



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

August 2, 2006

CALL TO ORDER:

Bettie Weiss, City Planner called the meeting to order at 1:00 p.m.

STAFF PRESENT:

Bettie Weiss, City Planner
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner
Debbie Hughey, 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 made.
- B. Announcements and appeals.
Bettie Weiss, City Planner announced an appeal from last week's meeting regarding 3408 and 3412 State Street (MST2004-00704).
- C. Comments from members of the public pertaining to items not on this agenda.
No comments.

II. PROJECTS:

ACTUAL TIME: 1:02 P.M.

- A. **APPLICATION OF PENFIELD & SMITH FOR STEWART & MARILYN LONKY, 435 E. ANAPAMU STREET, (APN) 029-133-011, R-3 MULTIPLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS PER ACRE (MST2005-00732)**

The 4,500 square foot project site is located on the corner of E. Anapamu and Olive Streets. Current development on site consists of a single-family residence and detached garage. Plans are currently being processed for 385 square feet of first floor additions to the residence, garage with partial deck above, and site walls. Previous notices sent out for this application failed to specifically identify that a

laundry room (included in the 385 square foot addition) and a front porch are being proposed within a required yard. The discretionary application required is a Modification to permit additions and alterations within the required front yard setback facing Olive Street (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 15303.

Ginger Anderson with Penfield & Smith Engineers, Inc., and representative for Stewart & Marilyn Lonky, Property Owners, present.

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

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

Ms. Weiss confirmed that the applicant has reviewed the opportunity to rebuild the garage back with conforming two-car dimensions. Ms. Anderson verified that the property owners have decided to replace the garage back to the way it previously existed.

Ms. Weiss also confirmed with the applicant that the roof deck on top of the garage is outside of the setback and considered a conforming improvement. The roof deck will be enclosed behind a railing along a 10-foot setback.

The Public Hearing was opened at 1:04 p.m., and as no one wished to speak, closed at 1:05 p.m.

Ms. Weiss commented that the front porch is acceptable given the lay of the land, the elevation of the building's front door, its minor nature, and that it allows for a uniform improvement.

ACTION:

Assigned Resolution No. 044-06

Approve the project, making the findings that the Modification of the front yard setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the site. Staff recognizes the site constraints associated with the lot size, width, and its corner location, as well as the design benefits of a uniform improvement.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 1:06 P.M.

B. APPLICATION OF ACE AWNING FOR RICHARD & DONNALEE DAVIS, 4125 HIDDEN OAKS ROAD, APN 049-440-011, PUD 0.4 PLANNED UNIT DEVELOPMENT ZONE WITH 4 UNITS PER ACRE MAXIMUM, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2005-00606)

The project site is part of a planned unit development of 11 units. This ½ acre project site is currently developed with a single-family residence and three car garage. The proposed project involves a 240 square foot room addition.

The discretionary application required for this project is a Modification to permit the room addition to be located within the required forty-foot (40') interior yard setback (SBMC §28.36.075).

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

Ed Martin with Ace Awning, Representative for the Property Owners, 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 expressed concern regarding the PUD zone setbacks and posed several questions to the applicant.

The Public Hearing was opened at 1:11 p.m., and as no one wished to speak, closed at 1:12 p.m.

Ms. Weiss commented that she considers the 40-foot buffer, required by the Planned Unit Development, being met by the heavily wooded hillside area that rises up, and therefore does not compromise the intent of the buffer.

Ms. Weiss also commented that a pending Ordinance amendment which would allow findings to be made based on a Disability Relief Request, is in the works. Also considered in the decision were the lay of the land, and the Architectural Board of Review (ABR) and other homeowners that did not consider the addition to be visible.

ACTION:

Assigned Resolution No. 045-06

Approve the project, with revised findings to reflect that the project “not impact neighbors *given the existing hillside vegetative screenings.*” The request is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot by providing a needed amenity for the residents in an area with no impacts to the neighbors, and subject to the condition that the existing spa and associated equipment be legalized as a part of this application.

Ms. Weiss announced the ten calendar day appeal period, with the applicant to return to ABR Consent Calendar for final approval, prior to applying for their building permit.

**** THE HEARING BRIEFLY RECESSED FROM 1:14 P.M. UNTIL 1:18 P.M. ****

ACTUAL TIME: 1:18 P.M.

