



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

OCTOBER 25, 2006

CALL TO ORDER:

Bettie Weiss, City Planner called the meeting to order at 2:33 p.m.

STAFF PRESENT:

Bettie Weiss, City Planner
Roxanne Milazzo, Associate Planner
Irma Unzueta, Project Planner
Judith Johnduff, Transportation Planner
Kathleen Goo, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

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

No requests. Announcements and appeals.

Ms. Weiss announced two pending appeals to the Planning Commission:

625 Flora Vista and 3408 & 3412 State Street have been scheduled for the November 2, 2006 Planning Commission meeting.

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

No comments.

II. PROJECTS:

ACTUAL TIME: 2:35 P.M.

- A. **APPLICATION OF DON GRAGG FOR MARTZ TRUST, 301 LUGAR DEL CONSUELO, APN 053-202-008, E-3 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2006-00549)**

The 9,000 square foot project site is currently developed with a 1,920 square foot single-family residence with an attached two-car garage. The proposed project involves a 330 square foot first floor addition. The discretionary application required for this project is a Modification to permit 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 Act Guidelines Section 15305.

Don Gragg, Applicant, present.

Roxanne Milazzo, Associate Planner, 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.

Mr. Gragg commented that the intent behind the requested modification to build within the open yard space and setback was an attempt to keep the project small and as an alternative to building a second-story addition to the structure for the same usable square footage.

The Public Hearing was opened at 2:38 p.m. and, as no one wished to speak, was closed at 2:39 p.m.

Ms. Weiss observed that the property possesses approximately 200 feet of front yard for a lot that is only 50 feet deep, which limits the location for an open yard to the side of the property, and is therefore considered a hardship.

Ms. Weiss requested staff to provide clarification on the fence height and location of the private area on the site.

Ms. Milazzo explained that the 3 ½ foot high picket fence which currently extends along the front of the property is located within the public right of way and will be relocated on the front lot line, and the six-foot high fence will be located ten feet back from the property line in a conforming location for fences over 3 ½ feet in height.

ACTION:

Assigned Resolution No. 067-06

Approve the project, finding that the Modification allows a one-story addition rather than a second-story addition and the street frontage is over 200 square feet in length, creating a hardship to provide open yard. Approval is subject to conditions of the Modification to permit reduction of the outdoor living space will still provide adequate, usable area for private outdoor recreational use, and is therefore necessary to provide an appropriate improvement and meets the purpose and intent of the Ordinance.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 2:42 P.M.

B. APPLICATION OF PETER HALE FOR BRUCE HANNA, 1211 PLAZA DEL MONTE, APN 035-360-033, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00545)

The 10,000 square foot project site is located on the corner of Plaza del Monte and Belmonte Drive. Current development on site consists of a 2,500 square foot residence and 500 square foot attached garage. The proposed project involves the addition of patios doors, a shade structure at the rear of the residence, and a trellis element over an existing gate. The discretionary application required for the project is a Modification to permit alterations within both required front 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 Act Guidelines Section 15305.

Peter Hale, Applicant, present.

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

Ms. Milazzo requested the applicant to provide a more complete site plan showing the already installed koi pond, front lot line, sidewalk, curb, overall heights of structures including the reduction of wall heights to the maximum eight feet limit, and shade structures located on the property which cannot obstruct outdoor living space by more than 20%; including one located to the rear of the property which is within a required yard and must be removed and shown on the plans.

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 2:47 p.m. and, as no one wished to speak, was closed at 2:48 p.m.

Ms. Weiss considered some of the requested changes to the property like a window-door as minor.

Ms. Weiss noted some non-conformance issues mentioned in the Staff Report on the unusual curving lot line and the walls do not obstruct views or result in any safety issues.

ACTION:

Assigned Resolution No. 068-06

Approve the project, making the findings that the Modification is necessary to secure an appropriate improvement, is consistent with the purposes and intent of the Zoning Ordinance, and subject to the conditions that all fence or wall structures constructed on the site within the first 10 feet shall conform to the Ordinance eight-foot maximum height requirements measured from the base of the structure to the top of the ornamental elements on top of the fences or walls.

Ms. Weiss announced the ten calendar day appeal period.

