,930 square foot 2-story residence with a two-car garage below. The discretionary application required for this project is a Modification to permit new construction within the required 15' interior 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 15303 & 15305.

Present: Bill Isaman, Architect.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation. Ms. Milazzo reported that Staff does not support the second-floor modification for encroachment into the southern interior setback.

The Public Hearing was opened at 9:10 a.m.
A letter in opposition from Paula Westbury was acknowledged.
The public hearing was closed.

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

Ms. Reardon requested clarification of the constraints that prevent a conforming addition and questioned window locations and whether fixed windows are proposed. Mr. Isaman explained that the slope is significant and the 15 foot setbacks pose a design challenge to fit a floor plan. The second-floor encroachment would not be as visible as the first floor encroachment. Mr. Isaman stated that a fixed kitchen window will be relocated further to the east, a fixed window is proposed for the walk-in closet, and an operable window is proposed for the bathroom.

Ms. Reardon stated that there are feasible conforming options for the second-story and that the required findings could not be met.

ACTION:

Assigned Resolution No. 077-09

Approved the subject application for first-floor encroachment, and denied the second-floor encroachment making the following findings and determinations:

The Modification to allow the proposed first floor to encroach into the southern interior setback is consistent with the purpose and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed floor area maintains the non-conforming setback, which is allowed by the code and only the window change triggers the need for a Modification. Because the window will be fixed, noise and odors associated with kitchen activities will be mitigated.

The Modification to allow the second story to encroach into the southern interior setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. A conforming option is feasible with this re-build and the design of the second floor, which did not previously exist, should be relocated to comply with current setback requirements.

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

ACTUAL TIME: 9:17 A.M.

B. APPLICATION OF DAVID KARSCHNER, OWNER/AGENT, 401 W. DE LA GUERRA STREET AND 781 CASTILLO STREET, APN 037-071-007, R-4 MULTI-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL AND RESIDENTIAL 12 UNITS/ACRE (MST2009-00169)

The project consists of the conversion of a duplex currently under construction to two (2) residential condominium units. The addresses of the two units are 401 W. De la Guerra St. and 781 Castillo St. The two-story duplex is approximately 2,391 square feet in size, on a 5,000 square foot (sf) lot. The residence at 401 De la Guerra is a 1,275 sf, two-bedroom unit with an attached 434 sf, two-car garage. The residence at 781 Castillo Street is a 1,116 sf, two-bedroom unit with an attached 404 sf garage.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) condominium units (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.

Present: David Karschner and Stephen Mori, Owners.

Suzanne Reigle, Assistant Planner, gave the Staff presentation and recommendation. Ms. Reigle explained that after the September 17, 2009 staff report was issued it was noted that the report did not clearly address the requirement outlined in Santa Barbara Municipal Code Section 28.88.030.E of the Condominium Conversion Ordinance, therefore, an addendum to the staff report was prepared.

The Public Hearing was opened at 9:24 a.m.
A letter in opposition from Paula Westbury was acknowledged.
The public hearing was closed.

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

ACTION: **Assigned Resolution No. 078-09**
Approved the project making the findings contained in Section VIII of the Staff Report, dated September 16, 2009, and in the Addendum to the Staff Report, dated September 21, 2009, and subject to the Conditions of Approval, contained in Exhibit A as revised at the hearing.

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

ACTUAL TIME: 9:37 A.M. Items C and D were heard in reverse order.

C. APPLICATION OF JEFF GORRELL, LENVIK & MINOR, ARCHITECT FOR CARMAC & ASSOCIATES LLC, 110 WEST SOLA STREET, APN 039-062-010, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL AND RESIDENTIAL 12 UNITS/ACRE (MST2007-00413) Continued from May 20, 2009

Proposal to demolish an existing, one-story, 15,730 square foot commercial office building, and construct a 19,871 square foot, three-story mixed-use building with a maximum height of 39'-6". The project is comprised of four (4) three-bedroom residential condominium units on the second and third floor ranging in size from 2,088 square feet to 2,639 square feet, and three (3) ground floor commercial condominium units totaling 2,399 square feet. Fifteen covered parking spaces, which include four (4) residential two-car garages, will be provided on the ground level of this 15,883 square foot parcel. There will be approximately 140 cubic yards of grading on the site.

The discretionary applications required for this project are:

1. A Modification to allow the three-story structure to encroach into the required interior yard setback at the westerly property line; and
2. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential and three (3) commercial condominium units (SBMC §27.07 & § 27.13).

The Staff Hearing Officer will consider the Final Mitigated Negative Declaration adopted on May 20, 2008 for the project.

Present: Jeff Gorrell, Architect; John McMagnus, Agent.

Suzanne Reigle, Assistant Planner, gave the Staff presentation and recommendation. Ms. Reigle stated suggested revisions to the Conditions of Approval.

Jeff Gorrell, Architect, presented an Exhibit A showing an additional change to the site plan and design that was not shown on the plan set. The property owners in working with the neighbor to the north have agreed create a recess 5 foot deep by 17 foot wide to allow the planting to soften the elevation. This recess is to be located along the elevation adjacent to the patios for Unit 2 and 3 at the northerly elevation. In addition, the wrought iron railings along the patios will be replaced with 42-inch solid walls.

The Public Hearing was opened at 9:57 a.m.

Kirk Gradin, Architect, representing Institute of World Culture: changes to building design and landscape are appreciated. Suggested six-foot screen fence at property line (submitted comment letter).

A letter in opposition from Paula Westbury was acknowledged.

The public hearing was closed.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood. Ms. Reardon stated that she appreciated the applicant addressing concerns raised at the May 20th meeting. Ms. Reardon stated that the project is consistent with Urban Design Guidelines and General Plan, and findings will be revised to address Environmental Review.

ACTION:

Assigned Resolution No. 079-09

Approved the project making the findings contained in Section V of the Staff Report, dated September 16, 2009, as revised at the hearing, and subject to the Conditions of Approval, contained in Exhibit A, as revised at the hearing.

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

ACTUAL TIME: 9:26 A.M.

D. APPLICATION OF ALEX PUJO ARCHITECT FOR FRANK AND MARILYN KELLY, 714 & 716 NORTH VOLUNTARIO STREET, APN 031-131-020, R-2 TWO-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2009-00126)

The project consists of the conversion of two existing single-family dwellings to two (2) condominiums on a 9,322 square foot (sf) lot. The addresses are 714 and

716 North Voluntario Street. The residence at 714 N. Voluntario Street is two-story, two-bedroom, 1,255 sf residence with an attached one-car garage and one uncovered parking space. The residence at 716 N. Voluntario Street is two-story, five-bedroom 2,131 sf residence with an attached two-car garage located at the rear of the lot. The open yard is currently met in area between the two units, which exceeds the 1,250 sf minimum open yard requirement.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC 27.07 and 27.13); and
2. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) condominium units (SBMC 28.88).

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

Present: Alex Pujo, Architect; Frank and Marilyn Kelly, Owners.

Suzanne Reigle, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:35 a.m.
A letter in opposition from Paula Westbury was acknowledged.
The public hearing was closed.

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

ACTION: **Assigned Resolution No. 080-09**
Approved the project making the findings contained in Section VIII of the Staff Report dated September 16, 2009, and subject to the Conditions of Approval contained in Exhibit A.

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

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:10 a.m.

Submitted by,



Gloria Shafer, Staff Hearing Officer Secretary



Date