



City of Santa Barbara

STAFF HEARING OFFICER

MINUTES

JUNE 7, 2017

9:00 A.M.

David Gebhard Public Meeting Room
630 Garden Street
SantaBarbaraCA.gov

STAFF:

Susan Reardon, Staff Hearing Officer/Senior Planner
Kathleen Goo, Commission Secretary

CALL TO ORDER

Ms. Reardon called the meeting to order at 9:02 a.m.

STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner
Irma Unzueta, Acting Senior Planner
Nicole Hernandez, City Urban Historian/Associate Planner
Tony Boughman, Assistant Planner
Kelly Brodison, Assistant Planner
Betsy Teeter, Planning Technician II
Andrew Perez, Planning Technician II
Kathleen Goo, Commission Secretary

I. PRELIMINARY MATTERS

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

A previously noticed item for this agenda, 1554 Knoll Circle (MST2016-00411), will be heard on the June 21, 2017 agenda instead to allow for a new public notice to be distributed.

B. Announcements and appeals.

No announcements.

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

No public comment.

II. CONSENT ITEMS**ACTUAL TIME: 9:03 A.M.****A. APPLICATION OF JEFF SHELTON ARCHITECT FOR JON THOMAS AND SALLY ANNE TERRELL, PROPERTY OWNERS, 321 E. CANON PERDIDO STREET, APN 029-301-019, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCE: OFFICES AND RESIDENTIAL (MST2009-00220).**

Request for a one year time extension of the Tentative Subdivision Map approved by the Staff Hearing Officer on June 2, 2010. The extension is being requested pursuant to SBMC 27.07.110. The original approved Map would have expired on June 2, 2012. Subsequently, AB 208 and AB 116 extended the map until June 2, 2016, and a previous one year extension was approved extending the approval until June 2, 2017. The proposed new expiration dated would be June 2, 2018.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation, and Sally Terrell, Owner, was available to answer questions.

Public comment opened at 9:03 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 037-17**
Approved the One Year Time Extension to June 2, 2018 for the Tentative Subdivision Map and Condominium, making the findings as outlined in the Staff Report dated May 31, 2017.

Said approval is subject to the Conditions of Approval contained in Staff Hearing Officer Resolution No. 027-10, dated June 2, 2010.

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

ACTUAL TIME: 9:04 A.M.**B. APPLICATION OF JUSTIN SLADE APPLICANT FOR FAE AND WHITNEY PERRY, PROPERTY OWNERS, 617 BRADBURY AVENUE, APN 037-122-006, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL (MST2007-00559)**

This is a request for a One Year Time Extension for the Tentative Map and Zoning Modification originally approved by the City Council on appeal on May 25, 2010 for 617 Bradbury Avenue. The two-year approval was extended four years by the State, and an additional year by the Staff Hearing Officer, resulting in an expiration date of May 25, 2017. Staff received a letter requesting the extension and the required fee on May 4, 2017, prior to the approval expiring on May 25, 2017. The proposed new expiration dated would be May 25, 2018.

Public comment opened at 9:03 a.m., and as no one wished to speak, it closed.

ACTION:**Assigned Resolution No. 038-17**

Approved a One Year Time Extension to May 25, 2018 for the Tentative Subdivision Map and Zoning Modification, making the findings as outlined in the Staff Report dated May 30, 2017.

Said approval is subject to the Conditions of Approval contained in Staff Hearing Officer Resolution No. 062-09, dated July 15, 2009.

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

III. PROJECTS

* The following item was reviewed out of Agenda order after Item III.B, 1624 Bath Street. *

ACTUAL TIME: 9:34 A.M.

