

# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

DECEMBER 16, 2009

### CALL TO ORDER:

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

### STAFF PRESENT:

Susan Reardon, Senior Planner  
Jaime Limón, Senior Planner  
Danny Kato, Senior Planner  
Roxanne Milazzo, Associate Planner  
Kathleen Kennedy, Associate 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 Item D, 1904 Emerson Avenue, has been continued to January 13, 2010 to allow for renoticing.  
Ms. Reardon announced that the 10-day appeal period has been extended to January 7, 2010 due to City offices being closed for the two week furlough.
- 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 DON SWANN, AGENT FOR HEPP-PETERSEN REVOCABLE LIVING TRUST, 2405 CALLE LINARES, APN 041-411-003, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00521)

The 10,000 square foot project site is currently developed with a single family residence and attached two-car garage. The proposed project involves 345 square

feet of first floor additions to the residence, relocating the garage door to face the street, and a new fence in the front yard. The discretionary application required for this project is a Modification to permit alterations within the required thirty-foot (30') 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: Don Swan, Architect; Jill Hepp-Peterson, Owner.

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

Mr. Swan provided revised plans showing the 30 foot setback.

The Public Hearing was opened at 9:06 a.m.

A letter expressing general concerns about the project from Paula Westbury was acknowledged.

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. 102-09**  
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 alteration to the portion of the garage located within the front setback allows for the existing structure to be improved without adding floor area or intensification of use within the setback and results in a pattern of development that is consistent throughout the neighborhood.

The extended appeal period of January 7, 2010, to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

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

**B. APPLICATION OF KATIE O'REILLY ROGERS, AGENT FOR RUNE ELIASSEN, 1308 DOVER HILL ROAD, APN 019-103-016, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00501)**

The 19,642 square foot project site is currently developed with a single family residence and attached two-car garage. The site is currently under construction with improvements to the existing driveway and motor court. This application is a request to increase the height of a portion of a retaining wall within the required ten-foot

interior yard setback and to rebuild a retaining wall that exceeds 3 ½ feet in height along the first 20 feet of the driveway. The discretionary applications required for this project are Modifications to permit a wall to exceed the maximum allowable height of 8 feet when located within a required setback and to permit a wall to exceed a maximum allowable height of 3 ½ feet when located along a front lot line or along the first 20' of a driveway (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 & 15305.

Present: Katie O'Reilly Rogers, Architect; Stacy Isaac, Project Manager.

Jaime Limón, Senior Planner, gave the Staff presentation and recommendation. Mr. Limon explained that conditions changed during construction resulting in the requirement of zoning modifications.

Ms. Reardon questioned the proposed height of the eastern wall. Ms. Rogers explained that the existing wall will be reduced one foot for a maximum height of 8 feet with a wall cap as shown on the approved building permit plans. Ms. Rogers explained that the column at the front corner of the eastern wall is proposed to be a maximum height of 13.5 feet to match the column height of the western corner.

Ms. Reardon questioned the proposed driveway retaining wall height. Ms. Rogers responded that the driveway wall is proposed to be 42 inches from top of grade with 48 inch columns. Ms. Reardon stated that she is not in support of driveway wall columns over 42 inches high.

Mr. Limon requested clarification of proposed guardrails due to conflicting plans. Ms. Reardon stated that parking is not allowed on the setback. Ms. Rogers stated that the plans will be corrected to show planting in lieu of parking. Mr. Limon provided a copy of the permitted set of plans that clearly shows no paving in the setback.

Ms. Reardon questioned future levels of review for the eastern wall. Mr. Limon responded that plan revision would require either Administrative or SFDB Consent Calendar approval of the landscaping. Ms. Rogers stated that she would be happy to return to SFDB Consent Calendar with landscape growth studies.

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

W. C. Naylor, opposed: concerned about the proposed walls appearing fortress-like changing the nature of the neighborhood, and suggested reducing wall heights rather than increasing.

A letter expressing general concerns about the project from Paula Westbury was acknowledged.

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 she is not in support of driveway wall columns over 42 inches high; however, as the wall transitions up the driveway higher walls would be appropriate due to the change in grade. Ms. Reardon reiterated that parking is not allowed in the interior yard, and the area within the interior setback is to be landscaped. Ms. Reardon requested that the SFDB review the corner of the walls for landscaping to soften views to neighbors.

**ACTION:** **Assigned Resolution No. 103-09**  
Approved the project making the finding that the Modification of wall heights are necessary to secure an appropriate improvement on the site and meets the purpose and intent of the ordinance by not creating a safety issue for the community.

Said approval is subject to the following conditions: 1) The maximum height of the retaining wall along the driveway shall not exceed 48 inches for the first 20 feet from driveway grade. The maximum height of the columns at the driveway entrance shall be 42 inches above grade. 2) The column within the interior setback at the eastern corner shall not exceed a maximum of 13½ feet above grade. 3) The height of the wall at the eastern corner shall be a maximum of 11½ feet. 4) Provide additional landscaping screening or other hardscape materials to soften the eastern most column and wall's off site visual effect. The Single Family Design Board shall review the landscape plan on Consent Calendar.

