



# City of Santa Barbara Planning Division

## STAFF HEARING OFFICER MINUTES

JULY 28, 2010

### 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.  
Ms. Reardon announced that on July 15, 2010 the Planning Commission upheld the Staff Hearing Officer approval of the project at 512 Bath Street, subject to the condition that the project is to be moved 5 feet further away from Mission Creek.
- 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 MARK MORANDO, AGENT FOR CHARLES BRADFORD, 2010 EMERSON AVENUE, APN 025-401-002, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2009-00294)  
CONTINUED FROM JUNE 30, 2010

The 8,739 square foot project site is currently developed with a single family residence. The proposed project involves "as-built" changes that have occurred on site, including replacement of the American four square gable dormer with a full front gable with French Doors and roof deck, addition of two side-facing gable dormers, and the addition of a circular driveway. The discretionary applications required for this project are Modifications to permit an increase in roof height within

the required six-foot interior setback, a dormer addition to exceed the solar access height limitation, and parking within the required fifteen foot front setback (SBMC §28.18.060, 28.11.020, & 28.90.001).

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: Mark Morando, Designer; Charles Bradford, Owner.

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

Mr. Morando explained that it was decided to keep parking in the front setback due to the rear slope nonconforming to parking standards.

The Public Hearing was opened at 9:08 a.m.

Three e-mails expressing concerns from Jonathan V. Leech were acknowledged. A letter in opposition 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 revisited the site and surrounding neighborhood. Ms. Reardon stated that option 2 is supportable due to slope of the lot and layout the existing development on site. Chelsey Swanson, Assistant Transportation Planner, explained that although the proposed turnaround of option 2 can not be made in a single maneuver due to the angle, option 2 is supported because back out is feasible.

Ms. Reardon stated that the findings for solar, increased height within the interior setback, and parking within the front setback are supportable with two conditions regarding parking, landscaping, and removal of the curb cut.

**ACTION:** **Assigned Resolution No. 039-10**

The Modification being requested for alterations to the portion of the residence located within the interior setback is necessary to secure an appropriate improvement to the existing structure by allowing for an improved design, and promoting a uniform improvement for the encroachment that currently exists.

The Modification of building height limitations to protect and enhance solar access is necessary to prevent an unreasonable restriction, as the project meets all criteria to be deemed an unreasonable restriction, as described in Section IV of the Staff Report dated June 23, 2010.

The Modification to permit parking within the required front setback is necessary to secure an appropriate improvement on the site and that it meets the purposes and intent of the Zoning Ordinance. The proposed project will bring the site's non-conforming parking status closer to current requirements and eliminates one vehicle from parking on the street, while the proposed landscaping will screen the parked vehicle from the public right-of-way.

Said approval is subject to the following conditions: 1) The curb cut at the western side of the property shall be removed and replaced with a city standard curb, gutter, and sidewalk. 2) The area in front of the house shall be placed between the proposed parking space and adjacent landscaping to prevent vehicular parking in other areas of the 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: 9:15 A.M.**

**B. APPLICATION OF SHUBIN & DONALDSON ARCHITECTS FOR MARK TAPPEINER, 119 SKYLINE CIRCLE, APN 041-171-008, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2006-00522) CONTINUED FROM JULY 14, 2010**

The 4,776 square foot project site is currently developed with a 2,100 square foot single-family residence and garage. The proposed project involves demolition of all development on site, and the construction of a 3-story structure consisting of a 2-story residence with a 2-car garage and basement/storage area below. The discretionary applications required for this project are Modifications to permit construction within the required thirty-foot front setback (SBMC §28.15.060); for the required open yard to be provided in portions of the front yard and with dimensions less than 20 feet (SBMC §28.15.060), and for walls to exceed 3 ½' in height when located within ten-feet of a front lot line or within twenty-feet along the driveway (SBMC §28.87.170). This is a revision to a previous project that received Modification approvals for similar improvements in 2006. Those approvals have since expired.

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: Robin Donaldson, Architect; Kevin Moore, Project Manager; Marc Tappeiner, Owner.

Danny Kato, Senior Planner gave the Staff presentation and recommendation. Mr. Donaldson and Mr. Tappeiner explained the project history and presented options in response to the Staff Hearing Officer's direction at the June 14<sup>th</sup> hearing.

The Public Hearing was opened at 9:41 a.m.

Peter Susi: concerned about the lack of time for the public to review the new plans; concerned that the ABR has not reviewed changes to the project; suggested that the SFDB review the project.

A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed at 9:48.

Mr. Kato explained that the project was in process before the SFDB was established and therefore was heard by the ABR; the project has not return to the ABR as a change to the architecture is not being proposed.

Ms. Reardon announced that she read the Staff Report and revisited the site and surrounding neighborhood. Ms. Reardon stated concerns about the proposed landscape and the potential to in excess of 3 ½ feet. Ms. Reardon stated that the front yard encroachment is supportable as shown on the plans with added conditions including limiting height of landscaping. Ms. Reardon found the applicant's revised proposal to increase the rear open yard area by moving the house 2 feet closer to the street is more consistent with the Zoning Ordinance than the previous proposal.

**ACTION:**

**Assigned Resolution No. 040-10**

The front setback 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 of the garage meets the minimum preferred setback of twenty-feet, and allows development on a lot that would be more appropriately zoned E-3, with its smaller setback requirements. The terrace that provides the majority of the outdoor living space for the occupants exceeds the maximum allowable height of 10" in a setback due to topography, and is necessary to secure a flat, usable area as intended by the ordinance.

The Modification of open yard within the front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The location is private and provides an outdoor area to enjoy the property's ocean view.

The Modification of wall height is necessary to secure an appropriate improvement and meets the purpose and intent of the ordinance. The proposed wall heights are necessary to secure development on the site due to slope conditions and do not create visual obstructions and safety concerns in their proposed locations.

Said approval is subject to the following conditions: 1) Landscape within 10 feet of the front property line shall not exceed 3 ½ feet in height. 2) Increase the distance between the rear property and the proposed house by 2 feet as shown on the revised plans.

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

**ACTUAL TIME: 10:05 A.M.**

C. **APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)**

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC §28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

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

Present: Clay Aurell, Architect, AB Design Studio; Heidi Ferguson, Owner.

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

Three letters in opposition from Pam Brandon, Brandon Smith and Paula Westbury were acknowledged.

The Public Hearing was opened at 10:26 a.m.

Pam Brandon next door neighbor: concerned about loss of privacy and reduced property value; suggested having a skylight in lieu of, or relocating, the window overlooking her backyard.

Mimi Greenberg: opposed to Ms. Brandon's loss of privacy (submitted written comments).

The Public Hearing was closed at 10:33.

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

**ACTION:**

**Assigned Resolution No. 041-10**

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

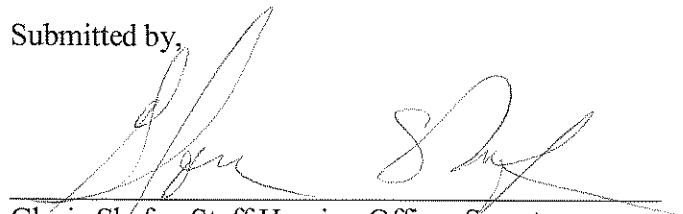
Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The ABR shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

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 10:41 a.m.

Submitted by,



Gloria Shafer, Staff Hearing Officer Secretary