



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

APRIL 9, 2008

#### **CALL TO ORDER:**

Bettie Weiss, City Planner called the meeting to order at 1:04 p.m.

#### **STAFF PRESENT:**

Bettie Weiss, City Planner  
Susan Reardon, Senior Planner I  
Danny Kato, Senior Planner II  
Roxanne Milazzo, Associate Planner  
Kathleen Kennedy, Associate Planner  
Kathleen Goo, Staff Hearing Officer Secretary

#### **I. NOTICES:**

Ms. Weiss made the following announcement:

This regular meeting of the Staff Hearing Officer will be broadcast live on City TV-18, and on your computer via [www.santabarbaraca.gov/Government/Video/City TV-18 Live Broadcast](http://www.santabarbaraca.gov/Government/Video/City_TV-18_Live_Broadcast). City TV-18 will also rebroadcast this meeting in its entirety on *Friday at 1:00 p.m.* An archived video copy of this meeting will be viewable on computers with high speed internet access the following Monday at [www.santabarbaraca.gov/Online Meetings](http://www.santabarbaraca.gov/Online Meetings).

#### **II. PRELIMINARY MATTERS:**

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

No Requests.

B. Announcements and appeals.

No announcement or new appeals.

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

No comments.

**III. PROJECTS:**

**ACTUAL TIME: 1:07 P.M.**

**A. APPLICATION OF KENT MIXON ARCHITECT FOR CHRIS HERTHEL & JANE SORENSON, 216 E. JUNIPERO STREET, APN 025-132-002, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2008-00026)**

The 7,800 square foot project site is currently developed with a 2,156 square foot single-family residence with attached garage. The proposed project involves a remodel, currently underway, that will result in window and door alterations to portions of the existing residence. The discretionary application required for this project is a Modification to permit window and door alterations within the required 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 15303.

Akiko Wade-Davis. Applicant/Agent for Kent Mixon Architect, present.

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

Ms. Weiss requested staff to clarify if a less-than-required sum total reduction in the number and size of window openings required per application of the Ordinance Code would thereby render the modification request obsolete. Staff responded that it was not the policy or method of consideration staff utilizes for this type of modification request.

The Public Hearing was opened at 1:08 p.m. and, as no one wished to speak, was closed at 1:09 p.m.

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

**ACTION:**

**Assigned Resolution No. 025-08**

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement of better placed windows for the new floor plan configuration, and that the purpose and intent of the Ordinance is being met in that there is no intensification of use or new floor area being proposed within the required yard.

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

**ACTUAL TIME: 1:10 P.M.**

**B. APPLICATION OF ARCHITECTS WEST FOR TIMOTHY & REGINA PEOPLES, 930 GARCIA ROAD, APN 029-252-005, E-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2008-00089)**

The 9,500 square foot project site is currently developed with a single-family residence and detached garage. The proposed project involves the demolition of the existing garage and replacement with a new garage with storage. The discretionary application required for this project is a Modification to permit the new garage to be located within the non-conforming 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.

Greg Rech, Applicant/Agent of Architects West; and Timothy Peoples, 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, Associate Planner, gave the Staff presentation and recommendation.

Susan Reardon, Project Planner, clarified a proposed Ordinance amendment regarding percentage of slope and obstructions to be included into the open yard area.

Ms. Weiss requested the applicant to clarify the relocation of the fence in relation to the dimension of the open yard. The applicant clarified that they propose to keep the current fence location to satisfy neighborhood requests and not move it back to the property line as originally proposed. They are also proposing to remove a rear window and a new storage area within the setback.

The Public Hearing was opened at 1:20 p.m.

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

Ms. Weiss acknowledged receiving recent letter correspondence from Ken (who also spoke at the meeting) and Barbara Hershberg who both expressed concern regarding any reconfiguration of the existing stone wall and fence line separating the both backyards.

Mr. Matthew Kelly submitted a letter correspondence and expressed concern regarding the proposed rebuilding of the mutual fence of the proposed project. Ms. Weiss confirmed that the applicant no longer proposes to relocate the fence.

The Public Hearing was closed at 1:23 p.m.

**ACTION:**

**Assigned Resolution No. 026-08**

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement of safe, functional off-street parking for the property, and that the purpose and intent of the Ordinance is being met by still providing adequate area on site for private outdoor enjoyment.

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

**ACTUAL TIME: 1:26 P.M.**

**C. APPLICATION OF BILL WOLF, FOR MICHAEL MILLHOLLAN, 1635 MIRA VISTA, APN 019-090-031, E-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2006-00097)**

The 18,000 square foot project site is currently developed with a single-family residence with attached garage. The proposed project involves a reconfiguration of the existing driveway to allow relocation of the garage door to the elevation facing the street. The discretionary application required for this project is a Modification to permit a retaining wall with fence on top, to exceed three and one-half feet (3 ½') in height when located within ten-feet of a front lot line or for the first twenty-feet along a driveway (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.

Bill Wolf of Pacific Architects, Applicant; and Michael Millhollan, 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, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 1:33 p.m. and, as no one wished to speak, was closed at 1:34 p.m.

