



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

MAY 7, 2008

CALL TO ORDER:

Susan Reardon, Senior Planner I called the meeting to order at 1:05 p.m., and announced that Item D, 1810 Las Canoas Road regarding a time extension request would be heard first out of agenda order.

STAFF PRESENT:

Bettie Weiss, City Planner
Susan Reardon, Senior Planner I
Danny Kato, Senior Planner II
Betsy Teeter, Planning Technician II
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.
Mr. Kato announced the following appeals reviewed or to be reviewed by the Planning Commission:
1. 2506 Calle Andalucia has a pending appeal before the Planning Commission scheduled for June 5, 2008.
 2. 1406 Grand Avenue has a pending appeal scheduled for June 19, 2008.
 3. 810 Bond Avenue has a pending appeal scheduled for July 10, 2008.
- 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: 1:11 P.M.

A. APPLICATION OF LOREN SOLIN FOR THE SCHMIDTCHEN FAMILY TRUST, 21 VIA ALICIA, APN 015-311-005, E-1 ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00073)

The project site is currently developed with a single-family residence and attached garage. The proposed project involves a 27 square feet addition to the existing entry and an expansion of an existing front patio. The discretionary application required for this project is a Modification to permit the entry expansion to be located within the required front 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.

Loren Solin, Architect, present.

Ms. Reardon 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 applicant commented and explained reasons for project.

Ms. Reardon requested staff to clarify some questions regarding reduction of the height of the stucco wall to 3 ½ feet and retiling the existing courtyard.

Ms. Reardon clarified that on her site visit she noticed that the majority of the houses in the neighborhood are built very close to the street, and that even though the City does not usually favor approving front yard modification requests for new living area; the application in question is a minor encroachment located under an existing roof cave and does not extend any further than the existing main wall of the building and is consistent with the homes in the neighborhood.

The Public Hearing was opened at 1:18 p.m. and, as no one wished to speak, was closed at 1:19 p.m.

Ms. Reardon acknowledged receiving a recent letter correspondence from Ms. Paula Westbury expressing concern regarding the proposed project which was read into the record.

ACTION:

Assigned Resolution No. 034-08

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement to the existing non-conforming development, and that it is consistent with the purpose and intent of the Ordinance because adequate separation between the entryway and street is maintained.

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

ACTUAL TIME: 1:20 P.M.

B. APPLICATION OF GREGORY RECH FOR GREG TATHAM, 175 LOMA MEDIA ROAD, APN 019-261-012, E-1 ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00090)

The project site has frontage onto Loma Media both on the north and south sides. Current development on site consists of a single-family residence and detached carport. The proposed project involves a 688 square feet first and second 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 Guidelines Section 15303.

Gregory Rech, Agent/Applicant, present.

Ms. Reardon 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 applicant commented and explained reasons for project.

Ms. Reardon requested staff and the applicant to clarify some questions regarding whether the existing open yard area meets minimum dimensions for open yard, location, and the designation of the new non-conforming yard.

Ms. Reardon stated that according to Zoning Ordinance amendments regarding open yard area currently being discussed by the Ordinance Committee, thru-lots or multiple street frontages such as a corner lots, would be permissible to designate open yard area *anywhere* in the secondary front yard up to 10 feet from the front property line and which meets the 1,250 minimum square footage; therefore, if the proposed Zoning Ordinance, amendments were adopted, the indicated open yard would be considered a legally conforming open yard area and no longer non-conforming.

Ms. Weiss explained that since the project would likely be processed before the new Ordinance standards are adopted, staff is taking the extra intermediate step to define the new non-conforming open yard.

Ms. Reardon further explained that in the event that the Zoning Ordinance amendments do not go forward and are not approved, the open yard will still be limited to outside the front yard setback. And, to address concerns of the applicant,





future modification potential would be proscribed by the existing standards of that future time.

Ms. Weiss stated for the record that at the time that this application is being considered, the identification of the alternative open yard is a basis for the approval sought for the modification; however, in the event that the new Zoning Ordinance standards related to open yards are adopted, action taken at this hearing concerning the current application for modification would not preclude the application of new Zoning standards or ability to comply with future rules.

The Public Hearing was opened at 1:30 p.m. and, as no one wished to speak, was closed at 1:31 p.m.

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

Ms. Reardon acknowledged receiving recent letter correspondence for this meeting from Dr. Alec P Alexander, 155 Loma Media Road, in support of the proposed project.

Ms. Reardon acknowledged receiving recent letter correspondence from James and Roberta Davis, 170 Loma Media Road, in support of the proposed project.

Ms. Reardon stated that on her site visit she examined both front yard areas and the potential effects an addition would have in those areas and determined that if an addition were to occur on the site, the proposed location would result in the least amount of impacts to the existing oak trees, to existing areas used for outdoor living space, and would be the least visible from Loma Media. Based on this, Ms. Reardon concurred with the findings in the staff report that there is a basis for support of the requested modification due to the fact that the project site is constrained by two front yards and that the Ordinance Committee has reviewed and expressed support of the proposed amendment to the open yard requirement to allow properties which have multiple street frontages to provide the required open yard in the secondary front yard.

ACTION:

Assigned Resolution No. 035-08

Approved the project, making the findings that the Modification being requested is necessary to secure an appropriate improvement of upgrade to the property, and that the project meets the purpose and intent of the Ordinance by allowing an encroachment into the existing non-conforming open yard on a lot that is constrained by two front yards and a steep slope, which limits the amount of legal building footprint, and that both front yards contain sufficient open yard areas improved with outdoor amenities, thus providing adequate area on site for private outdoor enjoyment.

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

ACTUAL TIME: 1:34 P.M.

**C. APPLICATION OF PAUL WELTERLEN AND BARBARA KELLNER,
1219 LAGUNA STREET, APN 029-131-010, R-3 THREE-FAMILY
RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION:
RESIDENTIAL, TWELVE UNITS PER ACRE (MST2008-00135)**

The project site is currently developed with a single-family residence. The proposed project involves an "as-built" fence and replacement of a demolished one-car garage with a paved uncovered parking space. The discretionary applications required for this application are Modifications to permit the fence, located along the Laguna Street frontage, to exceed the maximum allowable height of 3 ½' when located within ten-feet of a front lot line (SBMC §28.15.060 & 28.87.170), and the required parking to be uncovered and located within the required interior yard setback (SBMC §28.90.001, 28.90.100, & 28.21.060).

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

Paul Welterlen and Barbara Kellner, Applicants/Property Owners, 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 applicant commented and explained reasons for project.

Staff clarified that Transportation staff found the height of the fence along the driveway and property line acceptable as it is an alleyway and considered a side setback and therefore not held to 3½-foot maximum height limit (within 20 feet from the front lot line).

The Public Hearing was opened at 1:40 p.m.

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

Mr. Mike Gones expressed concern regarding the proposed location of the trash area, undergrounding of utilities, that the applicant should be required to waive right to protest the formation of an underground utility district, storage, and suggested the parking area be conditioned for use of parking and not storage, and participation in paving of the alley.

The Public Hearing was closed at 1:49 p.m.

Mr. Kato explained the misunderstanding concerning the past permit issued for the demolition of an unpermitted shed, and was not intended as a permit to demolish a small garage; however, he stated that the current area proposed for uncovered parking is not adequate for a one-car garage.

Staff explained that the condition to waive right to protest the formation of an underground utility district is intended for much larger developments such as condominiums, and are not required for small projects.

Ms. Weiss stated that the scope of the current project did not warrant the requirement of undergrounding of utilities nor for the public street improvements. She explained the applicant that there are different standards in the City's review process where undergrounding of utilities are required by the Code.

Mr. Kato stated that even if a modification is granted to allow an uncovered parking space, the site is non-conforming as to the number of parking spaces required and therefore any future application for more than a 50% addition would still require the parking to be brought up to Code with two parking spaces. A less than a 50% addition would be treated as non-conforming and not required to be brought up to Code.

Ms. Weiss encouraged communication between the applicant and the neighborhood, and asked the applicant if they understood the proposed action to approve the modification and conditions.

ACTION:

Assigned Resolution No. 036-08

Approved the Modification to allow the existing fence along the front property line to exceed maximum height limit of 3½ feet as it is consistent with the purpose and intent of the Ordinance and necessary to secure an appropriate improvement because the fence, as measured from the curb, would comply with the Zoning Ordinance, and to allow the fence posts to be slightly higher as a reasonable improvement. Said approval is subject to the conditions that: 1) The arch constructed over the gate be removed as shown on the plans; 2) The "as built" fence obtain Design Review approval; 3) The portions of the fence within 10 feet of the intersection of Laguna Street and the alley be *either* a) limited to a maximum height limit of 3½ feet *or* b) relocated on a diagonal at 10 feet back to remain at the same height as the rest of the fence to allow for greater visibility.

Approved the Modification to allow an uncovered parking space, to be located in the interior setback, making the required findings that the proposal to allow the uncovered parking space to replace the original garage is necessary to secure an appropriate improvement and that the Modification is consistent with the purpose and intent of the Zoning Ordinance as there are no feasible alternatives outside the setback. Further, that due to the size constraints of the parking area, a covered parking space would not be able to accommodate a standard car. Said approval is subject to the conditions that: 1) The trellis be removed as shown on the plan; 2) The applicant incorporate a trash enclosure for the trash area to screen it from view from the public alley; 3) The paving and the trash enclosure be subject to Design Review prior to issuance of any permits; 4) The trash enclosure and planter

are to be positioned to preclude parking in the drive area as shown on the plans; and 5) The modification and site improvement be limited and tied to the existing improvement as shown on the plan. In the event that a future or addition to the residence is proposed, the modification would need to be reconsidered for a new modification, if necessary.

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 HEARD OUT OF AGENDA ORDER. *****

ACTUAL TIME: 1:07 P.M.

D. APPLICATION OF TOM JACOBS, AGENT FOR PATRICK DAVIS, 1810 LAS CANOAS ROAD, APN 021-040-003, A-1 ONE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2005-00806)

The 6.5 acre project site is currently developed with a 1,775 square-foot single-family residence, a 500 square-foot accessory structure, a 1,195 square-foot barn, a 528 square-foot garage, and a 480 square-foot "as-built" accessory building. The proposed project involves legalization of the "as-built" structure. The discretionary application required for this project is a Modification to permit detached accessory floor area in excess of 500 square-feet (SBMC § 28.87.160). This project was previously approved on February 15, 2006, and has expired.

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

Tom Jacobs, Agent/Architect, present.

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

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

The applicant commented and explained reasons for project.

Ms. Reardon requested the staff to clarify which, if any, of the original Resolution's required Conditions of Approval would be carried forward (recording signed Zoning Compliance Declaration, etc.).

Ms. Teeter confirmed that the Zoning Compliance Declaration was for all the entire accessory structures on the site and that staff propose that all the conditions of Approval contained in the Resolution No. 001-06 be carried forward.

The Public Hearing was opened at 1:10 p.m. and, as no one wished to speak, was closed at 1:11 p.m.

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

ACTION:

Assigned Resolution No. 033-08

Approved the project making the findings that the Modification is necessary to secure an appropriate improvement on site and meets the purpose and intent of the Ordinance by providing an amount of accessory space that is in proportion with the lot area.

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

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 2:31 p.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary