



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

APRIL 08, 2009

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

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

#### **STAFF PRESENT:**

Susan Reardon, Senior Planner  
Danny Kato, Senior Planner  
Renee Brooke, Senior Planner  
Steve Foley, Supervising Transportation Engineer  
Roxanne Milazzo, Associate Planner  
Kelly Brodison, Assistant Planner  
Gloria Shafer, Staff Hearing Officer Secretary

#### **I. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
- Ms. Reardon announced that item E, 462 Conejo Road, has been postponed to April 22, 2009.
- B. Announcements and appeals.
- Ms. Reardon announced that 2105 Anacapa Street has been appealed to the Planning Commission. An appeal hearing is tentatively set for June.
- C. Comments from members of the public pertaining to items not on this agenda.
- None.

#### **II. PROJECTS:**

##### **ACTUAL TIME: 9:02 A.M.**

- A. **APPLICATION OF DAVE TABOR, AGENT, FOR DAN SECORD, PROPERTY OWNER, 416 & 418 MONTGOMERY STREET, APN 025-393-003, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 12 UNITS PER ACRE (MST2008-00131)**

The project consists of a proposal to convert two existing, one-story residential units to condominium units on an 8,598 square foot lot in the Mission Area Special Design District. The unit at 418 Montgomery Street is a 1,346 square foot three-

bedroom unit. The unit at 416 Montgomery Street is a 1,063 square foot two-bedroom unit. An existing, detached 360 square foot two-car garage will remain. The proposal includes the addition of exterior storage spaces for each unit and two uncovered parking spaces (one for each unit) along the private alley off of Montgomery Street.

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create two (2) residential condominium units (SBMC 27.07 and 27.13);
2. A Condominium Conversion Permit to convert two (2) existing residential units to two (2) 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 Guidelines Section 15301, Existing Facilities, for the division of existing multiple-family residences into common interest ownership.

Present: Dave Tabor, Agent; Dan and Mary Secord, Owners.

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

Ms. Reardon reviewed the requested exception for the required outdoor living space, and expressed concern about the open yard area for the front unit, the location of the uncovered parking for the front unit, and questioned whether the required outdoor living space would be accessible to both units. Ms. Reardon questioned whether the sidewalk trip hazard is proposed to be removed as part of the project. Ms. Reardon expressed concern that the trash container location for unit 418 is in public view, and questioned whether staff would support relocating it to the rear of the site. Ms. Reardon stated that the exception to the Outdoor Living Space is supportable because there is adequate open yard area on the site, and the location of the existing units creates the need for the exception.

Mr. Kato explained that the request for the outdoor living space exception is not required to be noticed. He stated that the common outdoor space is required to be accessible to both units but not necessarily adjacent to each unit. He stated that the minimum size of the private outdoor space is met; however it doesn't meet the 10 foot minimum dimension requirement. Mr. Kato suggested that a public improvements condition could be added for the sidewalk tripping hazard. Mr. Kato explained that the practice has been that if the trash location is out of setback and is not in the front yard it meets Zoning requirement.

Steve Foley, Supervising Transportation Engineer, explained that the first site plan reviewed had parking located closer towards the alley, but in order to make the parking space work for both units, the spaces were required to be wider for ingress and egress. He suggested perhaps studying alternatives in order to provide more open space. Mr. Foley stated that the curb return could possibly be removed or asphalt/concrete installed to eliminate the tripping hazard making it a slope that meets ADA requirements.

The Public Hearing was opened at 9:26 a.m. As no one wished to speak, the Public Hearing was closed.

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

**ACTION:**

**Assigned Resolution No. 025-09**

Approved the project making the findings contained in Section VIII of the Staff Report dated April 1, 2009, and subject to the Conditions of Approval contained in Exhibit A of the Staff Report with revisions as follows:

Staff Report, Section VIII., insert new subsection B. for the additional findings for the Exception to the Outdoor Living Space Physical Standard for Condominium conversion (28.88.040.L) because: "the project includes design features which offset the projects failure to meet the standard by providing a private outdoor space in the front yard" and "the project provides adequate open space on the site."

Staff Report, Section VIII., renumbered subsections C.1, 2, and 4, in the last sentence: strike "above" and insert "of the written staff report dated April 1, 2009"; and add "the 2 uncovered parking spaces, trash/recycling enclosures, additional storage space, upgrading walkways, new fencing and landscaping along the street and alley frontage, and upgrades to the foundation and exterior paint and siding" to Finding C.4.

Conditions of Approval, Section D, subsection 5, add "Adjust the height of the north sidewalk transition to make it consistent with the grade of the alley and sloped so as not to exceed ADA requirements."

Conditions of Approval, Section B, add new subsection 6, to read: Confer with Public Works staff to study the uncovered parking space for unit 418 to reduce encroachment into the open area as much as possible and still meet the minimum size required for uncovered parking spaces without creating the need for a modification.

