



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

November 18, 2009

### CALL TO ORDER:

Susan Reardon, Senior Planner, called the meeting to order at 9:05 a.m.

### STAFF PRESENT:

Susan Reardon, Senior Planner  
Roxanne Milazzo, Associate Planner  
Peter Lawson, 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.  
Ms. Reardon announced that the Staff Hearing Officer decision for a Medical Cannabis Dispensary Permit at 302 Haley Street has been appealed to the Planning Commission. A hearing date has not been set.
- C. Comments from members of the public pertaining to items not on this agenda.  
No comments.

### II. CONSENT ITEMS:

#### ACTUAL TIME: 9:08 A.M.

- A. APPLICATION OF BRUCE BURNWORTH, 2430 PINE DRIVE, APN 049-100-021, E-3/ONE FAMILY RESIDENCE AND PUD/PLANNED UNIT DEVELOPMENT ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00300)

The 55,368 square foot project site is currently developed with a 3,068 square foot single family residence and attached 680 square foot garage. The proposed project involves the construction of an additional detached 954 square foot unit with an attached 478 square foot garage and 445 square feet of attached accessory space. The discretionary application required for this project is a Performance Standard Permit to permit an additional one-family dwelling on a one-family residentially zoned lot (SBMC §28.93.030.E).

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

The Public Hearing was opened at 9:08 a.m. Two e-mails in support from Michael Porter and Justin Prawl were acknowledged. The public hearing was closed.

**ACTION:**

**Assigned Resolution No. 094-09**

Approved the application making the following findings and determinations:

The Performance Standard Permit complies with all standards of SBMC §28.93.030.E. including adequate lot area for two residential units, with associated existing accessory space, and adequate ingress and egress for each residence. The proposed use also complies with all requirements of the Zoning Ordinance, including the required setbacks, open yard, and solar access.

Said approval is subject to implementation and compliance with the noise mitigation measures outlined in the letter dated October 5, 2009 by Bruce Burnworth and the Acoustical Analysis prepared by Davy and Associates, dated March 2005, contained in Exhibit D of the November 11, 2009 staff report.

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

**III. PROJECTS:**

**ACTUAL TIME: 9:08 A.M.**

**A. APPLICATION OF UBALDO DIAZ, AGENT FOR MICHAEL SYMANSKI, 501 CONEJO ROAD, APN 019-062-011, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00269)**

The 11,190 square foot project site has frontage on Conejo Road and Conejo Lane. The previous development on site consisted of a single-family residence and detached two-car garage, which were destroyed in the Tea Fire. The project consists of construction of a new 1,667 square foot, 2-story single family residence with attached 484 square foot 2-car garage. The discretionary application required for the

project is a Modification to permit new construction within the required 35' front setback off of Conejo Lane (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: Ubaldo Diaz, Project Manager; Mike Symanski, Owner.

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

The Public Hearing was opened at 9:12 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. 095-04**

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 into the front setback facing Conejo Lane will allow an attached 2-car garage to provide conforming parking for the constrained site and a front porch to create an outdoor amenity and enhance the front entry of the structure without adding additional floor area within the front setback. In addition, the proposed setback is consistent with the development pattern that existed along Conejo Lane prior to the Tea Fire.

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: 15 A.M.**

**B. APPLICATION OF DEBBIE FISHER, AGENT FOR WIEDER TRUST, 214 CARRIZO DRIVE, APN 053-163-010, E-3 ONE-FAMILY RESIDENCE/SD-1 & SD-2 SPECIAL DISTRICT ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00474)**

The 11,467 square foot project site is currently developed with a single-family residence and attached two-car garage. The proposed project consists of a remodel to the existing structure that will include a roof pitch change, 814 square feet of additional floor area, new door and windows, and demolition and replacement of the garage. The discretionary application required for the project is a Modification to permit alterations to the portion of the residence located within the required forty-foot front setback (SBMC §28.45.007).

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: Bill and Debbie Fisher, Owners.

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

The Public Hearing was opened at 9:18 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. 096-09**  
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 changes to the non-conforming portion of the existing residence allow for an aesthetic improvement to the 1940's residence without intensification of use or 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: 9: 19 A.M.**

C. **APPLICATION OF BRIAN NELSON, ARCHITECT FOR MILPAS STREET PARTNERS, 317 N. MILPAS STREET, APN 031-363-034, MANUFACTURING (M-1) ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2009-00392)**

The proposed project involves the reduction of parking provided for an existing warehouse building. Currently, four parking spaces are provided for the warehouse, with three of those spaces located in a parking lot shared with an adjacent lot, 319 N. Milpas Street (APN 031-363-035), and one parking space located within the warehouse building. The applicant is requesting to reduce the parking for the warehouse to two spaces and assign the remaining two spaces to two residential condominium units located at 319 N. Milpas Street. The discretionary application required for this project is a Modification to reduce the required parking for the warehouse use from four to two parking spaces (SBMC §28.90.100.J. and §28.92.110.A.1.)

