



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

AUGUST 12, 2009

### CALL TO ORDER:

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

### STAFF PRESENT:

Susan Reardon, Senior Planner  
Roxanne Milazzo, Associate Planner  
JoAnne LaConte, Assistant Planner  
Daniel Gullett, Associate Planner  
Stacy Wilson, 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.  
Ms. Reardon announced that an appeal of 631 Olive Street has been filed to Planning Commission; a hearing date has not been set.
- 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 HARRISON DESIGN ASSOCIATES, AGENT FOR MELANIE ELLISON, 2050 GARDEN STREET & 314 E. PADRE STREET, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00289)

The subject application involves two adjoining properties, totaling 15,828 square feet, which will be combined through a voluntary lot merger and have frontage on both Garden and E. Padre Streets. The property at 2050 Garden Street is currently

developed with a single-family residence and detached two-car garage. The property at 314 E. Padre Street is currently developed with a single-family residence. The proposed project involves restoration of the residence at 2050 Garden Street and demolition of all other structures on the two lots, the construction of a detached two-car garage with attached accessory room, a detached accessory building, and various garden amenities. The discretionary applications required for this project are Modifications to permit alterations to the front porch and the addition of a parapet within both 30' front setbacks, window changes, garden amenities, and a portion of the detached accessory building within the Padre Street 30' front setback, and alterations to an existing non-conforming garden wall located within the required 10' interior setback (SBMC §28.15.060 & 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 & 15305.

Present: Barbara Lowenthal, Project Manager; Bernard Austin, Project Manager; Adele Goggia, Project Associate.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation. Ms. Milazzo stated that staff does not recommend approval of the modification to allow the breezeway to encroach into the front setback.

The Public Hearing was opened at 9:12 a.m.

Two letters in opposition from Paula Westbury were acknowledged.

The Public Hearing was closed.

Ms. Reardon requested information about the existing hedge; questioned whether the breezeway could be made narrower, and whether options to avoid front yard encroachment were explored.

Ms. Lowenthal explained that the existing hedge will be trimmed; the sandstone wall will remain as it is; and the curb will be repaired with sandstone. Ms. Lowenthal explained that in compliance with the Historian's report, the placement on site of some elements is important for preserving the landmark capability of 2050 Garden Street. Mr. Austin explained that historical precedence and historic building code were studied as a guideline for site restoration.

Ms. Reardon stated that the project is an improvement to the property, benefits the neighborhood and removes existing encroachments but questioned what other options were explored. Ms. Lowenthal and Mr. Austin explained that in considering of the adjacent neighbor, building heights were lowered, and consideration was given to planting along the common property line to preserve privacy.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Mr. Reardon stated that given the existing neighborhood development pattern and because a greater front setback was being provided, the encroachment is supportable with a condition regarding hedge height.

**ACTION:**

**Assigned Resolution No. 066-09**

Approved the project making the finding that 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 Modifications are necessary to complete the restoration of a piece of Santa Barbara History.

Said approval is subject to a condition that the lot merger be completed prior to the issuance of the building permit, and that the hedge height along the front property line shall comply with Santa Barbara Municipal Code 28.87.170.

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

**ACTUAL TIME: 9:25 A.M.**

**B. APPLICATION OF LORI KARI, ARCHITECT FOR JACK JEVNE, 642 LAS ALTURAS ROAD, APN 019-282-007, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00088).**

The 13,123 square foot project site was previously developed with a single-family residence and attached two-car garage, which were destroyed in the Tea Fire. The project consists of construction of a 2,758 square foot, three-story residence and attached 426 square foot garage. The discretionary applications required for this project are Modifications to permit alterations and additions to the structure within the required 25' front and 10' interior setbacks (SBMC §28.15.060 and §28.15.065).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: Lori Kari, Architect.

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

The Public Hearing was opened at 9:32 a.m.

A letter from Henry Jefferson in support of the project was acknowledged.

A letter from Paula Westbury in opposition was acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. The proposed location is the most appropriate location, creates the least amount of disturbance, and improves the entrance to the house.