The extended appeal period to January 7, 2010, to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**ACTUAL TIME: 9:52 A.M.**

**C. APPLICATION OF MICHAEL MORGAN, AGENT FOR VERIZON CALIFORNIA INC, 101 W. CANON PERDIDO STREET, APN 037-042-036, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2009-00397)**

The project consists of a proposal to divide a 1.73-acre lot into two lots and to convert an existing building, currently used as a Verizon office/ switching facility, into four commercial condominium units. Proposed Lot 1 would be 1.14 acres and would include the existing commercial building and 25 parking spaces. Proposed Lot 2 would be 0.59 acres and would include 77 parking spaces.

The discretionary application required for this project is a Tentative Subdivision Map to divide one lot into two lots and to create four (4) commercial condominium units on Proposed Lot 1 (SBMC§27.07).

Present: Michael Morgan, Applicant's Agent.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommendation, and explained proposed revisions to the Conditions of Approval.

The Public Hearing was opened at 10:18 a.m.

A letter expressing concerns about the project from Paula Westbury was acknowledged.

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 the request to separate the required parking. Ms. Reardon suggested specifying the number of spaces for future clarity. Mr. Morgan responded that the primary objective of the reciprocal access easement is circulation. There is independent access off De La Guerra Street allowing exclusive access to lot 2, which requires crossing over to reach lot 1. Ms. Kennedy stated that there are other reciprocal access agreements that would be required. Mr. Morgan responded that the intent is to limit specified parking spaces for use by Verizon.

Ms. Reardon questioned the applicant's preference in not specifying improvements for regarding the condition for Chapala Street public improvements. Mr. Morgan responded that the applicant's preference is to have the standard condition. Mr. Morgan stated that because the project is not in the final stage, the applicant would like the Staff Hearing Officer's direction and recommendation if it is appropriate to identify certain improvements.

Ms. Reardon stated that as part of the approval of the tentative map the lift needs to occur as originally outlined in the conditions of approval. Mr. Morgan responded that the original outline of conditions was somewhat misleading in that the intent was not to have the lift physically installed, but either to have it physically installed or at least planned for and agreed to be installed at a future date through the deferment process.

Ms. Reardon recessed the meeting from 10:42 a.m. until 10:52 a.m. to locate a Building Official to obtain clarification for delaying installation of the lift.

Ms. Kennedy stated that after speaking to the George Estrella, Chief Building Official, it was suggested that a condition be added stating that construction of the lift may be deferred until after the final map is recorded but prior to issuance of any building permit on either lot. Danny Kato, Senior Planner, stated that the handicapped access is a requirement for and a building permit would not be issued unless the handicapped ramp was incorporated into the building permit.

**ACTION:** **Assigned Resolution No. 104-09**  
Approved the project making the findings contained in Section VII of the Staff Report dated December 9, 2009, and subject to the Conditions of Approval outlined in Exhibit A of the Staff Report, as revised at the hearing.

The extended appeal period to January 7, 2010, to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

D. **APPLICATION OF CEARNAL ANDRULAITIS LLP, AGENT FOR TROY JACOBSEN, 1924 EMERSON AVENUE, APN 025-401-014, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00475)**

The 11,309 square foot project site is currently developed with a duplex and detached two-car garage. The proposed project involves conversion of the existing duplex to a single family residence, which will be remodeled and expanded by 484 square feet. The project also includes the construction of a new detached 593 square foot one-story residence, reconstruction and expansion of the existing two-car garage with a new roof deck, a new 119 square-foot shed, and the addition of one uncovered parking space.

The discretionary applications required for this project are:

1. A Modification to allow alterations to a portion of the existing residence located within the required six-foot northerly interior setback (SBMC §28.18.060);
2. Two Modifications to allow the existing garage to be expanded in size and height, and to construct a new roof deck above the garage, within the required twenty-foot front and six-foot interior setbacks (SBMC §28.18.060);
3. A Modification to allow retaining walls to exceed the maximum allowable height of 3 ½ feet when located within ten feet of the front lot line or within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line (SBMC §28.87.170); and
4. A Modification to allow an uncovered parking space to be located within the required twenty-foot front setback (SBMC §28.18.060 and SBMC §28.90.001)

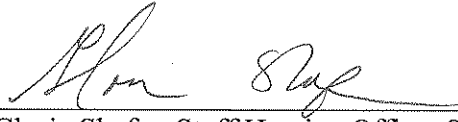
The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15303 & 15305.

This item was continued to January 13, 2010 for renoticing. No action was taken.

**III. ADJOURNMENT**

Ms. Reardon adjourned the meeting at 11:03 a.m.

Submitted by,

A handwritten signature in cursive script, appearing to read "Gloria Shafer", written over a horizontal line.

Gloria Shafer, Staff Hearing Officer Secretary

