



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

OCTOBER 11, 2006

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

#### II. PROJECTS:

##### ACTUAL TIME: 1:05 P.M.

- A. APPLICATION OF WAYNE E. LABRIE FOR MATT & WENDY LABRIE, 606 CALLE GRANADA APN 053-083-012, E-3 ONE-FAMILY RESIDENCE/SD-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00430)

The 8,700 square foot project site is located on the corner of Calle Granada and Calle Fresno. Current development on site consists of a 1,260 square foot single

family residence, a detached two-car garage, and swimming pool. The property is currently undergoing a major construction/remodel which involves a new second story, front porch, and privacy fence. The discretionary application required for the project is a Modification to permit a new pool enclosure fence to exceed three and one-half feet (3 ½') in height when located within ten feet of a front lot line (SBMC §28.87.170); and, for an increase in roof pitch and a new front porch to be located within the required 20 foot front yard setback facing Calle Granada (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.

Wayne LaBrie, Applicant/Architect; and Matt LaBrie, Property Owner, present.

Brenda Beltz, Planning Technician II, 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 clarified for the applicant that the request is actually for an eight foot high fence since it is measured by the total cumulative height within five feet from the lowest side of the retaining wall.

Mr. Wayne LaBrie also clarified the extent of the fence as it relates to the street to be twelve feet from the property line to the curb currently located where a temporary fence presently exists. He questioned the inclusion of requirements for a sidewalk since any future sidewalk infill would serve a limited neighborhood as some streets in the area have limited access and egress, and some steep grades in the area would require retaining walls.

The Public Hearing was opened at 1:19 p.m.

Ms. Kathiann Brown, neighbor, sought clarification that staff's recommendations that the location of the pool enclosure fence would be located further into the site and closer to the pool. She stated that she would prefer no building in the setback, for the fence not be solid, and as low as possible in height; to which the applicant responded that the pool fence height is stipulated by the Building Code to limit access for safety reasons.

The Public Hearing was closed at 1:28 p.m.

Ms. Weiss stated she believed the area of the proposal will not be a priority for the Sidewalk Infill Project, and even though building within the right of way is not acceptable, staff should not hold the applicant to a sidewalk standard requirement. She concurred with staff's compromise of pushing back the pool enclosure fence

five feet provides sufficient open space, and the five foot high fence requirement with three and half feet high plant screening is acceptable to comply with the Zoning Ordinance and ABR requirements for a more substantial entry.

Mr. Matt LaBrie suggested plant pocket on a lower three and a half deep wall with a five foot wall behind might satisfy the same ABR requirements for green screening.

Mr. Kato commented that Planning staff's change of recommendation regarding the pool enclosure fence occurred in response to Transportation staff's strongly advocating the sidewalk infill issue, and Planning staff's desire to avoid any future complications and unintentional non-compliance with the Zoning Ordinance.

**ACTION:** **Assigned Resolution No. 063-06**

Approve the modifications for the porch and the increase in roof pitch located in the front yard setback, making the findings that the Modification is consistent with the purposes and intent of the Zoning Ordinance; and the Modification is necessary to secure an appropriate improvement on the lot.

Approved the modification for the pool enclosure fence and wall set back five feet from the property line, making the findings that the Modification is consistent with the purpose and intent of the Zoning Ordinance and the modification is necessary to secure an appropriate improvement on the lot, with the conditions outlined in the Staff Report that all vegetation along the frontage be reduced to three and one half feet in height in the City right-of-way, and that the applicant return to the ABR for approval of the new fence location.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:41 P.M.**

**B. APPLICATION OF DOUG REEVES FOR MARK HUSTON, 1311 STATE STREET, APN 039-131-009, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2006-00479)**

The proposed project involves a 792 square foot 2-story addition to an existing 2,697 square foot restaurant space. The discretionary application required for this project is a Modification to not provide the one required parking space (SBMC § 28.90.100).

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

Doug Reeves, Applicant; and Margaret Huston, Property Owner, present.

Brenda Beltz, Planning Technician II, 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 clarified that the property is located within the 1/500 district, and also in the Zone of Benefit district which would include the Victoria Street and Granada Garage locations, and that Transportation Division staff concurred with staff's recommendations regarding the square footage, and not on the fact that the number of restaurant seats would not change.

Ms. Weiss requested clarification that the number of seats would not change due to structural requirements by the Building Code.

The Public Hearing was opened at 1:51 p.m.

Mr. Peter Jordano, neighbor, expressed support for the proposed project.

Mr. Roger Kritz, neighbor and owner of Creative Stereo & Video, expressed support for the proposed project.

The Public Hearing was closed at 1:55 p.m.

Ms. Weiss concurred with staff recommendations with regard to the downtown location as a basis for the reduction of parking spaces, the 1/500 standard, the uniform building code cutoff at 49 seats, and as a major investment in a restaurant business and not another land use with a greater or different parking needs.

