



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

MARCH 11, 2009

CALL TO ORDER:

The meeting was called to order at 9:01 a.m. by Susan Reardon, Senior Planner.

STAFF PRESENT:

Susan Reardon, Senior Planner
Renee Brooke, Senior Planner
Danny Kato, Senior Planner
Roxanne Milazzo, Associate Planner
Kelly Brodison, Assistant Planner
Suzanne Johnston, Assistant Planner
Daniel Gullett, Associate Planner
Chelsey Swanson, Associate Transportation 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: 9:01 A.M.

- A. APPLICATION OF GREGORY RECH FOR CATHERINE STEINKE, 219 CONEJO ROAD, APN 019-041-021, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00045)

The 46,174 square foot project site is currently vacant. The proposed project involves the rebuild of a 3,430 square foot, two-story single-family residence with attached two-car garage destroyed in the Tea Fire. The project includes 614 square feet of additions, the construction of a concrete patio at the westerly property line, permitting the existing configuration of the retaining wall supporting the driveway,

and includes rebuilding and increasing four rear yard decks. The following discretionary applications are required for this project:

1. A Modification to permit new construction within the required 35' front setback (SBMC §28.15.060);
2. A Modification to permit a new window within the required 15' interior setback to the east (SBMC §28.15.060, and §28.87.170); and
3. A Modification to permit new construction within the required 15' interior setback to the west (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 15269(a).

Present: Gregory Rech, Architect; Catherine Steinke, Owner; Mark Gross, Resident.

Suzanne Johnston, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:14 a.m.

A letter expressing concerns from Paula Westbury was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read Staff Report and visited the site and surrounding neighborhood.

ACTION:

Assigned Resolution No. 015-09

Approved the project making the finding that, the requested Modifications are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure appropriate improvements on the lot. Given the overall slope of the property, re-building in the same location as the previous structures requires minimal ground disturbance, and is preferred over moving the development towards the center of the property. Additionally, the amount of separation being provided by the street, and the benefits of a structurally safe building, provide for appropriate improvements over the residence that previously existed.

Said approval is subject to the condition that the proposed concrete patio to be located no closer than 5 feet from the westerly property line.

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

ACTUAL TIME: 9:23 A.M.

B. APPLICATION OF RAYNER SPENCER FOR DOR STAMPFLI, 317 CONEJO ROAD, APN 019-050-025, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00024)

The 12,893 square foot project site has frontage on both Conejo and Sherman Roads. The proposed project is a request to rebuild a single-family residence and detached garage destroyed in the Tea Fire. The proposed 1,700 square foot one-story house is designed with 80 square feet of additional floor area and a raised wood floor which results in the residence being approximately two feet higher than the prior 1,620 square foot structure. The project includes a 460 square foot detached two-car garage, which replaces the previous carport, and decking around three sides of the residence. The discretionary applications required for this project are Modifications to permit alterations within the required 35' front and 15' interior 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 15269.

Present: Rayner Spencer, Contractor; Dor Stampfli, Owner.

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

The Public Hearing was opened at 9:28 a.m.

A letter expressing concerns from Paula Westbury was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read Staff Report and visited the site and surrounding neighborhood.

ACTION: **Assigned Resolution No. 016-09**

Approved the project making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The proposed encroachments within the required front and interior setbacks will allow an improved rebuild of the residence and parking, with minor changes that do not result in additional floor area within required setbacks.

Said approval is subject to the condition that the proposed garage window located in the interior setback be removed.

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

ACTUAL TIME: 9:31 A.M.

C. APPLICATION OF FERGUSON-ETTINGER ARCHITECTS. INC., FOR DENNIS DIERENFIELD, 14 CAMINO VERDE, APN 019-282-003, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00032)

The 9,085 square foot site was developed with a 2,880 square foot two-story single-family residence and 440 square foot detached two-car garage which were destroyed in the Tea Fire. The project consists of construction of a 2,667 square foot two-story house and attached 484 square foot garage. The discretionary application required for this project is a Modification to locate the new garage within the required 30' 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 15269.

Present: Brett Ettinger, Architect.

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

The Public Hearing was opened at 9:35 a.m.

A letter expressing concerns from Paula Westbury was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read Staff Report and visited the site and surrounding neighborhood.

ACTION:

Assigned Resolution No. 017-09

Approved the project making the finding that 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 allows for the garage to be rebuilt entirely on the private property and provides the required parking for the site.

Said approval is subject to the condition that the powder room in the lower level accessory space be reconfigured with the toilet facing the sink in the minimal size allowed by the Uniform Building Code (UBC) and that a Zoning Compliance Declaration be recorded against the property's title.

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

ACTUAL TIME: 9:37 A.M.

D. APPLICATION OF DUDEK & ASSOCIATES FOR RICHARD GODFREY, 1415 MISSION RIDGE ROAD, APN 019-103-004, A-2 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00051)

The 13,766 square foot project site is currently developed with a single family residence and 2-car garage. The proposed application is a request for the "as-built" enclosure of a 192 square foot second-story patio. The discretionary application required for this project is a Modification to permit alterations/additions within the required ten-foot 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 15301.

