



# City of Santa Barbara

## Planning Division

### STAFF HEARING OFFICER MINUTES

AUGUST 25, 2010

#### CALL TO ORDER:

Susan Reardon, Senior Planner, called the meeting to order at 9:00 a.m.

#### STAFF PRESENT:

Susan Reardon, Senior Planner  
Renee Brooke, 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.  
None.
- C. Comments from members of the public pertaining to items not on this agenda.  
None.

#### II. PROJECTS:

##### ACTUAL TIME: 9:01 A.M.

- A. APPLICATION OF SOPHIE CALVIN, AGENT FOR LAWRENCE FEALY, 431 VISTA DE LA PLAYA LANE, APN 035-200-028, E-3 ONE FAMILY RESIDENCE/PUD PLANNED UNIT DEVELOPMENT ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2010-00199)

The project site is located within a 13-unit Planned Unit Development. The proposed project involves the installation of an access stair from the upper level of the residence to the back yard, a barbecue area with counter, trellis, outdoor fireplace, and garden walls. The discretionary application required for this project is a Modification to permit the installations within the required 40' interior setback (SBMC §28.36.075).

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: Sophie Calvin, Agent; Lawrence E. Fealy, Owner.

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

The Public Hearing was opened at 9:10 a.m.  
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 visited the site and surrounding neighborhood.

Ms. Reardon questioned the proximity of the fireplace to the neighbor and asked whether screening is proposed. Mr. Fealy stated the fireplace is proposed to be a small, gas lighted fireplace and an 8 foot hedge is proposed for privacy and noise screening. Ms. Calvin stated that the chimney will be kept to minimum height.

**ACTION:** **Assigned Resolution No. 042-10**  
Approved the subject application making the following findings and determinations:

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 improvements will provide outdoor amenities, not additional floor area, for the occupants in a private area at the rear of the property without impacts to the adjacent neighbors.

Said approval is subject to the following conditions: 1) The applicant is to submit a request for a substantial conformance determination for the existing second-floor deck, on the east side of the residence, which was not constructed per the approved plan on file with the City. 2) The fireplace is to be gas, not wood burning. 3) The ABR shall review the proposed landscape for screening between the project site and the property to the south. 4) A Zoning Compliance Declaration shall be recorded against the property 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: 9:19 A.M.**

**B. APPLICATION OF LEE MUDRICK, 763 CASIANO DRIVE, APN 049-330-032, R-2 TWO FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2010-00173)**

The 6,634 square foot project site is currently developed with a two-story duplex and attached two-car garage. The proposed project involves the construction of a retaining wall and fence in the rear yard. The discretionary application required for this project is a Modification to permit the combined height of the wall and fence to exceed 8' when located within a required setback (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: Lee Mudrick, Owner.

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

The Public Hearing was opened at 9:22 a.m.  
Two letters in support from Karen Clark and William Jones 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 visited the site and surrounding neighborhood.

**ACTION:** **Assigned Resolution No. 043-10**  
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 proposed retaining wall will allow for an expanded flat patio area for the unit with a fence on top to maintain the existing level of privacy in the yard.

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

**ACTUAL TIME: 9:32 A.M.** (Item was heard out of order)

C. **APPLICATION OF PUJO & ASSOCIATES, AGENT FOR KOSTRUBA SURVIVORS TRUST, 224 W. MICHELTORENA STREET, APN 027-221-017, R-4 HOTEL-MOTEL-MULTIPLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 12 UNITS PER ACRE (MST2010-00194)**

The 7,000 square foot project site is currently developed with two single family residences. The proposed project involves a 366 square foot second story addition to one of the units. The discretionary application required for the project is a Modification of the required separation between buildings (SBMC §28.21.070).

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: Alex Pujo, Architect.

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

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

Terry Bartlett, representing neighbor at 232 Micheletorena, concerns about the encroachment of the existing fence, pavers and storage building over the property line.

A letter in opposition from Paula Westbury was acknowledged.

The Public Hearing was closed at 9:45 a.m.

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

Ms. Reardon stated that the encroachment of the fence and paving on the neighbor's property are a civil matter and are to either be removed or a building permit obtained. Ms. Reardon explained that the portion of the storage building that encroaches onto the neighbor's property must be removed and requested verification of the use as storage.

**ACTION:**

**Assigned Resolution No. 044-10**

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 proposed Modification of building separation requirements allows for expansion of Unit B within the existing building footprint. Although the fifteen-foot building separation would not be provided on all floors, the proposed second-story portion would observe the required distance from the adjacent single story residence.