C. APPLICATION OF VADIM HSU, ARCHITECT, FOR ROBERT BARTLEIN & PRISCILLA JACOBS, PROPERTY OWNERS, 1017 EAST HALEY STREET, 031-242-020 , R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2006-00116)

The project consists of a proposal to demolish two houses and a detached garage, and construct three new apartments units on a 9,056 square foot parcel. The three units consist of a two-story duplex that is approximately 1,580 square feet (two bedrooms each) and a single-family unit that is approximately 1,026 square feet (three-bedrooms). The proposal also includes two, two-car carports and two uncovered parking spaces.

The discretionary application required for this project is a lot area Modification to allow the development of an additional affordable two-bedroom unit (SBMC §28.92.026.A) beyond what the zoning allows.

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

Vadim Hsu, Applicant & Representative for the Property Owners, present.

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

Debbie Hughey, Planning Technician, gave the Staff presentation and recommendation.

Ms. Weiss' comments and questions:

1. Verified with the applicant the revised Staff Report with the additional phrase in the Findings "*...consistent with the purpose and intent of the Zoning Ordinance,*" and an updated Conditions of Approval which deleted Condition B2 - a conditional review by City Council, and with revised numbering. Both revised documents were accepted by the applicant.
2. Requested the applicant to clarify the reason for a property line access change involving the removal of two large existing trees.
3. Posed several questions to the applicant regarding assistance and noticing for tenant displacement issues, and functional monetary allocation for tenant displacement.
4. Notified the applicant of pending changes to the Ordinance to be brought before the City Council Ordinance Committee on August 15, 2006, which she encouraged the applicant to try and comply with since the Ordinance may be adopted by the time the demolition permit is granted to the applicant for the subject property. Information to the applicant will be available in the Council information packet for the pending August 15th Council meeting.
5. Cautioned the applicant that it is important to meet the spirit and intent and general parameters of the pending Ordinance by providing noticing and moving expense allocation. Since Ordinance adoption is expected to be very soon, and may occur well in advance of the applicant's demolition permit application, it is suggested to be in the applicant's best interest to comply as much as possible with the pending Ordinance requirements.
6. Cautioned the applicant that it is important to be aware of the effect on the public/tenants and their displacement, and to notify the tenants at least 60 days in advance of the demolition once the permit for demolition has been attained. The Council Ordinance Committee will be determining issues of noticing, relocation, and monetary allocation currently stipulated at three times the going rent per household in the community (surveyed annually) or what is deemed as "functionally equivalent" i.e., locating housing of comparable rent/value during the relocation period.
7. Suggested to the applicant that the noticing letter include a Spanish translation.

Mr. Hsu clarified that the property line solar access change was a direct result of plan revisions from a three separate building design to a revised two story building design and resultant efforts to meet ordinance requirements. He also explained that at the initial review, Public Works requested the applicant to remove the two pine trees due to their aged condition, overhanging of the sidewalk, and resultant damage to the concrete retaining wall and sidewalk by uplifting tree roots. The applicant has also been requested by Public Works to move the existing driveway and stone wall due to reasons of proximity, since the existing curb cuts did not meet City standards. Also, the nonconforming curb and gutter in front of the subject property are to be replaced with a new driveway. The ABR has requested a replacement of the two trees after that section of driveway/sidewalk has been replaced.

The Public Hearing was opened at 1:43 p.m., and as no one wished to speak, closed at 1:44 p.m.

ACTION: **Assigned Resolution No. 046-06**

Approve the project, with revised findings, "...consistent with the purpose and intent of the Zoning Ordinance," and additional Conditions of Approval, A2. "The owner shall comply with the landscape plan approved by the ABR including tree replacement," and adding new Condition 4 - *The applicant shall comply with the spirit and intent of the proposed draft tenant displacement assistance ordinance presented and acted upon by the Council Ordinance Committee on August 15, 2006, including notification, monetary assistance and/or equivalent relocation assistance or an adopted Ordinance if in effect at time of building permissions.*" The Modification is necessary to construct a housing development which is affordable to low-income households, will provide an affordable rental opportunity for a member of our community, and is consistent with the purpose and intent of the Zoning Ordinance.


Ms. Weiss announced the ten calendar day appeal period.

Ms Weiss granted the applicant a return to the ABR for final approval concurrent with the appeal period.

III. ADJOURNMENT

Ms. Weiss adjourned the meeting at 1:48 p.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary