



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER MINUTES

NOVEMBER 11, 2015

CALL TO ORDER:

Susan Reardon, Staff Hearing Officer, called the meeting to order at 9:01 a.m.

STAFF PRESENT:

Susan Reardon, Staff Hearing Officer/Senior Planner II
Suzanne Riegle, Associate Planner
JoAnne LaConte, Assistant Planner
Tony Boughman, Assistant Planner
Kathleen Goo, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

- A.** Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

There were no requests.

- B.** Announcements and Appeals.

Ms. Reardon previously announced that the Staff Hearing Officer meeting on November 25, 2015, the day before Thanksgiving Day, would be cancelled. However, given there are now projects ready for review, the meeting will be held as originally scheduled.

- C.** Comments from members of the public pertaining to items not on this agenda.

There were no public comments.

II. PROJECTS:

ACTUAL TIME: 9:01 A.M.

A. APPLICATION OF KRIS KIRKELIE, DESIGNER FOR HEIDI VICTORIA SJOLLEMA, 481 PASEO DEL DESCANSO, APN: 053-102-005, E-3 (ONE-FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 5 DU/ACRE) (MST2015-00264)

The 9,148 square foot site is currently developed with a 1,390 square foot single family residence, a detached 343 square foot two-car garage and a detached 488 square foot accessory structure. The detached accessory structure was not constructed according to the approved plans as it is located four feet from the detached garage instead of the five feet required and it is ten square feet larger than what was approved. The proposed project is to permit the location of the detached accessory structure to be four feet from the garage, to permit an "as-built" 10 square foot addition, "as-built" relocation of a water heater enclosure and "as-built" FAU to an existing 478 square foot detached accessory structure, to permit "as-built" steps and an "as-built" 36 inch high deck with a proposed deck railing at the interior and rear of the accessory structure, to replace the posts, girders and foundation and for the "as-built" replacement of an FAU unit for the dwelling and for "as-built" exterior alterations at the property. The proposal will address violations outlined in an Enforcement Case (ENF2014-01089).

The discretionary applications required for this project are:

1. Modification to allow the detached "as-built" accessory structure to be located within the required five-foot building separation (SBMC §28.87.062 and SBMC §28.92.110);
2. Interior Setback Modification to allow an "as-built" deck with a new railing to encroach into the required six-foot north interior setback (SBMC §28.15.060 and SBMC §28.92.110); and
3. Interior Setback Modification to allow an "as-built" deck with steps and a new railing to encroach into the required six-foot east interior setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

Present: Kris Kirkelie, Designer; and Michael Sjollema, Owner.

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

JoAnne LaConte, Assistant Planner, gave the Staff presentation and recommendations.

The Public Hearing was opened at 9:15 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

ACTION: **Assigned Resolution No. 063-15**
Approved the Building Separation Modification and north Interior Setback Modification, and *denied* the stairs encroachment and deck in the east Interior Setback Modification, making the findings as outlined in the Staff Report dated November 5, 2015, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated November 5, 2015, and as revised at the hearing.

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

ACTUAL TIME: 9:22 A.M.

B. APPLICATION OF CLAY AURELL, AB DESIGN STUDIO ARCHITECT FOR DWAYNE COPUS TRUST, 1198 COAST VILLAGE ROAD, APN 009-222-010, C-1 LIMITED COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL (MST2012-00231)

The project has been revised to include a 185 square foot increase in the enclosed floor area, an increase in the roof height, window and door changes, an accessible path and lift along the Coast Village Road frontage, new service access ramps and egress to kitchen service door, revised parking lot layout, removal of a 30-inch diameter Ash tree and installation of an Ash tree, installation of a sidewalk along the Middle Road frontage, and construction of a trash enclosure. The project was originally approved in 2013 and is currently under construction. The revised proposal will result in a 2,249 square foot restaurant. Seating for the restaurant is limited to 50 seats inside and 48 outdoor patio seats. The parcel is located within the non-appealable jurisdiction of the Coastal Zone.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow an increase in the building height within the required 10-foot front setback along Coast Village Road. (SBMC § 28.63.060); and
2. A Front Setback Modification to allow a new kitchen service door and a trash enclosure within the required 10-foot front setback along Middle Road. (SBMC § 28.63.060).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

Present: Clay Aurell, Architect, and Matthew Beausoleil, Project Captain, for AB Design Studio, Inc.

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

Suzanne Riegle, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:29 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

ACTION: **Assigned Resolution No. 064-15**
Approved both requested Front Setback Modifications making the findings as outlined in the Staff Report dated November 4, 2015.

Said approval is subject to the conditions as outlined in the Staff Report dated November 4, 2015, and as revised at the hearing.

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

ACTUAL TIME: 9:41 A.M.