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

**ACTION:**

**Assigned Resolution No. 027-08**

Approved the project by making the required findings that the Modification of wall heights is necessary to secure an appropriate improvement on site by allowing retention of front yard area that will be used for accessing the required parking, and meets the purpose and intent of the Ordinance by not creating a safety issue for the community. Said approval is subject to the condition that the landscaping above the proposed retaining wall be maintained at a maximum allowable height of 3½ feet from the street, so as to appear to be within compliance of the code from the public right-of-way, and upon return to the Single Family Design Board (SFDB), select appropriate landscape materials and plantings, and that the paving in the driveway be reduced as shown in the plan.

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

**ACTUAL TIME: 1:36 P.M.**

**D. APPLICATION OF W. WRIGHT WATLING, 108 LOMA MEDIA ROAD, APN 019-262-011, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2008-00134)**

The 29,000 square foot project site is currently developed with a single-family residence and 3-car garage. The proposed project involves a request to replace a failing retaining wall with a new concrete wall 60' in length and 12' in height. The discretionary application required for this project is a Modification to permit the wall to exceed the maximum allowable 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 15301.

W. Wright Watling, 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, Associate Planner, gave the Staff presentation and recommendation.

Ms. Weiss requested the applicant to clarify some questions regarding materials used and surrounding landscaping for the retaining wall.

Ms. Weiss expressed concern over the height and length of the new retaining wall, and requested it be appropriately screened by adequate landscape plantings, and that the applicant confirm with the Single Family Design Board (SFDB) on the configuration of the retaining wall and the possibility of fast-growth plantings of size, between the two retaining walls and at the outer base of the new retaining wall, to be placed on the plans for review.

Mr. Kato had the applicant clarify that the distanced between the top of the first battered wall and the new retaining wall to be 5-6 feet, with 2-5 feet of planting area.

The Public Hearing was opened at 1:54 p.m. and, as no one wished to speak, was closed at 1:55 p.m.

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

Ms. Weiss stated that she is not overly concerned with, nor would object to, any specific color or concrete stain that the applicant might present to the SFDB.

The applicant confirmed that he attained neighborhood support for the project as neighborhood seemed to be in favor of the proposed project for safety reasons.

**ACTION:**

**Assigned Resolution No. 028-08**

Approved the modification of a wall in excess of 8 feet in height as required by the Engineering design, making the findings that the Modification is necessary to secure an appropriate improvement on site by retaining the subject lot and providing a solution to the existing landslide situation that it meets the purpose and intent of the Ordinance to maintain a stable condition of private property without impacting the safety of the adjacent public street. Subject to a thorough review of landscape screening by the Single Family Design Board (SFDB).

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

**ACTUAL TIME: 2:00 P.M.**

**E. APPLICATION OF OROSZ ENGINEERING GROUP, INC., AGENT FOR PETER AND SYLVIA KURRELS, 810 BOND AVENUE AND 516 N. NOPAL STREET, APN 031-234-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2004-00351)**

The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments and one commercial unit to four condominium units (SBMC§28.88).

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

Steve Orosz, Agent/Applicant from Orosz Engineering Group, Inc.; and Peter Kurrels, Property Owner, present.

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

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommendation.

Ms. Weiss requested staff to clarify whether the proposed project meets the requirement for new condominiums that each residential unit have one covered parking (§28.90.100.G, 3e).

Staff explained the proposed project meets the mixed-use development parking requirement which allows 50% of the required parking for the residential units and that the spaces do not need to be covered (§28.90.100.H).

Mr. Kato clarified that staff believes that the residential parking requirements for mixed-use developments as stated above *supersedes* the standard condominium conversion requirement that each residential unit have one covered parking.

Ms. Weiss expressed concern regarding the appropriateness of the proposed mixed-use project as a condominium conversion, i.e., the mix of land uses for automotive repair and residential condominium units, is not appropriate.

Ms. Weiss also stated that she was concerned that the parking lot was not being utilized as shown on the plans.

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

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

After examination of the most recent design review included in the Staff Report of the already approved, permitted, and constructed residential structure, Ms. Weiss expressed concern that the Architectural Board of Review's original assessment of the design and intent of the project and land use foresaw the present proposed use as a mixed-use condominium conversion, as the site is not well-suited for a permanent (as opposed to a temporary rental) mixed-use condominium development.

Ms. Weiss stated that, at her discretion, she is unable to make condominium conversion finding under Section VII, Item B4 of the Staff Report which states "The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality

construction.” Ms. Weiss was also concerned that the project should have been originally proposed as a mixed-use development with condominiums as opposed to being apartments. If it had, it would have been a different project.

**ACTION:**

**Assigned Resolution No. 029-08**

Denied the project, as unable to make the findings for a Tentative Subdivision Map and Condominium Conversion; therefore making the determination that the overall design, including project amenities and physical condition of the condominium conversion for mixed-use, will not result in an aesthetically attractive, safe, and quality construction for a condominium conversion project per Ordinance standards.

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 2:23 p.m.

Submitted by,

  
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Kathleen Goo, Staff Hearing Officer Secretary