



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

MAY 20, 2009

### CALL TO ORDER:

Ms. Reardon called the meeting was called to order at 9:02 a.m.

### STAFF PRESENT:

Susan Reardon, Senior Planner  
Bettie Weiss, City Planner  
Danny Kato, Senior Planner  
Steven Faulstich, Housing Programs Supervisor  
Victoria Johnson, Project Engineer  
Roxanne Milazzo, Associate Planner  
Stacey Wilson, Associate Transportation Planner  
Chelsey Swanson, Assistant Transportation Planner  
Suzanne Johnston, Assistant 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.
  - 1) The Planning Commission denied the appeal of 436 Corona del Mar and upheld the decision of the Staff Hearing Officer.
  - 2) The appeal of 1415 Mission Ridge Road and 618 San Pascual Street were withdrawn.
  - 3) Planning Commission will hear the appeal of 2140 Mission Ridge Road on June 4.
- C Comments from members of the public pertaining to items not on this agenda.  
None.

II. **PROJECTS:**

**ACTUAL TIME: 9:03 A.M.**

A. **APPLICATION OF BANYAN ARCHITECTS FOR RAYMOND CLEMENCON & MARIA CHARLES, 1596 ORAMAS ROAD, APN 029-060-022, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00035)**

The 8,712 square foot project site is currently developed with a single-family residence and detached "as-built" carport. The proposed project involves changes to the existing architectural style, addition of a parapet roof, a 415 square foot first-floor addition and a 60 square foot second-floor addition to the residence, and a permit for the existing 356 square foot two-car carport. The discretionary applications required for this project are Modifications to permit alterations and an increase in the roof height to portions of the residence currently located within the required ten-foot 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 15301 & 15305.

Present: Kirk Gradin, Architect.

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

The Public Hearing was opened at 9:07 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. 036-09**  
Approved the subject application making the finding that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed alterations within the interior setbacks allow for a remodel of the existing residence without additional floor area or impacts to the adjacent neighbors.

Said approval is subject to a condition that the abatement of any outstanding building or zoning violations existing on this property be included in any plan submitted in conjunction with this Modification 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: 9:07 A.M.

B. APPLICATION OF BRIAN MILLER FOR DAVID JOHNSON, 733 WESTMONT ROAD, APN 013-102-006, R-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2009-00196)

The 10,330 square foot project site is located on the corner of Westmont Road and Circle Drive. The proposed project involves the construction of a single-family residence with attached two-car garage to replace previous development that was destroyed in the Tea Fire. The discretionary application required for this project is a Modification to permit the 1,250 square foot open yard to be provided in the primary front yard off of Westmont Road (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 & 15303.

Present: Brian Miller, Designer; and Ms. Johnson, Owner.

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

The Public Hearing was opened at 9:17 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.

Reardon asked what other conforming options were explored rather than the front yard protruding into the setback. Mr. Miller responded that no other options were explored. Ms. Johnson stated that pushing back the master bedroom will take the project over budget. Ms. Reardon expressed concern with the project's consistency with purposes and intent of the Zoning Ordinance. Providing a portion of the required open yard in the primary front yard of this site is not consistent with the existing development within the neighborhood nor with the intent of providing open yard. The Owner and Designer agreed to push back the master bedroom over to eliminate the encroachment of the open yard into the front setback.

**ACTION:**

**Assigned Resolution No. 037-09**

Approved the subject 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 is the best and most appropriate area for open yard space on this site. It has direct access off of the residence's entertaining/living areas, provides privacy for outdoor enjoyment, has minimum dimensions of 20' and an overall area of 1,250

as required by the ordinance, and provides a solution to the site constraints associated with two large street frontages.

Said approval is subject to the condition that the required open yard will not extend past the front face of the residence along Westmont Road and into the required front setback.

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

**ACTUAL TIME: 9:22 A.M.**

C. **APPLICATION OF TOM MOORE FOR ST. MARY'S SEMINARY, 1964 LAS CANOAS ROAD, APN 021-010-028, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST2009-00073)**

The 35.69 acre site is developed with the St. Mary's Seminary. The proposed project involves a request to construct a 186 square foot enclosure for a water pump system. The discretionary application required for this project is a Modification to permit the accessory building to be located within the front yard and the required 70 foot front setback (SBMC §28.87.160 & 28.15.085 & 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 & 15305.