Present: Jean Grey, Architect; Richard Godfrey, Owner;

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

The Public Hearing was opened at 9:42 a.m.

Three letters in support of the project from Dianne Channing, J.J. Gobbell, and Brian Escalera were acknowledged.

A letter from Paula Westbury in support of the project was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read Staff Report and visited the site and surrounding neighborhood. Ms. Reardon noted that action taken today does not include approval of the requested outdoor bar sink and fireplace, but is only for setback encroachments.

ACTION:

Assigned Resolution No. 018-09

Approved the project making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on site. The large separation between the "as-built" habitable space and the adjacent neighbor provides the buffer zone as intended by the Ordinance and the impacts associated with an outdoor amenity that encourages congregation has been reduced by the solid wall construction.

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

ACTUAL TIME: 9:45 A.M.

E. APPLICATION OF EAST BEACH VENTURES FOR DISRAELI LIVING TRUST, 2140 MISSION RIDGE ROAD, APN 019-071-003, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2008-00318)

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of new accessory space. Nine existing trees are proposed to be removed. 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 15305.

Present: Don Disraeli, Owner; Pete Ehlen, Architect.

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

The Public Hearing was opened at 9:55 a.m.

Patricia Aoyama, opposed: addressed concerns that the project has grown since the last hearing and should not be granted because: the intent of Zoning Ordinance is not met, contains terracing over 3 feet high; large trees will be removed with no comparable screen proposed; fire fighter access needed; no unreasonable hardship; project does not meet neighborhood development plan; accessory structure is rented; privacy issues; negative impact to neighbors; water fountain and soil disturbance; not compatible with the neighborhood.

Katherine Weinheimer, Attorney for Ms. Aoyama, opposed: project does not comply with the Zoning Ordinance, there is reduced distance between properties due to conforming lot line location; project is not necessary to secure an improvement on the lot, the finding must be an actual necessity; suggested that application be referred to the Planning Commission for interpretation of what is necessary.

Letters from Sally Anderson, Patricia Aoyama, Eric Gabrielson, and Paula Westbury expressing concerns of the project were acknowledged.

Public Hearing was closed at 10:07 a.m.

Ms. Reardon requested clarification of trees proposed to be removed. Mr. Ehlen responded that Pepper trees are proposed to be removed and replaced for screening.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Reardon explained that due to Ordinance amendments, sloped areas over 20% are allowed to be included in the open yard area; "terrace" refers to a terrace or patio area, not a terraced retaining wall area. She further explained that the intent of a setback is to have a separation of buildings, and the proposed addition to the rear respects the neighbors in that it is one-story. Ms. Reardon stated that the intent of open area is to provide recreation area on site, currently the pool area and open area in front of the residence provide open space and meets intent of the ordinance. Ms. Reardon clarified that the finding is that the modification is necessary to secure an appropriate improvement.

Ms. Brooke reinforced that at the time of development, the site did meet the intent of ordinance in terms of open yard requirements, but due to ordinance changes the lot is considered constrained.

ACTION:

Assigned Resolution No. 019-09

- I. Approved the project making the finding that 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 site is constrained in that it is irregularly shaped and the existing house is to the rear of the site. The proposed addition does not reduce the private outdoor living area which is located in front of the residence which is improved with amenities for the intended use.
- II. Said approval is subject to the following conditions:
 1. Reduce the turn around area within the interior setback to the minimum necessary per the Transportation Department.
 2. Return to the Single Family Design Board to study the planting for adequate screening between the neighbor's property.

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

ACTUAL TIME: 10:20 A.M.

F. APPLICATION OF LISA PLOWMAN, AGENT FOR HABITAT FOR HUMANITY OF SOUTHERN SANTA BARBARA COUNTY, 618 SAN PASCUAL STREET, APN 037-102-023, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL – 12 UNITS, PER ACRE (MST2008-000059)

The proposed project involves construction of four new attached residential condominium units price restricted to low-income households, including two 981 square foot two-bedroom units, one 1,127 square foot two-bedroom unit, and one 789 square foot one-bedroom unit. Each unit includes one attached single-car garage between 212 and 242 square feet. The public alley on the 500 block of W.

Ortega Street would provide automobile access to the site. Proposed grading totals 1,830 cubic yards, with 1,821 cubic yards of cut and 9 cubic yards of fill.

The discretionary applications required for this project are:

1. Lot Area Modification to allow two bonus density units (SBMC §28.92.110);
2. Parking Modification to allow one covered space for each unit instead of the required one covered and one uncovered space for each unit (SBMC §28.92.110);
3. Fence/Wall Height Modification for fences and walls to exceed eight feet in height within the interior setback (SBMC §28.92.110);
4. Wall Height Modification for walls within ten feet of the front line to exceed 3½ feet in height (SBMC §28.92.110);
5. Front Setback Modification to allow a patio overhang to encroach 3½ feet into the ten foot front setback (SBMC §28.92.110);
6. Interior Setback Modification for the building to encroach one foot into the six foot interior setback (SBMC §28.92.110);
7. Rear Setback Modification for the building's second story to encroach 1¼ feet into the ten foot rear setback (SBMC §28.92.110); and
8. Tentative Subdivision Map for a one-lot subdivision to create four residential condominium units (SBMC Chapters 27.07 and 27.13).

