



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

NOVEMBER 19, 2008

### CALL TO ORDER:

The meeting was called to order at 9:02 a.m. by Bettie Weiss, City Planner.

### STAFF PRESENT:

Bettie Weiss, City Planner  
Danny Kato, Senior Planner  
Steve Foley, Supervising Transportation Planner  
Roxanne Milazzo, Associate Planner  
Betsy Teeter, Planning Technician  
Doug Zanini, Contract Planner  
Gloria Shafer, Staff Hearing Officer Secretary

### I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
None.
- B. Announcements and appeals.  
None.
- C. Comments from members of the public pertaining to items not on this agenda.  
No comments.

### II. PROJECTS:

#### ACTUAL TIME: 9:04 A.M.

- A. APPLICATION OF MATHEW GRADIAS FOR NELSON & KATHLEEN ROBERTS, 41 S. ONTARE ROAD, APN 051-053-011, E-3 ONE-FAMILY RESIDENCE/SD-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2008-00472)

The 6,547 square foot project site is located on the corner of S. Ontare Road and San Pablo Lane. Current development on site consists of a single family residence and detached garage. The proposed project involves a remodel and interior floor plan reconfiguration. The discretionary application required for this project is a Modification to permit window and door changes and a new chimney to be located within the required 20' front setback facing San Pablo 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.

Present: Mathew Gradias, Agent.

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

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

The Public Hearing was opened at 9:09 a.m.

Michael Smith, requested clarification of any proposed height or roof plan changes.

Staff clarified that no changes are proposed to height or roof plan.

The public hearing was closed.

Mr. Gradias questioned whether the hedge is required to be reduced or removed.

Ms. Milazzo responded that lowering the first 20 feet of hedge to a height of 3 ½ feet would be sufficient.

**ACTION:**

**Assigned Resolution No. 086-08**

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alterations are appropriate for the residence and will allow a remodel that does not expand the existing footprint or result in impacts to the neighbors.

Said approval is subject to the condition that the existing fence and hedge that encloses the yard between the residence and garage be brought into compliance with maximum heights as required by the Zoning Ordinance.

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

**ACTUAL TIME: 9:12 A.M.**

**B. APPLICATION OF DAWN SHERRY FOR JAMES MITCHELL, 309 PALISADES DRIVE, APN 041-325-009, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2008-00392)**

The project site is currently developed with a single family residence and attached two-car carport. The proposed project involves a remodel of the residence, which includes demolition of the carport and replacement with a two-car garage with habitable space above. The discretionary application required for this project is a Modification to permit the garage to be located within the required 6' interior 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.

Present: Dawn Sherry, Architect; James Mitchell, Owner.

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

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

Ms. Sherry requested that the property owner be allowed to keep the existing 4 ½ foot driveway fence matching the height of the neighbors existing fence. Ms. Weiss explained that a fence modification was not included in the application and therefore must comply with the 3 ½ feet limitation.

The Public Hearing was opened at 9:22 a.m.

A letter in support from Lotte Hornemann was acknowledged.

The Public Hearing was closed.

**ACTION:**

**Assigned Resolution No. 087-08**

Approved the subject application making the following findings and determinations:

The Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed encroachment is appropriate because it will result in the required parking for the site to be provided in an enclosed structure which secures and screens the parked vehicles from the right-of-way, while reducing the encroachment from what currently exists.

Said approval is subject to a condition that the hedge and fence along the southern lot line be reduced to the maximum allowable height of 3 ½' for the first 20' back from the front lot line, and that the hedge along the front lot line be maintained at a maximum non-conforming height of 8', and the portion of the hedge along the north side of the driveway be maintained at its maximum allowable non-conforming height of 8 ½'. It should be noted that the over-height fence and hedge along the front lot line and the hedge along the north side of the driveway have been given a non-conforming status (see letter on file) and are not subject to reduction at this time.

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

**ACTUAL TIME: 9:26 A.M.**

**C. APPLICATION OF CHARLES JEFF RESTIVO FOR THE PACIFIC COAST COLLECTIVE, INC. MEDICAL CANNABIS DISPENSARY, 331 N. MILPAS STREET, 031-363-029, C-2/M-1 ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2008-00343).**

The project consists of establishment of a medical cannabis dispensary within an existing 2,600 square foot tenant space at 331 N. Milpas Street. A maximum of six (6) employees are proposed at any one time and hours of operation are proposed to be 10 a.m. to 8 p.m. seven days a week. The discretionary applications required for this project are a medical cannabis dispensary permit (SBMC § 28.80.030).

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

Present: Jeff Restivo, Applicant; Joshua Braun, Consultant.

Mr. Zanini, Contract Planner, gave the Staff presentation and recommendation, Mr. Kato, Senior Planner, was available to respond to questions.