C. APPLICATION OF CHRIS OTTINGER, 55 CHASE DRIVE, 015-020-010, E-1 ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MST2015-00429)

Proposal for a 280 square foot one-story addition to an existing 2,325 square foot two-story single-family residence with an attached 487 square foot two-car garage. The project would also relocate the driveway and garage door so that the garage door faces the street with a new straight-in driveway. The existing house is non-conforming to interior setbacks on each side of the property.

The discretionary applications required for this project are:

1. Interior Setback Modification to allow the addition within the required ten foot eastern interior setback (SBMC §28.15.060 and SBMC §28.92.110);
2. Interior Setback Modification to allow the relocated garage door partially within the required ten foot western interior setback (SBMC §28.15.060 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities, and 15305, Minor Alterations in Land Use Limitations.

Present: Chris Ottinger, Applicant.

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

Tony Boughman, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:49 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

ACTION: **Assigned Resolution No. 065-15**
Approved both requested Interior Setback Modifications making the findings as outlined in the Staff Report dated November 5, 2015, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated November 5, 2015.

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

ACTUAL TIME: 9:54 A.M.

D. APPLICATION OF IHAB GHANNAM, 2609 DE LA VINA STREET, 051-292-003, C-2 ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/MED HIGH RESIDENTIAL (MST2015-00117)

Proposal for a Medical Marijuana Storefront Collective Dispensary. Interior floor plan improvements, and minor exterior alterations are proposed for the existing commercial building.

The discretionary application required for this project is a Storefront Collective 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 Act Guidelines Section 15301(a), Existing Facilities.

Present: Ihab Ghannam, Applicant; Abraham Labbad, Attorney and Agent of Service; and Bill Wolf, Pacific Architects.

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

Tony Boughman, Assistant Planner, gave the Staff presentation and recommendation.

Public comment opened at 10:31 a.m.

- 1) Walter Krieg, neighborhood property owner, opposition; expressed concerns regarding the proposed storefront location, traffic, parking, and security and safety concerns for families and children in the area.
- 2) Jennifer Alire (resident), opposition; expressed concerns regarding code requirements not being addressed in the application, lack of background checks of members, future enforcement, as yet unapproved operation plan by the police

department, and parking location in the rear of the property not in proximity to the entrance.

- 3) Kathy Richardson (resident), opposition; expressed concerns regarding security and safety issues, legal operations, locations of cultivation, veracity of the applicant, parking and access issues, enforcement of security measures.
- 4) Tony Vassillo, opposition; expressed concerns regarding illegal drug dispensary location, this appears to be a for-profit proposal and these are not allowed under the Compassionate Use Act, and loitering issues and anticipated crime escalation in the area.
- 5) Mary Ann Neilsen, opposition; expressed concerns regarding concept of storefront dispensaries in the area, traffic congestion, impacts to children in the area, and crime associated with dispensaries.
- 6) Bonnie Raisin, opposition; agrees with previous commenters, expressed concerns regarding the cultivation supply, proposed storefront location, current illegality of the "gateway" drug, and security and safety concerns for families and children in the area.
- 7) Marilyn Miller (local nurse) expressed support of the need for storefront dispensary in Santa Barbara.

Email and letters in opposition from Karen and Dr. William Gallivan, Nora Gallagher, Becky Spadoro, Elaine Morello, Elizabeth Greenwald, Jeanise Eaton, Teri Zanini, and Luis Esparza.

Public comment closed at 10:49 a.m.

*** The Hearing Recessed at 10:50 A.M., and Reconvened at 11:01 A.M. ***

Mr. Boughman confirmed a statement by a member of the public, that the Santa Barbara Police Department has not approved the operational plan for this dispensary permit application.

The Applicant stated his qualifications and also addressed various public concerns regarding loitering and security, that the dispensary will be audited for non-profit status, and that cultivators and suppliers have not yet been identified and contracted.

Mr. Boughman pointed out that the Applicant's comments indicate a lack of understanding of the definition of Medical Marijuana Storefront Collective Dispensary.

Ms. Reardon expressed concerns with: the dispensary's compliance with the definition of Medical Marijuana Storefront Collective Dispensary contained in the City's Zoning Ordinance; the site and floor plans; the location of the parking spaces behind the building in relation to the front entrance; the lack of security patrolling the rear of the property; inconsistencies and discrepancies in the submitted Operations Plan and the Business and Operations Plan; and discrepancies between what was stated in the public hearing and what was indicated in the Operations Plan, Business and Operations Plan, and site plan.

Ms. Reardon stated that she could not make the finding that the proposed dispensary meets the criteria for issuance of a Storefront Collective Dispensary permit, specifically criteria SBMC Section 28.80.070, B.1, B.7, B.8, and B.9.

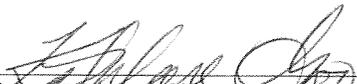
ACTION: **Assigned Resolution No. 066-15**
Denied the Medical Marijuana Storefront Collective Dispensary Permit making the finding that the proposed Medical Marijuana Storefront Collective Dispensary does not meet all of the criteria for issuance of the Permit as specified in SBMC Section 28.80.070.

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

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 11:30 a.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary