



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

JUNE 18, 2008

#### CALL TO ORDER:

Susan Reardon, Senior Planner I called the meeting to order at 1:02 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  
Suzanne Johnston, Assistant Planner  
Maggi Walker, Planning Technician  
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. Reardon announced the following appeals reviewed or to be reviewed by the Planning Commission:

1. 2506 Calle Andalucia had an appeal on June 5, 2008, which Planning Commission upheld the applicant request, and overturned the Staff Hearing Officer partial approval.

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 HEARING RECESSED AT 1:03 P.M. AND RECONVENED AT 1:05 P.M. \*\*\*

**ACTUAL TIME: 1:05 P.M.**

**\*\*\* THE FOLLOWING ITEM WAS HEARD OUT OF AGENDA ORDER \*\*\***

**A. APPLICATION OF PATRICK J. POULER AGENT FOR JERRY MCFERRAN, 116 E. PADRE STREET, APN 025-321-002, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, THREE UNITS PER ACRE PER ACRE (MST2008-00162)**

The 5,472 square foot project site has frontage onto both Padre Street and Green Lane. The project site is currently developed with a 1,364 square foot single-family residence and a detached one-car garage. The proposed project involves the demolition and replacement of an existing 128 square foot second floor sitting room and elevator. The discretionary application required for this project are Modifications to permit alterations and additions within the front yard setbacks facing Padre Street and Green Lane (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.

Patrick Pouler, Agent/Applicant; present.

Ms. Reardon 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. Reardon requested staff and the applicant to clarify what development would be removed within the Green Lane public right-of-way to clear away any existing violations. Staff clarified that the addition will not affect the Historic Structures Report determination and that the existing structure is a compatible improvement of a Structure of Merit-Worthy residence. The applicant stated that removal of the encroaching fence entrance landing and awning posed no problem.

Mr. Pouler clarified some specifics regarding the quality of the replacing architecture on the plans.

The Public Hearing was opened at 1:11 p.m. and, as no one wished to speak, was closed at 1:12 p.m.

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

Ms. Reardon concurred with staff that the constrained lot limits the areas where an appropriate addition could occur, and that the proposed addition would be in keeping with the existing structure and not intensify the encroachment or expand the building footprint.

**ACTION:**

**Assigned Resolution No. 045-08**

Approved the project, making the findings that the Modification is necessary to secure an appropriate improvement that is compatible with the historical and architectural significance of the existing residence, and meets the purpose and intent of the Ordinance by not intensifying the existing footprint and encroachment, with the conditions that the existing overheight hedges and fences be either removed or reduced in height to 3½ feet within 10 feet of the front property line; and applicant to either applicant obtain an encroachment permit or eliminate of all development within the right-of-way on Green Lane.

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

**ACTUAL TIME: 1:15 P.M.**

**B. APPLICATION OF JOSE ESPARZA AGENT FOR CARLOS ADAME, 1125 ARBOLADO ROAD, APN 019-242-002, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, THREE UNITS PER ACRE (MST2008-00204)**

The project site is currently developed with a single-family residence and detached two-car garage. The proposed project involves the legalization of an "as-built" hedge and the replacement of a retaining wall with a fence on top within 10' of the front lot line. The discretionary applications required for this project is a Modification to permit a retaining wall, fence and hedge to exceed the maximum allowable height of 3½' when located within ten-feet of a front lot line (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.

Jose Esparza, Applicant; and Carlos Adame, Property Owner, present.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site, but was unable to go onto the property due to the presence of a guard dog.

Maggi Walker, Planning Technician, gave the Staff presentation and recommendation.

Ms. Reardon requested staff and the applicant to clarify some questions regarding scope of the project, ensuring that the project does not extend out to the public right-of-way, and the existing hedge to be trimmed, and the grading for the retaining wall.

The Public Hearing was opened at 1:19 p.m. and, as no one wished to speak, was closed at 1:20 p.m.

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

Ms. Reardon concurred with staff that there exists a significant grade differential between the property and the road, such that the retaining wall is necessary to protect the existing public road and that the 3½ feet high fence assists in screening the existing property, and that the fence height meets the intent of the Ordinance maximum height requirements of 3½ feet as measured from the street and does not pose a hindrance for safe traffic visibility from the driveway or for other adjacent properties.

**ACTION:**

**Assigned Resolution No. 046-08**

Approved the project, making the findings that the Modification is necessary to serve as an appropriate improvement and that the project meets the purpose and intent of the Ordinance because the retaining wall is necessary to support the grade and it does not pose safety or visual issues for the neighborhood, with the condition that the existing hedge be removed and replaced with landscaping which, at maturity, would not exceed the maximum height of 3½ feet.

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

**ACTUAL TIME: 1:23 P.M.**

**C. APPLICATION OF ELLEN P. BILDSTEN ON BEHALF OF CHARLENE REICHERT AND THOMAS PRINCE, 215 BALBOA DRIVE, APN 041-361-012, E-3/SD-3 ONE-FAMILY RESIDENCE/COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS PER ACRE (MST2008-00252)**

Current development on site consists of a single-family residence and carport. The proposed project involves enclosing the existing carport and converting it to a two car garage. The discretionary application required for this project is a Modification to permit a portion of the addition to be located within the required twenty-foot (20') 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.

Ellen Bildsten, Agent/Architect, present.

The Public Hearing was opened at 1:25 p.m. and, as no one wished to speak, was closed at 1:26 p.m.

