



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

OCTOBER 7, 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
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.
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: 9:02 A.M.

- A. APPLICATION OF CSA ARCHITECTS FOR CRAIG MINUS, 316 PEACH GROVE LANE, APN 051-382-005, R-1 ONE-FAMILY RESIDENCE/SD-2 SPECIAL DISTRICT OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00402)

The 6,470 square foot project site is located on the corner of Peach Grove Lane and Manderina Court. Current development on site consists of a single family residence with attached garage. The proposed project involves a 402 square foot first floor expansion of the residence. The discretionary application required for this project is

a Modification to permit the addition to be located within the required 1,250 square foot 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 15301 & 15305.

Present: Carl Snyder, Architect; Craig and Tracy Minus, Owners

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

The Public Hearing was opened at 9:0 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 for the proposed project and also visited the site and surrounding neighborhood.

Ms. Reardon stated that the two front yards adds a constraint to the lot. Ms. Reardon stated if the lot was not a corner lot the Modification would not be appropriate. However, given it is a corner lot which requires two front setbacks, the additional front setback reduces the lot to below 6,000 square feet. The findings can be made with the condition that the two combined open yard areas meet 1250 square feet.

ACTION:

Assigned Resolution No. 081-09

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 property is constrained by two front yards and the location and layout of the existing residence that is to remain. The proposed addition is an appropriate improvement on the lot and the proposed open yard meets the purposes and intent of the Zoning Ordinance by providing two areas which when combined, meet the minimum 1,250 square feet of area.

Said approval is subject to the following conditions: 1) The combined open yard area shall meet the 1,250 square feet open yard zoning requirement. 2) The play structure shall be moved out of the setbacks.

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

ACTUAL TIME: 9:17 A.M.

B. APPLICATION OF MEHDI HADIGHI, AGENT FOR ABEL GONZALEZ, 2310 SKYLINE WAY, APN 041-371-001, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00405)

The 10,000 square foot project site is currently developed with a single family residence and attached two-car garage. The proposed project involves the addition of a kitchen window on the south elevation. The discretionary application required for this project is a Modification to permit alterations 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 & 15305.

Present: Mehdi Hadighi, Agent.

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

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

The Public Hearing was opened at 9:19 a.m.

A letter in opposition from Paula Westbury was acknowledged.

The public hearing was closed

ACTION:

Assigned Resolution No. 082-09

Approved the subject application making the following findings and determinations:

The Staff Hearing Officer finds 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 installation of the fixed window will provide lighting benefits to the living area on the ground floor without impacts to the neighbors.

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

ACTUAL TIME: 9:21 A.M.

C. **APPLICATION OF PAUL ZINK, ARCHITECT FOR BENGT & JANIS JOHANSSON, 233 LAS ONDAS, APN 045-152-005, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00313)**

The 8,021 square foot project site consists of a single family residence and detached two-car garage. The proposed project involves a 173 square foot first floor addition, 552 square foot second story addition, and a remodel to the existing structures. The discretionary application required for this project is a Modification to allow window installation and alterations within the required twenty-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 15301 & 15305.

Present: Paul Zink, Architect.

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

Mr. Zink stated that he is in disagreement with Staff's recommendation for a Zoning Compliance Declaration. Ms. Milazzo responded that the declaration is simply a statement of acknowledgement that the property is to remain a single family residence. Ms. Reardon agreed that window changes should not trigger a requirement for a Zoning Declaration however during the standard plan check process, the addition and remodel might trigger the requirement for the recordation of a Zoning Compliance Declaration.

The Public Hearing was opened at 9:26 a.m.

A letter in opposition from Paula Westbury was acknowledged.

Public comment was closed.

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

ACTION:

Assigned Resolution No. 083-09

Approved the subject application making the following findings and determinations:

The Staff Hearing Officer finds 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 improvements and alterations to the existing residence without intensification of use or adding additional floor area within the required 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: 9:31 A.M.

D. **APPLICATION OF ARCHART INC, ARCHITECT FOR ELIZABETH FAORO, 515 CONEJO LANE, APN 019-062-009, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00381)**

The 8,329 square foot project site has frontage on both Conejo Lane and Conejo Road. The proposed project is a request to build a single-family residence and detached garage on a property whose previous development was destroyed in the Tea Fire. The proposed 1,919 square foot two-story house is approximately 500 square feet larger than the previous residence. The discretionary application required for this project is a Modification to permit additions and alterations within the required 15' 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 15303 & 15305.

Present: Gary Jenson, Architect; Elizabeth Faoro, Owner.

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

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

The Public Hearing was opened at 9:34 a.m.

A letter in opposition from Paula Westbury was acknowledged.

Applicant submitted an e-mail in support of the project from Dennis Guinaugh. Public comment was closed.

Ms. Reardon stated that the proposed second-story deck is a concern. Mr. Jenson responded that the proposed deck will conform to required setbacks.

Ms. Reardon questioned the front yard paved area and asked whether it is used for parking. Ms. Reardon responded that the area would need either a Modification or would need to be made inaccessible for parking.

Ms. Reardon stated concern for additional protruding elements between the homes; however Ms. Reardon could support the fixed bay window elements if they were three feet above the finished floor and did not provide additional floor area within the building. The applicant stated that the connection between the two bay windows could be eliminated and replaced with a bracket system.

ACTION:

Assigned Resolution No. 084-09

The Staff Hearing Officer finds that the Modification to allow a uniform floor plan expansion and bay windows within the required interior setback 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 for interior yard encroachment allows for a uniform expansion of the previous development with no impacts to the adjacent neighbor.

Said approval is subject to the following conditions: 1) The fixed bay windows will be installed 3 feet above finished floor with the connection between them removed and replaced with a bracket system. 2) Paved area to be inaccessible for parking. 3) The deck will be moved outside of the interior 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: 9:52 A.M.

E. APPLICATION OF JOANNA LAFORCE, AGENT FOR THE FARMACY SANTA BARBARA MEDICAL CANNABIS DISPENSARY, 741-781 CHAPALA STREET, APN 037-082-006, C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2009-00268).

The project consists of establishment of a medical cannabis dispensary within an existing 2,324 square foot commercial tenant space at 741 - 781 Chapala Street. 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: Mark Morando, Agent; Joanna LaForce, Applicant; William Leahy, Retail Manager.

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

The Public Hearing was opened at 10:04 a.m.

1. Howie Danielson, in support (submitted video)
2. Henry Lenny, in support.
3. John Campanella, President The Paseo Chapala Residential/Office Association, opposed to proposed site, addressed parking issues (submitted written comments).
4. Jeff Roland, Paseo Chapala resident, opposed; existing Zoning Ordinance is unclear. Opposed to approving projects during Ordinance revision.
5. Alena Kitson, Paseo Chapala resident, opposed to a cannabis dispensary in a residential building.
6. Jason MacLeod, in support.
7. Sol Levitt, in support.
8. Brad Frohling, in support.
9. Thomas Loria, opposed, commercial zoning is incorrect; condo owners had the right to be made aware of potential commercial business.
10. Ray Mahboob, in support.
11. Ericka Mahboob, in support.
12. Nathaniel Reinke, in support.
13. Bud Andrews, opposed; suggested postponing decision until Zoning Ordinance review is completed.
14. Matt LaBrie, in support.
15. Vladimir Cuperman, opposed to proximity to residential units.
16. Gail McAdams, opposed: concerned about lack of notification in CC&Rs.
17. Hans Edwards, Santa Barbara Collective Alliance, in support.
18. Kenneth B. Bley, representing The Paseo Chapala Residential/Office Association, opposed: mixed-use buildings were not considered when the Ordinance was adopted, suggested denial.
19. James Lee, in support.
20. Jeff Spangler, in support.
21. Shean Camery, in support.

Ms. Reardon acknowledged receipt of 134 letters in support and 16 letters in opposition to the project.

Public comment was closed at 10:33 a.m.