Mr. Zanini reported corrections to the following Conditions of Approval: Condition No. 3: on November 7 a revised floor plan was submitted which included installation of cameras at the store front; the revised floor plan eliminates the need for Condition No. 6 which requires camera installation. He suggested the applicant install of signs stating "no pedestrians on driveway" and removal of frosting on store front windows to allow visibility.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood. Ms. Weiss requested information about: 1) the 500 foot limitation from schools but not day care centers; 2) anniversary date fee; 3) information about Polices calls to Pacific Green; 4) additional products to be sold on the premises.

Mr. Kato explained that child care locations were not included because normally parents drop off and pick up children, and children can not leave the premises unlike elementary and high school children. He explained the Ordinance initially required an annual check in and associated fee, however check-in is no longer a requirement. Should a check-in be required in the future a fee will be determined. Mr. Restivo stated that he is aware of only one incident of Police involvement to investigate the theft of a patient's prescription.

Mr. Kato requested clarification from the applicant about the proposed entrances at the front and rear. Mr. Restivo explained that an employee is proposed to be stationed at each entrance and the rear entrance provides ADA accessibility.

The Public Hearing was opened at 9:40 a.m.  
As no one wished to speak, the Public Hearing was closed.

**ACTION:**

**Assigned Resolution No. 088-08**

The project complies with the requirements of Chapter 28.80 of the City Zoning Code for regulation of medical cannabis dispensaries. Specifically:

- a. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of Zoning Ordinance.
- b. The dispensary permit complies with the criteria set forth in Section 28.80.090 (Criteria for Review of Dispensary Applications) of the Zoning Ordinance, as explained in the Staff Report and the Applicant's submittal.
- c. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Santa Barbara Municipal Code and the revised conditions of approval.

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

**ACTUAL TIME: 9:50 A.M.**

**D. APPLICATION OF THE HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA, 416-424 E. COTA STREET, APNS 031-212-024, 27 & 29, C-M ZONE, GENERAL PLAN DESIGNATION: OFFICES AND COMMERCIAL (MST2008-00097)**

The project consists of a proposal to demolish a 20,450 square foot one story commercial building and associated paved areas and construct a three story affordable apartment complex. As proposed, the project would include 55 studio units and 1 two bedroom unit, a 13,000 square foot on grade parking garage, a community room and auxiliary uses such as laundry and utilities. The 55 studio units would be designated as very low income affordable rentals and the two bedroom unit would serve as the manager's residence. The applicant is also proposing a voluntary lot merger of the three existing lots to create one legal lot. Access to the site would be provided by a driveway from Olive Street, which would also include an easement for access to the adjacent parcel (APN 031-212-028).

The discretionary applications required for this project are:

1. Modification of the lot area requirements to allow 32 over-density units (bonus density) on a lot in the C-M Zone (SBMC §28.21.080);
2. Modification to allow the garage and a second story deck to encroach into the interior yard setback (SBMC §28.21.060); and
3. Modification to allow the entry sign tower and two (2) third floor units to encroach into the front setback (SBMC §28.21.060); and
4. Modification to allow a second story deck to encroach into the rear setback (SBMC §28.21.060); and
5. Modification to provide forty (40) parking spaces instead of the required seventy (70) parking spaces (SBMC §28.90.100)

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15332, Infill Development Projects.

Present: Mark Wienke, Architect; Christine Pierron, Architect; Skip Szymanski, City of Santa Barbara Housing Authority.

Ms. Teeter, Associate Planner, gave the Staff presentation and recommendation.

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

Ms. Weiss requested information about: 1) Ordinance amendment allowing an ABR waiver for parking structures in commercial zones for residential projects; 2) modification for the third story front yard; 3) proposed guest parking management plan; 4) bus shelter; 5) potential requests for leased parking.

Mr. Kato explained that on narrow lots, less than 55 ft wide, a design review waiver is available, therefore portions of the project are waived from review; a modification would have been required for the third story front yard at the start of the process. The applicants explained the project will have 20 designated tenant parking spaces and 6 designated guest parking spaces; it expected that 2 MTD bus standards will be located on Cota Street; "no parking" signs will be posted and possibly a gate installed prohibiting parking by non-residents.

The Public Hearing was opened at 10:41 a.m.

Steve Ridgeway and Dave Mezotta, adjacent business owners, requested clarification of project details in relation to their access easement.

The Public Hearing was closed at 10:53 a.m.

Steve Foley, Supervising Transportation Planner, stated that if a gate were installed it should be placed 20 feet back from edge of right-of-way to prevent obstructing pedestrian traffic and vehicles. He reported that a letter was received from MTD requesting the 2 bus stops be enhanced to each have a bench, a trash can, and be covered.

**ACTION:**

**Assigned Resolution No. 089-08**

Approved the project making the revised findings contained in Section VI of the staff report, as amended at the public hearing, and subject to the conditions of approval.

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

**III. ADJOURNMENT**

The meeting was adjourned at 11:05 a.m.

Submitted by,

  
\_\_\_\_\_  
Gloria Shafer, Staff Hearing Officer Secretary

11-21-2008  
\_\_\_\_\_  
Date