A. APPLICATION OF DENNIS THOMPSON, ARCHITECT FOR LIZINKA BENTON-RZEZNIK, 1189 N ONTARE ROAD, APN 055-120-034, E-1 SINGLE FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 1 DU/ACRE) (MST2017-00085)

The 15,599 square foot site is currently developed with a two-story, 1,550 square foot single family dwelling with an attached 187 square foot one-car garage, a detached 372 square foot detached one-car garage and a swimming pool. The proposed project consists of the demolition of a 78 square foot existing laundry room and in its place the construction of a 221 square foot, two-story addition. The first floor of the proposed addition will be an expanded laundry room and a powder room. The second floor of the addition will become a master bathroom and closet. The proposed total of 2,330 square feet is 54% of the maximum allowable floor-to-lot area ratio.

The discretionary application required for this project is a Front Setback Modification to allow the addition to the main dwelling to encroach into the required thirty-foot front 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 to Land Use Limitations).

Andrew Perez, Planning Technician II, gave the Staff presentation and recommendation. Nicole Hernandez, Urban Historian/Associate Planner, explained her evaluation of the project for conformance with the City's Historic Resource Design Guidelines.

Dennis Thompson, Architect, gave the Applicant presentation, and was joined by Francine Benton-Rzezniak, Co-Owner.

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

Public comment opened at 9:42 a.m.

Teresa Salvione spoke in support of the project.

Public comment closed at 9:43 a.m.

ACTION: **Assigned Resolution No. 040-17**
Approved the Front Setback Modification, making the findings outlined in the Staff Report dated June 1, 2017, and as revised at the hearing.

Said approval is subject to the conditions outlined in the Staff Report dated June 1, 2017, and as revised at the hearing.

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

*** The following item was reviewed out of Agenda order. ***

ACTUAL TIME: 9:06 A.M.

B. APPLICATION OF KATHRYN AND PAUL BERGHOFF, OWNERS, 1624 BATH STREET, APN 027-171-026, R-4, HOTEL-MOTEL-MULIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM-HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (MST2017-00015)

The 11,025 square foot project site is currently developed with a two-story 1,720 square foot historic single-family residential unit, a 1,975 square foot residential duplex, a detached three-vehicle carport and two uncovered parking spaces. The proposed project involves converting the front single-family house into a vacation rental. The project also includes removal of an "as-built" parking pad abutting Bath Street, the addition of a new uncovered parking space at the rear of the vacation rental, relocation of an existing trash and recycling enclosure and alterations to an existing fence to add a pedestrian and vehicle gate. The house is a designated Structure of Merit.

The discretionary applications required for this project are:

1. Interior Setback Modification to allow the conversion of residential floor area to commercial floor area within the required six-foot interior setback along the northwest property line (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. Development Plan Approval to allow the conversion of 1,720 square feet of residential floor area to nonresidential development (SBMC Chapter 28.85).

The project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183). City Council environmental findings adopted for the 2011 General Plan remain applicable for this project.

Betsy Teeter, Planning Technician II, gave the Staff presentation and recommendation. Irma Unzueta, Project Planner, and Nicole Hernandez, City Urban Historian/Associate Planner, were available to answer questions.

Shaun Lynch, DMHA Architects, gave the Applicant presentation.

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

Public comment opened at 9:16 a.m.

The following people expressed support:

1. Bunny DeLorie spoke in support of the project, and also spoke also on behalf of Teresa Salvione.
2. Jarrett Gorin, Vanguard Planning, spoke on behalf of the following people with regard to sound community planning and neighborhood compatibility:
 - a. Sandy Campbell
 - b. James Helms
 - c. Diane Connors
 - d. Patricia Caird
 - e. Mercedes Ann Greenberg
 - f. Adam Brown
 - g. Dorothy Wallstein
3. Correspondence from the following people was acknowledged:
 - a. Faith Frankenfield
 - b. Robert Sponsel
 - c. Patricia Chidlaw
 - d. Mikki Jee
 - e. Thomas Harbeson
 - f. Steven, Rengen, and Zoe Hovdesevn

The following people expressed opposition or concerns:

1. Correspondence from the following people was acknowledged:
 - a. Bonnie Freeman
 - b. Robert Pearson
 - c. Nora Gallagher
 - d. Sybil Rosen
 - e. Pamela Boehr
 - f. Vasanti Fithian
 - g. Sheryl Schroeder
 - h. Kellie Davis
 - i. Christine Neuhauser
 - j. Anna Marie Gott
 - k. Bill Dewey
 - l. William Rehling (Accessible Santa Barbara)
 - m. Allied Neighborhood Association

Public comment closed at 9:25 a.m.