Said approval is subject to following conditions: 1) The hedge along the front lot line shall be brought into conformance with Municipal Code Section 28.87.170; 2) The trampoline and other miscellaneous items shall be removed from the required setbacks; 3) The "as-built" pond and patio cover shall either be removed or permits be obtained; 4) The fence and paving located on the neighboring property to the West, shall be removed or building permits obtained; 5) The portion of the storage room located on the neighboring property to the West, shall be removed. All conditions must be met prior to issuance of a building permit for this project.

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

**ACTUAL TIME: 9:26 A.M.**

**D. APPLICATION OF JAMES MAYO MACARI, AGENT FOR KEVIN ROACHE, 333 PIEDMONT ROAD, APN 055-153-027, E-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2010-00232)**

The 20,908 square foot project site is currently developed with a single family residence, attached two-car garage, pool cabana, and swimming pool. The proposed project involves permitting an existing privacy wall, located along the Piedmont and Ontare Road frontages. The discretionary application required for this project is a Modification to permit the height of the "as-built" wall to exceed the maximum allowable height of 3½' when located within 10' of a front lot line (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: James Macari, Architect.

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

The Public Hearing was opened at 9:30 a.m.

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 visited the site and surrounding neighborhood.

Ms. Reardon questioned whether Transportation Staff reviewed the height of the landscaping on the corner of Ontare and Piedmont Roads.

Ms. Reardon stated that a condition would be added that Transportation Staff look at the plans regarding landscaping for safety.

**ACTION:**

**Assigned Resolution No. 045-10**

Approved the subject application making the following findings and determinations:

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 Modification will allow a 5 ½ to 6' privacy wall on a corner lot, in a location that does not create a safety issue for the neighborhood.

Said approval is subject to the following conditions: 1) The required design review process shall be followed and necessary building permit obtained. 2) Transportation Staff shall review the plans for landscaping on the corner of Ontare and Piedmont Roads with regard to safety.

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 ALICIA HARRISON, AGENT FOR FINANCIAL RESOURCES, LTD., OWNER OF 140 CONEJO ROAD (APN 019-042-014) AND DR. ANDREW GOTELLI, OWNER OF 180 CONEJO ROAD, APN 019-042-012 & -013, A-1, ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE, MAJOR HILLSIDE (MST2006-00273)**

The project consists of a Lot Line Adjustment between Parcel One (140 Conejo Road, APN 019-042-014) and Parcel Two (180 Conejo Road, APN 019-042-012 and -013).

Proposed Adjusted Parcel One would be 9.33 acres (gross/net) with an average slope of 48% and Proposed Adjusted Parcel Two would be 4.32 acres (gross), 4.09 acres (net) with an average slope of 33%. Proposed Adjusted Parcel One would have a 16,124 square foot development envelope with an average slope of 20% and Proposed Adjusted Parcel Two would have a 20,890 square foot development envelope with an average slope of 27%.

The 2,800 square foot, two-story single-family residence that currently exists on the hilltop of Parcel One would remain, and would be contained within the proposed development envelope of Proposed Adjusted Parcel One. The development envelope for Proposed Adjusted Parcel Two would accommodate a new single-family residence and accessory structures although no development is currently proposed.

Both Proposed Adjusted Parcels would have restricted use areas, where no development is allowed, due to the onsite geologic conditions, as shown on the Lot Line Adjustment Exhibit. Vegetation management per the Wildland Fire Plan would be allowed outside the proposed development envelopes.

The parcel at 150 Conejo Road may have been created in violation of the Subdivision Map Act and the applicable City ordinances in effect at the time of the subdivision; therefore, a voluntary lot merger of 150 and 180 Conejo Road was completed. The new address for the merged parcel is 180 Conejo Road. A new assessor's parcel number for the merged parcel has not yet been assigned by the County of Santa Barbara.

The discretionary application required for this project is a Lot Line Adjustment between two existing lots (SBMC §27.40).

The Staff Hearing Officer will consider approval of the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

Present: Alicia Harrison, Agent.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 10:07 a.m.  
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 visited the site and surrounding neighborhood.

Ms. Reardon expressed concern over the potential driveway placement adjacent to the existing oak trees and drip lines and high fire potential. Ms. Harrison stated an oak tree protection plan would be prepared.

Ms. Reardon questioned the soils report, how SWMP requirements will be met given soil and geologic constraints, and the proposed development envelopes. Ms. Harrison responded that the Engineering Geologist has suggested several options to comply with SWMP including underground filtration systems; she explained that an attempt was made to keep the slope of the development envelopes close to 20%, and to locate the structure close to Conejo Road to prevent extensive grading on the site.

**ACTION:** **Assigned Resolution No. 046-10**  
Adopted the Final Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program and approved the project making the findings contained in Section VII of the Staff Report dated August 18, 2010, and subject to the Conditions of Approval contained in Exhibit A of the Staff Report as amended at the hearing.

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 10:28 a.m.

Submitted by,



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Gloria Shafer, Staff Hearing Officer Secretary

