



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

MARCH 26, 2008

### **CALL TO ORDER:**

Bettie Weiss, City Planner called the meeting to order at 1:02 p.m.

### **STAFF PRESENT:**

Bettie Weiss, City Planner  
Danny Kato, Senior Planner II  
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.  
Ms. Weiss announced again the following appeals reviewed or to be reviewed by the Planning Commission:
  - 1. 1406 Grand Avenue on the Riviera has a pending appeal scheduled for April 3, 2008, regarding the Staff Hearing Officer's partial approval/partial denial decision on over-height hedges.
  - 2. 2420 Calle Galicia has a pending appeal scheduled for April 17, 2008, regarding the Staff Hearing Officer's denial decision of 100% side yard encroachment for a food preparation area.
- C. Comments from members of the public pertaining to items not on this agenda.  
No comments.

II. PROJECTS:

ACTUAL TIME: 1:04 P.M.

A. APPLICATION OF DAWN SHERRY FOR BARBARA SCHARF, 122 LA PLATA, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, APN 045-211-016, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2004-00823)

The 6,500 square foot project site is currently developed with a single-family residence and attached one-car garage. The proposed project involves a remodel, conversion of the existing garage to habitable space, 490 square feet of new first floor area, and 827 square feet of second floor additions. The discretionary application required for this project is a Modification to permit window alterations within the required 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.

Dawn Sherry, 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.

Ms. Weiss requested staff and the applicant to clarify some questions regarding the second story pop-out window to which staff replied that the applicant was requested to comply with the Ordinance Code does not require a modification request.

Ms. Weiss expressed concern regarding maintaining the 8-foot plate height and non-conforming setback in the front yard and side elevation.

Mr. Kato explained staff's requested special condition for the modification requiring as-built drawings that detail the exact structural framework for rebuilding.

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

Ms. Weiss acknowledged several letter correspondences contained in the Staff Report as Exhibit D.

Mr. Mac Bakewell supported the bay window location, but expressed concern regarding landscaping and north-facing window of the proposed project. He stated that he would not like it enlarged in any way, and did not like it over looking his property.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paul Westbury expressing concern about saving the land of the proposed project.

Ms. Weiss acknowledged receiving recent letter correspondence from Ms. Marjorie G. Hunt in opposition to the proposed project.

Ms. Weiss acknowledged receiving recent letter correspondence from Ms. Shelly Azbell Garvey in support of the proposed project.

Ms. Weiss acknowledged receiving email correspondence from Mr. Tony Fischer expressing concern about the design review record and proposed that the proposed project should be either denied or not heard today.

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

After reviewing the ABR and SFDB hearing minutes where further design review comments were made and a specific straw vote was taken on the modification, Ms. Weiss concurred with staff and the applicant that if the modification is approved, a zoning clearance would be possible, but cautioned that the SFDB might still make changes to the articulation (size or location) of the window. Her task today was to set the parameters from a zoning stand point in order to assist and enable the SFDB in making their determination.

**ACTION:**

**Assigned Resolution No. 021-08**

Approved the project, making the findings that the Modification consisting of a window alteration within the existing footprint of the structure, and a pop-out window modification that does not add floor area, are necessary to secure an appropriate improvement to allow upgrades to an existing structure and meets the purpose and intent of the Ordinance to allow for an appropriate improvement of the property as no new square footage will be added nor any further encroachment toward the front yard open space be allowed within the required setback. Said approval is subject to the condition that the building plans for the project include "as-built" drawings of the portion of the building that encroaches into the front setback; including floor plans, elevations and sections, which show the building height at relevant points on the structure, structural members, including foundation, plates, studs, floor joists, ceiling joists, roof rafters, and other relevant structural members. And a condition that staff and the applicant revise the north facing window to ensure that it does not encroach further into the front yard and further that the Single Family Design Board look at addressing neighborhood concerns.

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

**ACTUAL TIME: 1:33P.M.**

**B. APPLICATION OF KEN MIXON FOR MARK BELL, 825 ROBLE LANE, APN 019-252-008, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00025)**

The 8,000 square foot project site has frontage onto both Roble Lane and Loma Media. Current development on site consists of a single-family residence with attached garage. The proposed project involves 101 square feet of lower level addition, and a remodel of the existing structure that will include the addition of site stairs, replacement of the main floor deck railing, a new entry, windows, and patio. The discretionary application required for this project is a Modification to permit alterations and additions within the interior and both 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 Guidelines Section 15301.

Kent Mixon Architect/Applicant, present.

Ms. Weiss announced that she review the Staff Report and photographs for the proposed project, but was unable to visit the site or surrounding neighborhood.

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

The Public Hearing was opened at 1:39 p.m. and, as no one wished to speak, was closed at 1:40 p.m.

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

Ms. Weiss acknowledged receiving a recent letter correspondence from Mr. Jim Webber in support of the proposed project.

**ACTION:**

**Assigned Resolution No. 022-08**

Approved the project, making the findings that the Modifications being requested are necessary to secure appropriate improvements of upgrade to the existing non-conforming development, and that the purpose and intent of the Ordinance is being met by allowing minor encroachments on a lot that is constrained by two front yards and an irregular shape, which limits the amount of legal building footprint.

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

**ACTUAL TIME: 1:42 P.M.**

**C. APPLICATION OF R. CASEY NAGEL FOR STUART HUDNUT, 1046 CIMA LINDA LANE, APN 015-203-004, A-2 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 2 UNITS PER ACRE (MST2007-00346)**

The 15,000 square foot project site is currently undergoing a remodel of the 2,980 square foot single-family residence and garage. The proposed project involves legalization of second story deck. The discretionary application required for this project is a Modification to permit a 4 ½ square foot corner of the deck to be located within the required 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.