Present: Brian Cuff, Project Supervisor.

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

Ms. Reardon questioned size of the accessory building. Mr. Cuff responded that the proposed site is optimal for current and future needs.

The Public Hearing was opened at 9:28 a.m. A letter in opposition from Paula Westbury was acknowledged. 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 she understands necessity of the facility being close to water supply and controls.

**ACTION:**

**Assigned Resolution No. 038-09**

Approved the subject application making the findings 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 Modification will allow for the construction of a new, fire resistant enclosure of the water supply system in its previous location adjacent to water supply and generator controls.

Said approval is subject to the condition that a landscape plan be prepared and approved by the Architectural Board of Review, to screen the accessory building from the public right-of-way.

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

**ACTUAL TIME: 9:30 A.M.**

**D. APPLICATION OF JEFF GORRELL, LENVIK & MINOR, ARCHITECT FOR CARMAC & ASSOCIATES LLC, 110 WEST SOLA STREET, APN 039-062-010, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL AND RESIDENTIAL 12 UNITS/ACRE (MST2007-00413)**

Proposal to demolish an existing, one-story 15,730 square foot commercial office building and construct a 21,370 square foot, three-story mixed-use building with a maximum height of 39'-6". The project is comprised of four (4) three-bedroom residential condominium units on the second and third floor ranging in size from 2,243 square feet to 3,430 square feet, and three (3) ground floor commercial condominium units totaling 2,399 square feet. Sixteen covered parking spaces, which include four (4) residential two-car garages, will be provided on the ground level of this 15,883 square foot parcel. There will be approximately 140 cubic yards of grading on the site. The discretionary applications required for this project are:

1. A Modification to allow the three-story structure to encroach into the required interior yard setback at the westerly property line. (SBMC §28.63.060 & §28.92.110); and
2. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential and three (3) commercial condominium units (SBMC §27.07 & §27.13)

The Staff Hearing Officer will consider approval of the Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Suzanne Johnston, Assistant Planner, gave the Staff presentation and recommendation. Ms. Johnston explained that a Mitigated Negative Declaration

report was prepared due to potential class 2 impacts to a potential historic structures, which were mitigated to less than significant.

Present: Jeff Gorrell, Lenvik & Minor Architects; Trish Allen, Agent; John McManus, Owner; Stacy Wilson, Transportation Planning City of Santa Barbara; Bettie Weiss, and Danny Kato

The Public Hearing was opened at 10:00 a.m.

Kirk Gradin, representing World Institute, concerned about impacts to Cook House driveway; noise and privacy impacts to both condo and commercial users. Questioned whether outdoor living spaces could be relocated. Smaller units would provide more flexibility and distance from lot line. Study reducing wall at zero lot line overlooking Institute. Proposal is disappointing to the Institute. Encouraged mitigation measures for wall height.

Joyce Johnson, World Institute Board Member, not opposed to the project but expressed the Boards concerns for the two story project and impacts to the driveway, particularly impacts to driveway during construction.

The Public Hearing was closed at 10:09 a.m.

Ms. Wilson, explained that although that the General Plan does not provide a parking maximum for the downtown area, the Circulation Element recommends one covered parking space per residential unit in the downtown area.

Bettie Weiss, City Planner, explained that the findings for subdivisions requires that the project be consistent with the General Plan. Ms. Weiss stated that the front yard setback modification request is significant given recent discussion of building height, mass, and design in downtown area and the Plan Santa Barbara recommended policy for careful consideration of the setback standard, particularly in regard to a strong separation at commercial and residential zones and added that smaller size units are generally desired as they can reduce the building mass and for meeting diverse housing needs of the community. The setback modification and overall design and setback considerations are important but would not contradict staffs recommendation for approval.

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

Ms. Reardon, expressed concern with the project's consistency with the Circulation Element and how it relates to the setback modification request, and privacy issues. Mr. Gorrell responded that a natural buffer between the subject site and the Upham Hotel is created by the driveway and trash location, creating a reasonable setback; he stated that an additional four foot buffer might be created by redesigning the patios.

Ms. Allen stated that the HLC studied the massing, amount of development, and neighborhood compatibility, and was comfortable with the site planning.

The meeting recessed at 10:43 and reconvened at 10:49 a.m. Discussion of Item D was continued to the end of the meeting to allow the applicant team to discuss their options and to allow Item E to be heard.