ACTUAL TIME: 2:50 P.M.

C. APPLICATION OF RICHARD THORNE FOR JOHN LARSON, 630 ROCKWOOD DRIVE, APN 021-163-002, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNITS PER ACRE (MST2006-00284)

The 27,000 square foot project site is currently developed with a 2,267 square foot single-family residence with attached two car garage. The proposed project involves a conversion of the existing garage and 972 square feet of first floor addition, construction of a new two-car garage and detached accessory space. The discretionary application required for this project is a Modification to permit alterations to the portions of the existing house that are currently located within the required fifteen-foot (15') interior yard 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 Act Guidelines Section 15305.

Richard Thorne, 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.

The Public Hearing was opened at 2:53 p.m. and, as no one wished to speak, was closed at 2:54 p.m.

Ms. Weiss expressed concern regarding oak tree removal on the site, which the applicant will document tree removal and/or replacement mitigation measures as necessary and appropriate, subject to approval by the Architectural Board of Review (ABR).

Ms. Weiss inquired about possible reduction in the amount of paving and the possible use of permeable paving, which the applicant is currently researching in conjunction with pedestrian walkways, and subject to ABR review.

ACTION: **Assigned Resolution No. 069-06**

Approve the project, making the findings and determining that the Modification is necessary to secure an appropriate improvement, by legalizing the structure in its current location and therefore allow the proposed alterations. Adequate separation, between this residence and its westerly neighbor, assures that this request is consistent with the purposes and intent of the Zoning Ordinance.

Ms. Weiss announced the ten calendar day appeal period.

***** THE HEARING RECESSED FROM 3:01 PM UNTIL 3:09 PM *****

ACTUAL TIME: 3:10 P.M.

D. APPLICATION OF BRIAN CEARNAL ARCHITECT FOR AFRA GUILTY, 1528 STATE STREET, 027-232-012, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND OFFICES (MST2005-00389)

The proposed project would demolish a 1,290 square foot commercial building and surface parking lot. New construction on the site includes 4,100 square feet of commercial floor area and three residential condominium units. The commercial space is intended to remain as one condominium space. The residential units consist of two, two-bedroom townhouses and one, four-bedroom townhouse. Parking for both uses would be consolidated into a single 12 space underground parking structure, which includes four parking spaces for the residential units and eight parking spaces for the commercial space. The underground parking garage would be accessed from the existing State Street curb cut. Approximately, 7,180 cubic yards of cut and 680 cubic yards of fill are proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map to create a one-lot subdivision for a mixed use project containing three residential condominiums and one commercial condominium (SBMC § 27.07 and 27.13); and
2. Development Plan Approval to allow 2,810 net new square feet of non-residential use (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.

Brian Cearnal, Applicant, with associate Craig Shalanberger, present.

Irma Unzueta, Project Planner, 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.

Mr. Cearnal clarified that the story poles were not correctly positioned on the site, stated that a comprehensive traffic probability analysis was completed, and commented that a few parking issues were addressed, and is aware of neighborhood concerns regarding obstruction of public views.

The Public Hearing opened at 3:18 p.m.

Mr. Robert Fan, adjacent neighbor, expressed concern regarding the blocking of natural ambient light and air, views, and the irrelevant positioning of the story poles on the proposed project.

Mr. George Eskin, neighbor, expressed concern regarding placement of the story poles affected views, natural light and air, and the negated outdoor rooftop patio usage for entertaining, and believed the location of the project sets a bad precedent for the neighborhood, and welcomed a site visit.

Ms. Hannah-Beth Jackson, neighbor, expressed concern regarding height and proximity of the proposed project structures, urban canyonization and crenelation, the loss of views, air and light, and the growing loft construction trend similar to the proposed project.

Mr. Geoff Green, neighbor, expressed concern regarding possible disruption of the adjacent office space and neighborhood by noisy construction of the proposed project, and welcomed any suggested solution which would keep his office space usable. He clarified for Ms. Weiss that although there were no windows directly facing the proposed structure, the proximity suggests that noise levels would be an important factor.

The Public Hearing closed at 3:31 p.m.