**ACTION:**

**Assigned Resolution No. 067-09**

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 an appropriate improvement on the lot. The proposed encroachments allow for minor expansion of the residence that primarily matches the previously existing setbacks. Although the site is large, it is constrained by steep slopes, which limits the area available for development. Given the minor nature of the proposed changes and distance from adjacent properties, this proposal will not adversely impact 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: 9:34 A.M.**

**C. APPLICATION OF BRADLEY VERNON, 581 LAS ALTURAS ROAD, APN 019-281-007, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00170)**

The 18,962 square foot project site is currently developed with a partially demolished residence and garage. The proposed project involves demolition of the existing structures and replacement with a 2-story 3,520 square foot single family residence and attached 500 square foot garage. The discretionary application required for this project is a Modification to permit new construction within the required twenty-five foot (25') front setback (SBMC §28.15.060 & 28.15.065).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: Leonard Grant, Architect; Bradley Vernon, Owner.

Roxanne Milazzo, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:49 a.m.

1. June Chanson, neighbor: in support of the relocated garage entrance and the cabaña.
2. Ann Lorimer, neighbor: in support of the relocated garage and additional planting space.
3. A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed at 9:53 a.m.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon stated concerns regarding the garage and pavilion encroachments into the front yard setback, and asked whether other options were explored. Mr. Grant responded that garage option include pushing the garage further into the hill with a side entry which would require demolishing the retaining wall, or a front entry as currently proposed. Mr. Vernon responded that relocating the pavilion cover out of the setback would reduce the pavilion to an unusable size.

Public comment was reopened at 10:11 a.m.

Ann Lorimer: in support of a larger cover on the pavilion for privacy.

Public comment was closed.

After discussion, Mr. Vernon agreed to an action approving the garage and house modifications but denying the pavilion modification.

**ACTION:**

**Assigned Resolution No. 068-09**

Approved the project making the finding that the following findings and determinations:

The Modification to allow the main residence to encroach into the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The front setback encroachment maintains the existing front setback, while allowing development of a lot with constraints due to lot shape and topography.

The Modification allowing the garage to encroach into the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate on the lot. The location and orientation of the garage allows for cars to exit the site in a forward motion.

The Modification for the detached patio cover to encroach into the front setback is not consistent with the purposes and intent of the ordinance and is denied.

Said approval is subject to a condition that floor plan of the "retreat" area be revised as required by the Zoning Plans Examiner 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: 10:14 A.M.**

- D. **APPLICATION OF JAN R. HOCHHAUSER FOR LES HLAVICKA,  
350 CONEJO ROAD, APN 019-061-001, A-1 ONE-FAMILY RESIDENCE  
ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE  
(MST2009-00303)**

The 9,392 square foot project site was previously developed with a single-family residence and a detached one-car carport, which were destroyed in the Tea Fire. The project consists of construction of a 2,525 square foot residence with an attached 475 square foot two-car garage and site retaining walls. The discretionary applications required for this project are Modifications to permit new construction within both required 35' front setbacks, the 15' interior setback and in 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 15303 & 15305.

Present: Jan R. Hochhauser, Applicant.

JoAnne La Conte, Assistant Planner, gave the Staff presentation and recommendation. Mr. Hochhauser clarified that only one setback Modification on Conejo Road is required.

The Public Hearing was opened at 10:21 a.m.

Two letters in opposition from Paula Westbury were acknowledged.

Mr. Jochhauser submitted a letter in support from neighbors Jerry and Marian Groff. The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon stated the patio modification is supportable given the property size and layout and because the total area exceeds the requirement.

**ACTION:**

**Assigned Resolution No. 069-09**

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 this lot. The lot is significantly below the required minimum lot size for the A-1 Zone; the property has a steep overall slope of 34%, and is further constrained by two front setbacks. The proposed expansion of the residence and attached garage into the front and interior setbacks allows for a rebuild of the previous home. The proposed patio is directly accessed from the residence, and contributes to the private outdoor space of adequate dimensions as required by the ordinance.

Said approval is subject to the condition that the turn-around area at the front of the property be reduced to the minimum size necessary, as determined by the Transportation Division.