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: Lisa Plowman, Planning Manager; Joyce McCullough, Executive Direct, Habitat for Humanity; Dennis Elledge, Boardmember.

Daniel Gullett, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon questioned whether a "windows closed" condition should be applied due to exterior noise levels. Mr. Gullett responded that a note had been placed on the plans stating that windows must be closed in order to achieve a 45 dBA Ldn. He explained the standards in the Noise Ordinance and in the Building Code that interior noise levels shall not exceed 45 dBA Ldn, and suggested that a noise condition to notify future property owners could be added to the Recorded Conditions Agreement.

Ms. Reardon requested clarification of the setback for the garage given a recent Zoning Ordinance amendment allowing a setback reduction to 3 feet for narrow lots less than 55 feet, when garages do not facing the street, pending a waiver from the ABR. Mr. Kato responded that if ABR were the only reviewing Board they could grant a waiver; however the SHO is not precluded from granting a modification. Ms. Reardon suggested a waiver be formalized setting a 5 foot setback when the project returns to ABR.

Ms. Reardon requested comments from Transportation Staff regarding parking demand and the parking modification. Ms. Swanson, Transportation Planner, responded that the modification is supportable for several reasons, including the purposed CC&R condition that Habitat will restrict vehicles to one per household, the proposal to impose a monetary fine for noncompliance, site proximity to bus line, shopping, and the proposed bicycle parking.

Ms. Plowman addressed concerns with Conditions of Approval subsection C.7. which requires that sidewalks ramps be improved to be ADA compliant. Ms. Plowman objected to the condition and requested that it be removed from the project. Mr. Dennis Elledge stated that ADA compliance will require more than simply a ramp, but rather a curb wall with continued maintenance, and street excavation for water flow, creating a financial hardship and burden.

The Public Hearing was opened at 11:06 a.m.

A letter from Paula Westbury expressing concerns was acknowledged.

Public Hearing was closed.

Ms. Reardon recessed the meeting recessed at 11:12 a.m. and reconvened at 11:17 a.m.

Mr. Kato reported that during the break he confirmed with Mark Wilde, Supervising Engineer, that there is a mechanism allowing the applicant to pay less than the full estimated amount for ADA curb accessibility improvements. The applicant and staff agreed that the maximum amount of contribution by Habitat for Humanity would be set at \$2,500.

ACTION:

Assigned Resolution No. 020-09

Approved the project making the findings contained in the Staff Memorandum, dated March 5, 2009, as revised during the hearing.

Said approval is subject to the Conditions of Approval contained in Exhibit A of the Staff Report dated February 25, 2009, with revision to condition C.6. as amended in the Staff Memorandum dated March 5, 2009, with the addition of Condition B.9, Noise Control, to notify future property owners that windows must remain closed to achieve a noise level of 45 dBa Ldn and with an amended condition C.7. that the applicant is to pay the maximum of \$2,500 toward ADA sidewalk improvements on both sides of the W. Ortega Street alley.

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

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

ACTUAL TIME: 11:31 A.M.

G. APPLICATION OF ALEX PUJO, ARCHITECT FOR LARRY AND SUSAN JEAN AGOSTINO, PROPERTY OWNERS, 436 CORONA DEL MAR, APN 017-321-007, R-4/SD-3 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL – HOTEL & RESIDENTIAL (MST2008-00420).

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

The discretionary applications required for this project are:

1. A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC § 28.44.009); and
2. A Modification to allow the new garage to encroach into the interior yard setback (SBMC § 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(l)(1) Existing Facilities and 15303(b) New Construction.

Present: Alex Pujo, Architect; Jeff Doubet, Designer.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

The applicant presented revised elevations and explained that in response comments from the ABR, the building height was reduced 3 feet, and pushed further back on the lot.

Mr. Reardon question whether the pool and open area would be accessible to both units, and requested clarification of the side entry to the lower unit.

Mr. Pujo responded that the pool and open area would be accessible to both units. One unit would have direct access and the second unit will have stair access. Mr. Kato explained that removal of the side entry is not necessary because the room configuration meets the city's policy for internal access.

The Public Hearing was opened at 11:49 a.m.

A letter from Paula Westbury expressing concerns was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Brodison reported that during the Dart process it was requested that a note be placed on the site plan or that the applicant reduce hedge along the driveway to meet hedge height requirements for safety.

ACTION:

Assigned Resolution No. 021-09

Approved the project making the findings contained in Section VII of the Staff Report dated March 4, 2009.

Said approval is subject to the Conditions of Approval contained in Exhibit A of the Staff Report dated March 4, 2009, as revised at the hearing.

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 11:57 a.m.

Submitted by,



Gloria Shafer, Staff Hearing Officer Secretary



Date