Ms. Reardon questioned proposed future use of the existing frontage doors along Chapala Street. Mr. Morando explained that the frontage doors are proposed to remain locked and unused.

Mr. Reardon requested clarification of customer access the site. Mr. Morando explained that customers use existing walk paths and explained parking availability for customers and residents.

Ms. Reardon questioned whether security cameras are proposed for the garage area, and asked the Police Department's position on security cameras. Mr. Morando explained that cameras are proposed to be located in the garage if Paseo Chapala Owner/Office Association would allow them. Mr. Morando explained that small interior and exterior cameras could be installed; however, if the Association remains opposed to camera installation, the alternative is a security guard who will walk the premises hourly. Ms. Brodison stated that Captain Martel did not require cameras but recommended cameras if allowed by the Homeowner Association.

Ms. Reardon addressed Zoning Ordinance limitations for dispensary operation, including consumption of cannabis within 200 feet of the site, and asked how compliance can be assured. Ms. LaForce stated that proposed tables and chairs will be removed. Ms. LaForce explained that consumable products are sold in sealed packages and customers are instructed not to consume products on or around the premises nor in vehicles.

Mr. Danny Kato, Senior Planner questioned how enforcement of minors entering dispensing area is expected. Ms. LaForce explained that the dispensing area is separated from the Welcome and Retail areas and staff and security personnel would prevent minors from entering the dispensing area.

Ms. Reardon questioned the City Council's discussion for the type of use, proximity of residences to the facility, and concerning children congregating in the area. Mr. Kato responded that the facility's proposed layout was not envisioned. It was expected that customers would not be allowed passed a reception area without a physician's recommendation; however, the facility meets the intent of the Ordinance. Mr. Kato explained dispensary restrictions from residential zones and uses were intentionally removed prior to adoption of the Ordinance; however, this might be revised in the future. Mr. Kato explained that the adult entertainment ordinance was used as a model, with a 500 foot distance from schools and parks.

Ms. Reardon announced that she read the Operational Plan for the proposed project in detail, and also visited the site and surrounding neighborhood.

Ms. Reardon stated that a moratorium has not been adopted by City Council and the Ordinance Committee is aware of the number of pending applications; however, there is an existing Ordinance and there is no reason to continue the application. Ms. Reardon expressed concern for patrons leaving the site with their product, and residents having stated existing concerns with problems in the garage. Ms. Reardon stated that she could not support the project with out installation of surveillance cameras in the garage unless determined by the Police Department to be unnecessary.

Mr. Morando questioned whether an additional security guard could be posted in the garage instead of the cameras.

ACTION:

Assigned Resolution No. 085-09

Approved the project making the findings contained in Section VII of the Staff Report dated September 30, 2009, and subject to the Conditions of Approval contained in Exhibit A as revised at the hearing with the following additional conditions:

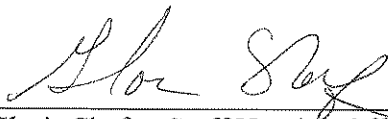
- 1) Applicant to confer with Police Department and either install security cameras in parking garage, or hire an additional licensed security personnel (for a total of three) to be stationed in the garage during the hours of operation of the medical cannabis dispensary plus one hour before and after operation.
- 2) Tables and chairs to be removed from retail area to prevent loitering.
- 3) Consumable products will be sold in vacuum sealed, double carry-out packaging, with statement that products will neither be consumed on premises nor within 200 feet of premises, including within the parking garage.
- 4) The separation wall between the waiting and dispensing areas shall be increased from 5 to 6 feet height.
- 5) Applicant shall make verbal contact with the Paseo Chapala Residential/Office Association and report to the Staff Hearing Officer quarterly to ascertain whether there are nuisance issues raised by the Applicant's operation. All nuisance issues raised shall be addressed and resolved by the Applicant. A written update regarding nuisance issues and their resolution will be provided to City Staff at six months and at one year following issuance of site's 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.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 11:20 a.m.

Submitted by,



Gloria Shafer, Staff Hearing Officer-Secretary

10-14-2009

Date