Ms. Reardon announced that she did not visit the site, but read the Staff Report and reviewed the provided streetscape photographs of the proposed project and surrounding neighborhood from the applicant.

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

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

Ms. Reardon concurred with staff that the project is appropriate and provides a secure location for vehicles and is an aesthetic improvement to the streetscape, and does not intensify the encroachments in the front yard area and or expand on the garage.

**ACTION:** **Assigned Resolution No. 047-08**

Approved the project, making the findings that the Modification allows for an appropriate improvement of secured parking for the site that meets the purpose and intent of the Ordinance by maintaining the current location.

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

**ACTUAL TIME: 1:02 P.M.**

\*\*\* THE FOLLOWING ITEM WAS HEARD OUT OF AGENDA ORDER \*\*\*

D. **APPLICATION OF LAURA HANSON DESIGN, AGENT FOR STEPHEN F. LEROY, PROPERTY OWNER, 420 W. GUTIERREZ STREET, APN 037-191-007, R-4: MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2004-00007)**

The proposal is a request to extend the expiration date of the Tentative Map approved by the Staff Hearing Officer on June 21, 2006. **A three-year extension is requested pursuant to SBMC§27.07.110.** The project approved by the Staff Hearing Officer involves the conversion of an existing two-story, three-unit apartment building into three condominium units. The existing building consists of one (1) two-bedroom unit, two (2) three-bedroom units and four attached covered parking spaces. Unit A is an existing 825 square foot, two-bedroom unit that would be converted to a 750 square foot, one-bedroom unit with an attached one-car garage. Unit B is an existing 1,293 square foot, three-bedroom unit that would be converted to a 1,374 square foot, two-bedroom unit with an attached two-car tandem garage. Unit C is an existing three-bedroom unit that would be increased from 1,158 to 1,187 square feet with an attached two-car garage. An exception to the physical standard requirements for condominium conversions, to allow only one parking space for Unit A instead of two, is requested.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 for the extension of time limits on an approved project where circumstances have not changed.

Laura Hanson, Applicant; and Stephen Leroy, Property Owner, present.

Ms. Reardon announced that she read the Staff Report and Conditions of Approval.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommendation, and also reported receiving one public comment letter from Paula Westbury expressing concern regarding the proposed project.

Ms. Reardon concurred with staff that the project continues to conform to the City's Building and Zoning Ordinance standard requirements, and to the policies of the General Plan as there has not been any major Zoning Ordinance or General Plan amendments that would affect the project's consistency with them.

**ACTION:**

**Assigned Resolution No. 044-08**

Approved a three-year time extension, to June 21, 2011, for the Tentative Subdivision Map, subject to the original Conditions of Approval included in Exhibit C of the Staff Report.

Ms. Reardon clarified that only denials of time extension requests are appealable to the Planning Commission; therefore, the approval of this time extension is not appealable.

**ACTUAL TIME: 1:27 P.M.**

E. **APPLICATION OF CARRIE TORME, FOR CARRIE TORME AND CHRISTOPHER & TABITHA ELWOOD, 693 WESTMONT ROAD AND 694 CIRCLE DRIVE, 013-102-011 AND 013-102-001, R-1/ SINGLE-FAMILY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL ONE UNIT/ACRE (MST2007-00651)**

The project consists of the transfer a 457 square foot piece of land from the lot at 694 Circle Drive to the lot at 693 Westmont Road; both lots are located within the Hillside Design District. The transfer will result in lot areas of 8,620 square feet for the property at 693 Westmont Road and 7,047 square feet for the property at 694 Circle Drive. The discretionary application required for this project is a Lot Line Adjustment. (SBMC § 27.40)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 (Minor Alteration in Land Use Limitations).

Carrie Torme, Applicant/Property Owner/Agent for both stated properties, present.

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

Suzanne Johnston, Assistant Planner, gave the Staff presentation, recommendation, and presented a memo with corrections to the Staff Report regarding the project's non-conforming with the General Plan's Land Use density of one unit per acre, and revised findings for project approval.

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. Reardon concurred with staff regarding the legally non-conforming status to General Plan density requirements, and that the proposed lot line adjustment does not increase the development potential or allowed density of the zone, and the logic of the proposed location of the adjustment lot line.

Ms. Weiss questioned the appropriateness of the approval Conditions of Approval stating that she questioned whether some proposed conditions appear to go beyond the scope of the proposed lot line adjustment.

Ms. Johnston stated that the conditions were suggested by the Public Works Department, and that it falls under the Staff Hearing Officer's purview to adjust the proposed conditions.

Ms. Reardon stated she concurred with Ms. Weiss that changes needed to be made to the Conditions of Approval.

**ACTION:**

**Assigned Resolution No. 048-08**

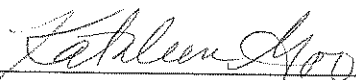
Approved the subject application, making the findings outlined in the memorandum to the Staff Hearing Officer from staff dated, June 18, 2008, that the proposed lot line adjustment is appropriate for the area and conforms to the City's General Plan because the Land Use Element recognizes that the City has many legally nonconforming lots and the proposed lot line adjustment would not increase development potential or intensity, and Building and Zoning Ordinances. The lot line adjustment would create two legal lots that conform to the zoning requirements in the R-1 zone and locate the property line at the top of the geographical feature, which currently separates the two properties; with the following change to the Conditions of Approval in Exhibit A to omit Conditions A, and A1, A2, and A3.

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 1:45 p.m.

Submitted by,



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Kathleen Goo, Staff Hearing Officer Secretary