**ACTION:**

**Assigned Resolution No. 064-06**

Approve the project, making the findings that the proposed addition does not increase the amount of restaurant seating and therefore will not increase the parking demand, and due to the proximity of available public parking in the Granada Garage, the Modification is consistent with the purposes and intent of the Zoning Ordinance; and the Modification will not cause an increase in the demand for parking space or loading space in the immediate area, and subject to the following conditions as stipulated in the Staff Report., to be reproduced on the plans:

1. Archaeological Monitoring Contract. Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all initial ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance. The contract shall be subject to the review and approval of the Environmental Analyst.

2. The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.
3. If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.
4. If the discovery consists of possible prehistoric or Native American artifacts or materials, the Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 1:58 P.M.**

**C. APPLICATION OF SYNDI SOUTER FOR WILLIS KAY AIKO, 288 N. LA CUMBRE ROAD, APN 057-320-001, E-3 ONE-FAMILY RESIDENCE/PUD 4.6 PLANNED UNIT DEVELOPMENT/SD-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2006-00519)**

The 93,881 square foot project site is currently developed with eight (8) single family residences known as Amber Gardens. The development is served by a water well. The proposed project involves a new reverse osmosis treatment system for improved water quality. The system will be enclosed in a 192 square foot shed and screened by a ten-foot hedge. The discretionary applications required for the project are Modifications to permit the compound to be located within the required 40'

interior yard setback (SBMC §28.36.075) and for a hedge to exceed the maximum height of eight-feet (8') when located within a required yard (SBMC §28.87.170).

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

Cindy Souter, Representative of the Homeowners Association; and Karl Schroeder, Treasurer, present.

Brenda Beltz, Planning Technician II, 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 was opened at 2:00 p.m.

Mr. Tom Griffith, neighbor, expressed concern regarding the poor plant landscape screening of the existing water treatment compound, and requested the screening be improved as part of the approval for the proposed project. He suggested that bamboo be planted rather than Eugenia.

Ms. Weiss clarified that the present hearing is only to determine height requirement of the plants material and location of the proposed shed. The proposed project will return to the ABR for further review of the plant material.

The Public Hearing was closed at 2:04 p.m.

Ms. Weiss requested clarification from the applicant and staff on the height limits of the plant material as stipulated by the ABR at nine to ten feet, and whether staff would like to condition the modification.

Mr. Kato stated that staff had no problem allowing the applicant allow the bamboo plant material to exceed the eight foot height limit as set by Ordinance, as long as this did not pose a problem for any adjacent neighbors.

Mr. Kato clarified the sewer hook-up issues and requested the applicant to contact Manuel Romero at the City Waste Water Offices.

**ACTION:**

**Assigned Resolution No. 065-06**

Approve the project, making the findings as recommended by the Staff Report to permit the compound to be located within the required 40' interior yard setback, and allow the hedge and other plant material to exceed the eight foot height limit, and finding the Modification is consistent with the purposes and intent of the Zoning Ordinance; and necessary to secure an appropriate improvement consistent with prior approvals with the condition that the applicant or homeowner must contact Manuel Romero, the City Wastewater Collection Superintendent, prior to submitting for a building permit to resolve any issues related to proposed wastewater discharge as a result of this addition to the water system.

Ms. Weiss announced the ten calendar day appeal period.

**ACTUAL TIME: 2:10 P.M.**

**D. APPLICATION OF SOPHIE CALVIN FOR ELOISE REYES, 9 SKYLINE CIRCLE, APN 041-173-007, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00519)**

The 4,800 square foot project site is currently developed with a 951 square foot single family residence and detached one-car garage. The proposed project involves a remodel and 155 square foot first floor addition. The discretionary application required for this project is a Modification to permit the addition to reduce the required 1,250 square foot 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.

Sophie Calvin, Applicant, present.

Brenda Beltz, Planning Technician II, 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 the utility/laundry room located below the house which would be only for storage with the plumbing removed, and staff would like it noted that there shall be no future improvements like plumbing to the utility/laundry room facility to make it habitable.

The Public Hearing was opened at 2:13 p.m. and, as no one wished to speak, was closed at 2:14 p.m.

**ACTION:**

**Assigned Resolution No. 066-06**

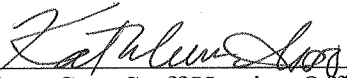
Approve the project, making the findings as recommended by the Staff Report that the Modification is consistent with the purposes and intent of the Zoning Ordinance; and necessary to secure an appropriate improvement on the lot, with the conditions that all hedges are brought into compliance with zoning height regulations, the unpermitted trellis shall be removed from the setbacks, and that the plans show removal of utilities from the existing laundry area.

Ms. Weiss announced the ten calendar day appeal period.

**III. ADJOURNMENT**

Ms. Weiss adjourned the meeting at 2:16 p.m.

Submitted by,



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Kathleen Goo, Staff Hearing Officer Secretary