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

**ACTUAL TIME: 9:42 A.M.**

**B. APPLICATION OF LAURA BRIDLEY ON BEHALF OF THE GARDNER FAMILY TRUST, 1600 W MOUNTAIN DRIVE, APN 021-050-033, A-1 ONE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2008-00518)**

The 18.26 acre project site was previously developed with a 2,506 square-foot single-family residence, a 980 square-foot pool house, a 630 square foot green house and a 782 square foot garage. The house was destroyed in the Tea Fire and the pool house was partially damaged. The green house and garage were not damaged. All of

the accessory structures were previously approved with Modifications. The proposed project is a request to rebuild a new single-family residence with an attached four car carport and convert the existing garage to a storage building. The discretionary applications required for this project are Modifications to permit accessory building floor area in excess of 500 square feet and garage floor area greater than 750 square feet (SBMC §28.87.160).

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

Present: Laura Bridley, Agent.

Betsy Teeter, Assistant Planner, gave the Staff presentation and recommendation. Ms. Teeter reported that the correct CEQA exemption is section 15303.

The Public Hearing was opened at 9:53 a.m. As no one wished to speak, the Public Hearing was closed.

Ms. Bridley clarified that the correct square footage of the previous home was 3630 square feet.

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

**ACTION:** **Assigned Resolution No. 026-09**

- I. Approved the application making the finding that the Modifications to allow a total of 2,396 square feet of accessory space and a 872 square foot carport are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on this lot. The amount of floor area being proposed for covered parking and accessory use is not out of proportion for a lot of this size.
- II. Said approval is subject to conditions that the converted garage be used solely for storage and not additional parking, and that the remnants of the house destroyed in the fire, with the exception of foundation and retaining walls, be removed prior to the issuance of any building permits for the new structures.

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

**ACTUAL TIME: 10:02 A.M.**

**C. APPLICATION OF DALE PEKAREK FOR DUNCAN & MARIA THERESA THOMAS, 428 CONEJO ROAD, APN 019-061-011, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00110)**

The 6,711 square foot project site is a through lot with frontage onto Conejo Road to the east and west. The lot was previously developed with a single family residence and attached one-car garage, which were destroyed in the Tea Fire. The proposed project involves the reconstruction of the previous structures and the addition of a 411 square foot second story for the residence. The discretionary application required for this project is a Modification to permit 125 square feet of the second story to be located within the required 35' foot 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(a).

Present: Dale Pekarek, Designer; Duncan and Maria Thomas, Owners.

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

The Public Hearing was opened at 10:09 a.m. As no one wished to speak, the Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon stated that the applicant's response to comments from the ABR to lower the plate height is appreciated.

**ACTION: Assigned Resolution No. 027-09**

Approved the application 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 lot is significantly below the required minimum lot size, is bounded on two sides by a public street, and has a slope of approximately 29 percent. The proposed second story addition will provide an expanded floor plan within the previously existing footprint on a constrained lot, with no impacts to the neighborhood.

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

**ACTUAL TIME: 10:12 A.M.**

**D. APPLICATION OF ENSBERG JACOBS DESIGN FOR ALAN AND KATHERINE VAN VLIET, 1041 MISSION RIDGE ROAD, APN 019-031-015, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00572)**

The 2.15 acre site is currently developed with a single family residence, attached garage, swimming pool and cabana. The proposed project involves the replacement of a pedestrian entry gate and fence. The discretionary application required for this project is a Modification to permit the gate and fence to exceed 3 ½' in height 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 15303.

Present: Tom Jacobs, Designer; Peter Copeland, Contractor.

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

The Public Hearing was opened at 10:15 a.m. As no one wished to speak, the Public Hearing was closed.

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

**ACTION: Assigned Resolution No. 028-09**

- I. Approved the application 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 location of the fence and gate is appropriate because it does not create safety issues and allows the continued use without impacts to the neighborhood.
- II. Said approval is subject to the condition that any plan submitted in conjunction with this Modification approval includes proof that the fence and gates located within the public right of way have obtained all necessary permits and approvals.

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

E. APPLICATION OF LORI KARI FOR ANDREA KELLY, 462 CONEJO ROAD, APN 019-061-016, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00122)

The 8,025 square foot project site was previously developed with a single-family residence and detached one-car garage, which were destroyed in the Tea Fire. The project consists of construction of a 1,895 square foot two-story house and detached one-car garage. The discretionary applications required for this project are Modifications to permit new construction within the required fifteen-foot interior setback and parking within the required 35' front setback (SBMC §28.15.060, 28.90.001 & 100).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15269(a).

**This item was postponed to April 22, 2009.**

III. ADJOURNMENT

The meeting was adjourned at 10:18 p.m.

Submitted by,



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Gloria Shafer, Staff Hearing Officer Secretary

4-21-2009

Date