Ms. Weiss commented that it is evident that the construction of the proposed structure would generate some concern regarding the substantial loss of views, and ambient light and air for neighbors to the north of the proposed project. She stated the applicant is allowed to build to the property line in the current C-2 residential zone. Also, the City Council has stated that consistent with many prior discussions, there is no public policy basis on preserving private views, and they are not prepared to make rulings or determinations regarding private view rights or policy. It was acknowledged that the applicant did step back in design from the property line and some ambient light and air will be provided.

Ms. Weiss expressed some concern regarding the three-story plus a loft structure built on the 1500 Block of State Street, and that the El Tore building has been too conspicuous and really not particularly appropriate to that portion of State Street

through the years, and that in some ways, building next to it may actually help both structures become more appropriate.

Ms. Weiss expressed some concern that the overall mass, height, scale of the proposed project in terms of the location on State Street, and on the use of variable density and the size of the dwelling units.

Ms. Weiss clarified that the use of variable density allows three dwelling units and not just the two allowed under the base density of the site.

Ms. Weiss questioned the use of variable density for units exceeding 2000 sq. ft. when the intent of variable density was for apartment-type units and not large condominium units. Staff has struggled with the Zoning Ordinance which states that every room other than the living room, kitchen, and bathroom should be a bedroom, and with some of the units possessing expanded elements which are not consistent with the use of variable density. Ms. Weiss stated that she found it difficult to support such large units under the General Plan Consistency Findings for Condominiums.

Ms. Weiss inquired about possibilities of reducing the two bedroom units below 2000 sq. ft. with the larger unit under 2800 sq. ft., reducing the second floor wall and adding a larger side area to the project, reducing the plate heights and overall mass and scale of the project, and other various ideas and explanations were proposed and discussed.

Ms. Weiss clarified that larger windows and living areas including patio areas are located on the southerly half of the proposed building with only an second floor entrance and egress corridor, stair case, and bathrooms directly across from the adjacent building, so privacy issues would be less of a concern.

The Public Hearing re-opened at 4:03 p.m.

Mr. George Eskin commented that his own residence has only eight-foot ceilings.

Mr. Robert Fan requested clarification regarding the proposed changes under discussion.

Ms. Hannah-Beth Jackson requested clarification on the loft issue, and effect of the proposed changes on privacy issues. Ms. Weiss clarified that Ms. Jackson's privacy would not be affected since there are no windows facing her residence from the loft area.

Mr. Cearnal explained the affects of construction on the surrounding neighborhood.

Mr. Geoff Green commented on the effect of construction on his office.

Ms. Weiss posed questions to public regarding best compatible construction zone hours, and suggested the applicant confer with the adjacent neighbors as to the best mutually agreed upon construction time table.

Mr. Geoff Green recommended holding off construction as much as possible during the week and at normal business hours from eight o'clock to eight o'clock, but understood that there would have to be some allowance for construction during this time period since it is a mixed-use neighborhood.

Mr. Cearnal stated that construction will initially and primarily consist of vibration with digging of the holes and shoring of walls, with the noisiest period during the first two weeks and afterward only the hammering of the crews for approximately a six month duration.

Mr. Fan commented he moved his medical office from near Cottage Hospital to his current location to avoid construction noise, and inquired about noise reduction materials and construction parking impacts.

Public comment closed again at 4:23 p.m.

Ms. Weiss suggested restudy of the loft placement, reduction of the size of the two bedroom units to under 2000 sq. ft., and the fourth bedroom unit to 2800 sq. ft. and the floor to ceiling heights on the third and fourth floor reduced.

Ms. Judy Johnduff discussed the traffic generation levels and parking issues for office use in the proposed project.

Mr. Cearnal proposed construction of a temporary plywood barrier wall anchored to adjacent wall to help reduce construction noise levels.

Ms. Weiss suggested that Mr. Fan propose it to his neighborhood group association and he stated he would like to see a proposal of a possible noise barrier wall.

ACTION:

Assigned Resolution No. 070-06

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

Ms. Weiss announced the ten calendar day appeal period.

III. ADJOURNMENT

Ms. Weiss adjourned the meeting at 5:11 p.m.

Submitted by,

A handwritten signature in cursive script, appearing to read "Kathleen Goo", is written above a horizontal line.

Kathleen Goo, Staff Hearing Officer Secretary