Discussion of Item D, 110 W. Sola, resumed at 11:27 a.m.

Mr. Gorrell reported that the owner has agreed to study reducing the size of the units, study redesigning the units, and pull the private patios away from the shared north property line, study having one car garages for two of the units, and eliminating one or two commercial parking spaces, and restudy the amount of building encroachment into the interior setback.

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

**ACTION:** **Assigned Resolution No. 039-09**  
Continued indefinitely back to the Staff Hearing Officer to allow the applicant to return with a redesigned project, and Adopted the Final Mitigated Negative Declaration.

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

**ACTUAL TIME: 10:49 A.M.**

**E. APPLICATION OF MARUJA CLENSAY OF SUZANNE ELLEDGE  
PLANNING & PERMITTING SERVICE, AGENT FOR PAIGE  
PATTERSON WILSON, COLLEEN KELLY AND ALFRED RAMIREZ, 825  
WEST VICTORIA STREET & 1229 GILLESPIE WAY, APN 039-141-003, R-  
2 TWO-FAMILY RESIDENTIAL ZONE, GENERAL PLAN  
DESIGNATION: RESIDENTIAL 12 UNITS/ACRE (MST2008-00549)**

The project consists of a one-lot subdivision for the purposes of converting two existing single-family residences (825 W. Victoria and 1229 Gillespie Streets) to condominiums on an 8,000 square foot lot. Parking is provided in a one-car garage and two uncovered parking spaces. No changes are proposed to the existing site plan or structures.

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).

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15315, Minor Land Division and 15301(k), Existing Facilities.

Present: Maruja Clensay and Trish Allen, Agents; Colleen Kelly, Owner of 825 W. Victoria; Paige Patterson Wilson, Owner of 1229 Gillespie Way; Steven Faulstich, Housing Program Supervisor, City of Santa Barbara; Victoria Johnson, Project Engineer, City of Santa Barbara; Chelsey Swanson, Assistant Transportation Planner, Danny Kato, Senior Planner, City of Santa Barbara.

Suzanne Johnston, Assistant Planner, gave the Staff presentation and recommendation. Ms. Johnson explained that the Condition of Approval G.6 for replacement of a fire hydrant has been eliminated, and the applicants have request to remove the condition to replace the driveway approach at 825 Victoria. Ms. Johnston stated that the condominium conversion qualifies for a CEQA exemption under Section 15301 has been added because the use type has changed.

The Public Hearing was opened at 10:58 a.m.

Steven Faulstich, Housing Program Supervisor, in support of the project and the revised affordability covenants, and the intent contemplated from projects beginning.

The Public Hearing was closed.

Ms. Reardon questioned the waiver for storage requirement and whether storage is available on the Gillispie site. Ms. Clensay explained that storage space is available in the attic. Ms. Swanson explained that the minimum single garage requirements are 10.5' x 20' with no obstructions, storage can be located outside of that area.

Ms. Clensay explained that the driveway is not in disrepair and is functional, and replacement of the driveway would be contrary to City Council's goals to promote sustainable development, and would impose an economic hardship on the property owners. Ms. Johnston, responded that the applicants have been relieved of the streetlight and fire hydrant replacements, but the driveway apron is degraded and is a candidate for replacement.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon stated that she can support the condominium conversion, the waiver for the existing parking space, and can support the storage exception, but suggested installation of a storage shed. Ms. Allen explained that the Victoria site has storage space under the crawl space.

**ACTION:**

**Assigned Resolution No. 040-09**

Approved the project making the findings as outlined the Staff Report, as revised at the hearing, and the additional finding I.B. *Exceptions to the Physical Standards for Condominium Conversion for Private Storage Space and Parking Standards*; subject to the Conditions of Approval in Exhibit A of the Staff Report with the conditions that: 1) A.b. include "and designated uncovered parking areas" and "garage/parking areas"; 2) deletion of G.6. Fire Hydrant Replacement; and 3) Add condition G.12. Removal of Storage. Items stored in the required setbacks and open yard will be removed prior to issuance of Certificate of Occupancy.

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

The meeting recessed at 11:22. Discussion of item D resumed at 11:27 a.m.

**III. ADJOURNMENT**

The meeting was adjourned at 11:41 a.m.

Submitted by,



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Gloria Shafer, Staff Hearing Officer Secretary