Irma Unzueta, Project Planner, clarified why the project met sound community planning.

ACTION: **Assigned Resolution No. 039-17**
Approved the Interior Setback Modification, and Development Plan Approval making the findings as outlined in the Staff Report dated June 1, 2017, and as revised at the hearing.

Said approval is subject to the conditions added at the hearing.

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

ACTUAL TIME: 9:50 A.M.

C. APPLICATION OF IHAB GHANNAM, 2609 DE LA VINA STREET, APN 051-292-003, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2016-00202)

This is a continued Staff Hearing Officer (SHO) hearing from April 26, 2017. The project proposes a Medical Marijuana Storefront Collective Dispensary in an existing commercial space, and includes an operations plan, interior floor plan improvements, minor exterior alterations, and security improvements to the existing commercial building. The application was revised based on comments from the Planning Commission at an appeal hearing on January 14, 2016 and the last SHO hearing.

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.

Tony Boughman, Assistant Planner, gave the Staff presentation and recommendation. Anthony Wagner, Santa Barbara Police Department Public Engagement Manager, was available to answer questions.

Bill Wolf, Pacific Architects, gave the Applicant presentation, and was joined by Ihab Ghannam, Owner; and Rebecca Eggeman, Legal Counsel.

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

Public comment opened at 10:02 a.m.

The following people expressed opposition or concerns:

1. Peter Candy, representing the coalition of neighbors in the area of the project, spoke about lack of direct access to the front entry and adequate parking.
2. Linda Brophy spoke of concerns regarding the security plan.
3. Thomas Byrne spoke of concerns regarding the devaluation of property in the area, the number of potential clients, and the proposed location.
4. Anna Marie Bryne spoke of concerns regarding safety in the neighborhood and increased traffic.
5. Kathy Richardson spoke of concerns regarding the proposed location of the project

- and security measure issues.
6. Geoff Hendershot, from the Santa Barbara County Federal Credit Union (SBCFCU), submitted documentation and spoke of concerns regarding public nuisance, odor, and security issues.
 7. Correspondence in opposition from the following people was acknowledged:
 - a. Deborah Bertling
 - b. Deedee Underwood
 - c. Ann J. Adams
 - d. Melissa Cunningham
 - e. Peter Candy
 - f. Florence J. Sanchez
 - g. Cate Nelson
 - h. Thomas Byrne
 - i. Anna Marie Byrne
 - j. Nancy Patterson
 - k. Lisa Renga
 - l. Isabelle Greene
 - m. Bill Weil
 8. Correspondence in support from the following people was acknowledged:
 - a. Alfred Neale
 - b. Michael Delgado
 - c. Kate and Russ Carter

Public comment closed at 10:15 a.m.

Mr. Wagner clarified changes to the security plan and responded to questions regarding escorting of patrons to the parking lot and details of security presence on the premises.

Ms. Eggeman clarified some of the changes made to the project since the last Staff Hearing Officer review.

ACTION:

Assigned Resolution No. 041-17

Issued the Storefront Collective Dispensary Permit with Conditions, making the finding that the application complies with the location criteria of SBMC §28.80.050, as outlined in Section VI of the written Staff Report, dated February 22, 2017, and with the criteria for issuance of a Storefront Collective Dispensary permit set forth in SBMC §28.80.070.B, as explained in Section VI of the written Staff Report, dated February 22, 2017, and the applicant's submittal.


Said approval is subject to the conditions as outlined in Exhibit D of the Staff Report dated May 31, 2017, and as revised at the hearing.

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

IV. **ADJOURNMENT**

Ms. Reardon adjourned the meeting at 11:10 a.m.

Submitted by,



Kathleen Goo, Commission Secretary