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

\*\*\* The meeting was recessed at 10:33 a.m. and reconvened at 10:41 a.m. \*\*\*

**ACTUAL TIME: 10:41 A.M.**

**E. APPLICATION OF CHRISTINE PIERRON & MARK WIENKE, ARCHITECTS FOR TRANSITION HOUSE, 421 E. COTA STREET, APN 031-160-016, C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2009-00250)**

The project consists of the demolition of an existing two-story, 7,566 square foot mixed-use residential and commercial building, and the construction of a new 9,839 square foot complex consisting of a mixed-use building containing a 2,291 square foot child care center and two new 1,009 square foot, three-bedroom apartment units, and a residential building containing six new 713 square foot, two-bedroom apartment units. The eight new residential apartments would be targeted for low-income families with special needs. Both the mixed-use and residential buildings would have a maximum height of 36 feet. A total of 715 cubic yards of grading (115 cubic yards of cut and 600 cubic yards of fill) is proposed. The one acre project site also contains a 14,080 square foot mixed-use building, with eight apartment units, classrooms, and offices, which would remain.

The discretionary applications required for this project are:

1. A Parking Modification to allow less than the required number of parking spaces (SBMC §28.90.100 and §28.92.110); and
2. An Outdoor Living Space Modification to allow less than the required minimum size and dimension of the private outdoor living spaces (SBMC §28.69.081 and §28.92.110).

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: Christine Pierron, Architect and Mark Wienke, Architect.

Daniel Gullett, Associate Planner, gave the Staff presentation and recommendation. Mr. Gullett clarified that 12 units are to be priced restricted rather than 16 units and that the parking requirement for the four non-price restricted units is 1.5 spaces per unit, totaling 64 spaces rather than 62 as indicated in the Staff Report.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon questioned the proposed use of parking spaces; expected and existing drop off areas for the day care; and whether a front loading zone is foreseen to be needed.

Ms. Pierron explained that when tenants are away at work, daycare staff will utilize the parking spaces, and that parking is proposed to be regulated in accordance with tenant/employee schedules.

Stacy Wilson, Transportation Planner, indicated that there is currently an operational assignment so employees and tenants know where to park. She stated that this project is an ideal mix of residential and day use offices, and it is anticipated that some residential day use will be needed. It is expected that peak demand will be 33 parking spaces with 37 onsite.

Kathleen Baushke, Director, Transition House, responded that the daycare center is currently licensed for twelve infants which come from homeless shelters and onsite residents. Ms. Baushke clarified that about 50% of infants arrive on foot, and the others arrive in vehicles that are parked at the rear of the existing administration building, and drop-off times are staggered due to parents work schedules. Ms. Pierron clarified that drop-off at the rear of the building is expected.

The Public Hearing was opened at 11:01 a.m.

A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed.

Ms. Reardon questioned whether a specified loading and unloading zone would supportable on Cota Street. Ms. Wilson responded that a specified zone is not preferred at this time. If a future land use change occurs Transportation will work to accommodate the change at that time.

Ms. Reardon questioned the need for additional conditions of approval such as bus tokens; registered vehicle ownership; and the after hours use of the daycare outdoor play area by the residents.

Ms. Wilson responded that because there is no traffic impact, a condition requiring tokens is not necessary at this time, and registered vehicle ownership will not be required. Ms. Pierron stated that the onsite managers and management will maintain a record of car ownership with DMV involvement to prevent impacts. Mr. Gullett discussed adjacent uses that might cause sporadic noise. Ms. Pierron and Mr. Wienke explained that the outdoor play area for the daycare would be mainly open space with some play equipment is expected. Ms. Baushke stated that the infant center is for children 6 months to 2 years and permanent play structures are not required.

Ms. Reardon stated the reduction of private outdoor living space is a supportable modification in this instance given the site layout, and availability of the outdoor daycare area for residential use.



**ACTION:**

**Assigned Resolution No. 070-09**

Approved the project making the findings contained in Section VII of the Staff Report dated August 3, 2009 as revised at the hearing, and subject to the Conditions of Approval contained in Exhibit A, as amended.

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

**III. ADJOURNMENT**

Ms. Reardon adjourned the meeting at 11:21 a.m.

Submitted by,



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Gloria Shafer, Staff Hearing Officer Secretary