



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

JANUARY 16, 2008

CALL TO ORDER:

Bettie Weiss, City Planner called the meeting to order at 1:07 p.m.

STAFF PRESENT:

Bettie Weiss, City 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.

Bettie Weiss, City Planner announced that Agenda Item 3, 360 Mesa Lane, will be heard first due to expected interested parties and speakers for the first two agenda items.

- B. Announcements and appeals.

The following appeals were not announced at the meeting, but are listed below for public information:

1. 3230 State Street scheduled for the February 21st Planning Commission meeting.
2. 1596 Oramas Street scheduled for the January 17th Planning Commission meeting.
3. 222 W. Alamar Road scheduled for the February 7th Planning Commission meeting.
4. 226 & 232 Eucalyptus Hill Drive which is still pending scheduling to the Planning Commission.

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

II. PROJECTS:

THE FOLLOWING ITEM WAS HEARD OUT OF AGENDA ORDER

ACTUAL TIME: 1:21 P.M.

A. APPLICATION OF STANTON & JANICE HOWELL, 2420 CALLE GALICIA, APN 041-423-014, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2007-00518)

The 10,000 square foot project site is currently developed with a single-family residence, attached garage, "as-built" pergola, fireplace, and counter. The proposed project involves legalization of the "as-built" structures. The discretionary application required for this project is a Modification to permit the pergola, fireplace, and counter to be located within the required ten-foot (10') interior yard setbacks (SBMC §28.15.060).

This item was continued from the November 7, 2007 Staff Hearing Officer Agenda to allow the applicant an opportunity to revise/reduce the amount of encroachment being requested.

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

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

Stanton Howell, Applicant/Property Owner, present.

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

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

Ms. Weiss requested the applicant to clarify some questions regarding reduced height of the structure, the neighborhood agreement regarding the fencing, and possibility of higher fencing up to 8 feet in height on the same permit, fireplace removal, and the pergola.

The Public Hearing was opened at 1:39 p.m.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paul Westbury expressing concern regarding the proposed project.

Mr. Jerry Chui expressed support for the project to leave the existing counter in its present location and expressed a concern that there could be congregation area if the proposed project changes.

Mr. Stan Tabler expressed concern regarding the proximity and height of the proposed pergola structure in the setback and congregation area.

Mr. Victor Plana read from his submitted letter expressing concern regarding the height and proximity of the pergola and fireplace chimney [to be removed], counter, solar panels, covered trellis, and congregation area of the proposed project.

The Public Hearing was closed at 1:47 p.m.

Ms. Weiss expressed concern regarding the setback areas and neighborhood fence line, and the height of the retaining wall. Ms. Weiss stated the trellis has been reduced in size and height and relocated away from the property line and that an 8-foot fence could be proposed.

ACTION:

Assigned Resolution No. 002-08

Denies the "as-built" fireplace and alternative storage installations and requires removal of all permanent structures within the rear yard setback area which violate the Zoning Ordinance; and approves a joint installation of the solar trellis and solar structures necessary to secure an appropriate improvement, with the following condition that if the trellis structure is not used as a solar installation, then the trellis structure shall be removed to comply with the Zoning Ordinance.

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

ACTUAL TIME: 2:07 P.M.

B. APPLICATION OF JILL KENT, 1406 GRAND AVENUE, APN 029-042-014, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2007-00606)

The 9,800 square foot project site is currently developed with a single-family residence and garage. The proposed project involves an enforcement case for over height vegetation. The discretionary application required for this application is a Modification to permit hedges located within ten-feet (10') of the front lot line to exceed a maximum height of 3 ½' and eight-feet (8') within required yards (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.

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

Jill Kent, Applicant/Property Owner, present.

Ms. Weiss stated that she would hear the item as announced in the agenda despite a request from the public to withdraw it due to current litigation regarding the proposed project site.

Ms. Weiss announced that she read the Staff Report, studied the grade differential, made an effort to measure the heights of the existing hedges for the proposed project, and also visited the site and surrounding neighborhood.

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

Ms. Weiss stated that even though the applicant presented evidence of various alleged neighboring setback violations of the Zoning Ordinance, they could not be judged as violations at this hearing and would have very limited bearing upon the present review of the specific modification request while considering perspectives of uniformity, fair application, and specifics of the site such as the lay of the land, neighborhood block location, topography, and various other details of the site.