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

Present: Brian Nelson, Architect.

Peter Lawson, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:25 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 questioned how parking for space #9 in the manufacturing building warehouse would work. Mr. Nelson responded that parking for space #9 is probably business related to the back manufacture building, and there has never been a problem although it is possible that on occasion someone may be inconvenienced.

Ms. Reardon stated that although the parking lot works for the existing uses, a condition will be add stating that if the use were to change, the Community Development Direct is to review the proposal and determine the appropriate review process.

**ACTION:**

**Assigned Resolution No. 097-09**

Approved the project making the following findings and determinations as revised at the hearing:

The Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. Adequate parking is provided in the shared parking lot for the three current uses. The Modification will not cause a deficit in parking if the use of the building at 317 N. Milpas Street is changed from its current use of manufacturing, as any future use of the building would have to provide the required parking for that particular use.

Said approval is subject to the following conditions:

1. Four parking spaces within the shared lot are designated and assigned for the two condominium units at 319 N. Milpas Street. An exhibit shall be included with the Recorded Parking Agreement for 317 N. Milpas Street and 319 N. Milpas Street depicting the designated parking spaces.
2. Prior to the issuance of any Public Works permit or Building Permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Directory and Public Works Director,

recorded in the Office of the County Recorder, and shall include the following:

- A. Four parking spaces within the shared lot are designated and assigned for the two condominium units at 319 N. Milpas Street. In addition, the parking space denoted as number 8 on the approved site plan shall be assigned to the manufacturing building at 317 N. Milpas Street. The balance of the parking spaces shall not be assigned. An exhibit shall be included with the Recorded Parking Agreement for 317 N. Milpas Street and 319 N. Milpas Street depicting the designated parking spaces.
- B. The parking space within the manufacturing building located at 317 N Milpas Street shall be kept open and available for parking of vehicles for the manufacturing use.
- C. Due to the potential for adverse parking effects, uses other than warehouse/manufacturing within the building at 317 N. Milpas Street are not permitted without further review and approval. Prior to initiating the change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review process.

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: 33 A.M.**

**D. APPLICATION OF PAUL ZINK, ARCHITECT, FOR CRAIG AND KARI ARCURI, PROPERTY OWNERS, 1660 SHORELINE DRIVE, APN 045-172-023, E-3/SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL – 5 UNITS PER ACRE (MST2009-00370)**

The project consists of a 476 square foot one-story addition and an interior remodel for an existing 2,099 square foot one-story residence with an attached two-car garage on an 8,478 square foot lot in the Appealable Jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

- 1. A Coastal Development Permit (CDP2009-00012) to allow the proposed development in the Appealable jurisdiction of the City's Coastal Zone (SBMC §28.44); and
- 2. A Modification to allow encroachments within the 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 (small additions to existing structures).

Present: Paul Zink, Architect.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation. Ms. Brodison clarified that the existing house is legally nonconforming for encroachment into the front yard setback.

The Public Hearing was opened at 9:40 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 expressed concern for a front yard modifications involving floor area, particularly the dining room, and stated that the proposed setback is not consistent with the neighborhood. Mr. Zink explained that the existing roof extends two feet past the front wall and the proposal is to extend the dining room out two feet to breakup the massing, and the master bedroom is proposed to extend a maximum of three feet into the setback.

Ms. Brodison stated that staff felt there was opportunity to design the master bedroom without encroaching into the setback; however, there was not an option to expand the dining room due to the existing fireplace without allowing an encroachment, particularly because the house is already existing within the setbacks.

Ms. Reardon stated that the project could be supported with the condition that the master bedroom be pulled back 1 foot 10 inches from the front property line and the dining room pop-out be no greater than 1 foot from the existing face of the building. Ms. Reardon also stated that the deck at corner of Del Sol and Shoreline shall not exceed 10 inches above existing grade and that the hedge must comply with Section 28.87.170 of the Zoning Ordinance.

**ACTION:**

**Assigned Resolution No. 098-09**

Approved the project making the findings contained in Section VII of the Staff Report dated November 4, 2009, and subject to the Conditions of Approval contained in Exhibit A with the following additional conditions:

1. The master bedroom addition shall be pushed back 1'10" from the front property line.
2. The dining room pop-out shall not encroach further than 1 foot from the existing face of the building.
3. The deck at the corner of Salida Del Sol and Shoreline shall not exceed 10 inches from the existing grade.
4. The hedge in the front yard must comply with Section 28.87.170 of the Zoning Ordinance.

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 10:00 a.m.

Submitted by,



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Gloria Shafer, Staff Hearing Officer Secretary