R. Casey Nagel, Applicant; and James Madden, General Contractor/Property Owner, present.

Ms. Weiss announced that she read the Staff Report for the proposed project.

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

The Public Hearing was opened at 1:43 p.m. and, as no one wished to speak, was closed at 1:40 p.m.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paul Westbury in support of the proposed project.

**ACTION:**

**Assigned Resolution No. 023-08**

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement of allowing the deck to remain in its original configuration, and that it is consistent with the purpose and intent of the Ordinance in that adequate separation from neighboring residences is being provided by the front yard and street.

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

\*\*\*\* THE FOLLOWING ITEM WAS CONTINUED FROM THE MARCH 12<sup>TH</sup> MEETING \*\*\*\*

ACTUAL TIME: 1:45 P.M.

D. APPLICATION OF LARRY THOMPSON, ARCHITECT AND AGENT FOR MARLIES MARBURG, PROPERTY OWNER; 1316 AND 1327 BATH STREET; APN: 039-121-020 AND 039-112-009; R-4- HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE; GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS PER ACRE (MST2001-00822)

The project site is currently developed with four sleeping units associated with the Glenborough Inn. The proposed project involves the conversion of one unit to a breakfast room, a connection of the main building to the existing garage, conversion of the garage to an additional sleeping unit, and the construction of a fifth sleeping unit for the property. A detached gazebo is also proposed at the front of the building. The discretionary applications required for the project are Modifications to permit alterations and additions within the required rear and interior yard setbacks (SBMC §29.21.060 & 28.21.085), and for accessory space to be located within the remaining front yard (SBMC §28.87.160).

On January 6, 2005, this project was approved by the Planning Commission (RESO NO. 001-05). Failure to pull permits resulted in expiration of the approval. This is a request to reinstate.

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

Larry Thompson, Applicant; and Marlies Marburg, Property Owner, present.

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

Betsy Teeter, Planning Technician II, gave the Staff presentation and recommendation.

The Public Hearing was opened at 2:00 p.m. and, as no one wished to speak, was closed at 2:01 p.m.

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

Ms. Weiss requested staff and the applicant to clarify some previous questions regarding the parking plan to which staff confirmed that, after site visits to both locations, 1316 and 1327 Bath Street, Steve Foley, Senior Planner for the Transportation Planning Division had approved the proposed project for adequate parking and for maneuverability in one turn for ingress and egress to the project site. Staff confirmed with the Building Department that the required handicapped spaces would not impact the required amount of available parking spaces and trigger more parking requirements per the Code, which requires 2 out of 10 parking spaces be reserved for handicapped parking, no additional parking will be required. Staff

also confirmed that the only vehicles allowed to park in the handicapped spaces are vehicles with a required handicapped placard.

Ms. Weiss clarified that her concern was whether the Transportation Planning staff supported whether the site required further parking or handicapped parking requirements, and sought confirmation whether the parking demand was being met.

Mr. Kato confirmed that the handicapped parking required by the handicap accessibility requirements had no impact on meeting and satisfying the parking demand for the proposed project, with no further parking spaces required by the Transportation Department.

The applicant stated that they would ensure that the existing support retaining walls and the one inset recess wall would meet Ordinance requirements and need Code compliance.

Mr. Kato stated that given there were no neighborhood impacts to the south, he believed that staff's support of the project's side and rear yard encroachments, rear alleyway, and support walls was warranted. He suggested that if the applicant is not able to keep the three walls as shown on the plans, then they be required to keep to the original R-3 Zone requirements. Ms. Weiss concurred that the "null and void" condition be amended such that the standard 6-foot setback requirement would be sufficient for the alley and the property line to the south.

Ms. Weiss concurred with staff to approve the alterations to the non-conforming structure at 1316 Bath Street, subject to the Conditions of Approval as originally outlined in the Planning Commission Resolution No. 001-05, and as amended by staff today with the addition of a parking agreement and submittal of information regarding the structural integrity of the building for re-use. She requested that the findings in the Staff Report be amended as statements coming from her as Staff Hearing Officer and not from staff to substantiate her approval of the project.

**ACTION:**

**Assigned Resolution No. 024-08**

Approved the Modifications, making the amended findings outlined in Section VI of the Staff Report, such that the encroachments are deemed necessary to secure an appropriate improvement of the conversion of an existing garage structure to new rooms for the conversion of an existing structure as part of a sustainable development; the second floor encroachment into the rear setback provides adequate separation from nearby residences; and the project is consistent with the purpose and intent of the Zoning Ordinance in that the proposed uses do not negatively impact the neighboring properties; and subject to the amended Conditions of Approval originally outlined in the Planning Commission Resolution No. 001-05, Exhibit F: 1) That a parking agreement be received against 1327 Bath for the two mandatory off-site parking spaces, and 2) Prior to the submittal for a building permit to convert the garage to Room 5, the applicant must provide Staff with a Structural Engineer Report that shows the existing building can be re-used as proposed. An exploratory demolition permit would be issued to allow the preparation of the report; and 3) If the building cannot be re-used, the rear and interior setback Modifications allows a minimum of a 6-foot setback.

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

**III. ADJOURNMENT**

Ms. Weiss adjourned the meeting at 2:04 p.m.

Submitted by,



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Kathleen Goo, Staff Hearing Officer Secretary