Ms. Weiss commented that the lay of the land, safe vehicular ingress and egress from the garage, 3½ foot hedge height limitation for the first 10-feet within the front setback, an elevated front yard with a planter resulting in a 8-12 foot visual barrier/structure beyond the acceptable scale and resulting inaccessibility from the street.

The Public Hearing was opened at 2:22 p.m.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paul Westbury expressing concern regarding the proposed project.

Ms. Weiss acknowledged receiving a recent letter correspondence from Jim and Sharon Westby expressing opposition regarding the proposed project.

Mr. David Grokenberger presented specific highlighted/focused legal concerns from a Hearing Exhibit Book that he submitted for the record, and expressed his opinion that the modification should be denied.

Ms. Betsy Ingalls expressed concern regarding hedge height and claimed a lack of cooperation from the applicant of the proposed project.

The Public Hearing was closed at 3:01 p.m.

ACTION:

Assigned Resolution No. 003-08

Tentative Decision to be final when issued in writing:

The Staff Hearing Officer is not inclined to grant the rear overheight hedge modification request but may find it appropriate to grant approval for a minor amount due to grade differential, topography, and height consistency with an existing neighboring 6-foot hedge height. This would be conditional upon detailed and accurate grade and topographical measurements. The Staff Hearing Officer approves of the 3½ foot front overheight hedge modification request above the existing retaining wall along the front lot line within the 10-foot front setback, and approves the 8-foot overheight hedge height along the front lot line east of the garage.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission which will begin once the written decision is issued.

THE FOLLOWING ITEM WAS HEARD OUT OF AGENDA ORDER

ACTUAL TIME: 1:08 P.M.

C. APPLICATION OF CAROL SUZANNA GROSS, FOR PATRICK & NINA MAHAFFEY, 360 MESA LANE, APN 041-301-001, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2007-00609)

The 5,800 square foot project site is located on the corner of Mesa Lane and Cliff Drive. Current development on site consists of a single-family residence and garage. The proposed project involves a remodel and associated site improvements. The discretionary applications required for this project are Modifications to permit fences to exceed a maximum height of 3 ½' when located within ten-feet (10') of a front lot line or within twenty-feet (20') along the driveway (SBMC §28.87.170), and for an entry arbor, eyebrow trellis, and trash enclosure to be located within a front 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 Guidelines Section 15305.

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

Carol Gross, Applicant/Landscape Architect, present.

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

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

The Public Hearing was opened at 1:15 p.m.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paul Westbury expressing concern regarding the proposed project.

The Public Hearing was closed at 1:16 p.m.

Ms. Weiss requested the applicant to clarify some questions regarding prior existing fencing, the screening of the trash enclosures, and height of the fencing and trellis which will be 6½ feet in height.

ACTION:

Assigned Resolution No. 001-08

Approves the project by making the findings that the Modifications are necessary to secure appropriate improvement on a corner property with a Cliff Drive right of way at a higher elevation, and a garage setback of 15 feet, while meeting the purpose and intent of the Ordinance by providing privacy and usable yard areas without safety issues for the community.

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

THE HEARING RECESSED AT 3:27 P.M. AND RECONVENED AT 3:46 P.M.

THE FOLLOWING ITEM WAS CONTINUED FOR RE-NOTICING TO THE FEBRUARY 13TH
MEETING DUE TO THE APPLICANT'S ABSENCE

**D. APPLICATION OF ARMANDO ARIAS FOR ELIZABETH VOS,
812 LARGURA PLACE, APN 029-110-034, A-1 ONE-FAMILY RESIDENCE
ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE
(MST2007-00394)**

The 1 acre project site is currently developed with a single-family residence and attached garage. The proposed project involves the "as-built" expansion of the existing view deck. The discretionary application required for this project is a Modification to permit a portion of the expansion to be 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 Guidelines Section 15301.

Case Planner: Roxanne Milazzo, Associate Planner
Email: rmilazzo@SantaBarbaraCA.gov

III. ADJOURNMENT

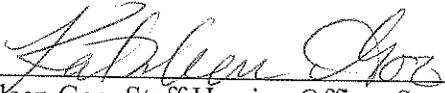
Ms. Weiss adjourned the meeting at 3:41 p.m.

Staff Hearing Officer Minutes

January 16, 2008

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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