



City of Santa Barbara

STAFF HEARING OFFICER MINUTES SEPTEMBER 13, 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 9:00 a.m.

STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner
Tava Ostrenger, Assistant City Attorney
Megan Arciniega, Associate Planner
Tony Boughman, Assistant Planner
David Eng, Planning Technician II
Stephanie Swanson, Planning Technician I
Kathleen Goo, Commission Secretary

I. PRELIMINARY MATTERS

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

No requests.

B. Announcements and appeals.

Ms. Reardon announced that on September 7, 2017, the Planning Commission denied the applicant's appeal of the Staff Hearing Officer's revocation of a Storefront Collective Dispensary Permit located at 3617 State Street. The Commission upheld the SHO decision to revoke the Storefront Collective Dispensary Permit.

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 ALICIA HARRISON, BROWNSTEIN HYATT FARBER SCHRECK, AGENT FOR 800 SANTA BARBARA STREET LLC, APN: 031-012-028, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL (MST2006-00129)**

This is a request for a two year time extension for the Tentative Map approved by the City Council on September 30, 2008 for 800 Santa Barbara Street. The approved Map was originally set to expire on September 30, 2010; however, with the statutory extensions provided by the State and a one-year time extension approved by the Staff Hearing Officer in 2016, the expiration date was extended to September 30, 2017. A second time extension request was timely submitted prior to this expiration date. Due to specific requirements needed for this particular project to obtain building permits, staff is recommending that the Staff Hearing Officer approve a two year time extension to September 30, 2019.

The 2008 approved project consists of the demolition of the existing 1,965 square-foot one-story commercial building and the construction of a 14,747 square-foot, two- and three-story mixed-use building containing six residential condominium units and ten commercial condominiums. The residential mix includes five three-bedroom units and one two-bedroom unit, ranging in size from 1,316 square feet to 2,249 square feet. The commercial condominiums total 4,605 square feet of non-residential floor area. Twenty-seven parking spaces are provided in an underground parking structure, with eleven of those spaces provided to 223 E. De la Guerra Street through a lease agreement. The project is approved under the variable density standards applicable in 2008.

Alicia Harrison, Applicant, gave the Applicant presentation.

Megan Arciniega, Associate Planner, gave the Staff presentation and recommendation.

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 9:07 a.m.

Correspondence from Kellam de Forest with concerns was acknowledged.

Public comment closed at 9:08 a.m.

ACTION:**Assigned Resolution No. 060-17**

Approved the Two-Year Time Extension to September 30, 2019, for the Tentative Map originally approved by City Council on September 30, 2008, including statutory extensions provided by the State and subsequent one-year granted extension by the Staff Hearing Officer to September 30, 2017, making the findings as outlined in the Staff Report dated September 7, 2017.

Said approval is subject to the original Conditions of Approval contained in the original Planning Commission Resolution No. 022-08, dated June 12, 2008.

III. PROJECTS**ACTUAL TIME: 9:09 A.M.****A. APPLICATION OF FRANK ROGUE, AGENT FOR TERI TUASON, 601 ALAMEDA PADRE SERRA, APN 031-261-004, R-2 TWO-FAMILY RESIDENCE ZONE, GENERAL PLAN LAND USE DESIGNATION: MEDIUM-DENSITY RESIDENTIAL (12 DU/ACRE) (MST2014-00422)**

The 7,405 square foot site is currently developed with 1,759 square foot two-story single-family dwelling with an attached 400 square foot two-car garage. The existing residence is legal nonconforming since it encroaches into the 15-foot setback on the easterly side (Alameda Padre Serra). The proposed project involves construction of a new 1,193 square foot three-story attached second unit with a 523 square foot garage. The project also includes changes to the roof pitch of the existing dwelling, and the addition of a 345 square foot roof deck.

The discretionary applications required for this project are:

1. A Lot Area Modification to allow a second unit in a R-2 Zone with less than the required lot area for lots with 10-20% slopes (SBMC §28.18.075.F and §28.92.110);
2. A Front Yard Setback Modification to allow less than the required setbacks for the existing nonconforming residence to remain in place with substantial exterior alterations (i.e. roof change and second-unit addition) as well as encroachment of a second-floor balcony on the proposed second unit per SBMC §28.87.030.D and §28.92.110; and
3. An Open Yard Modification to allow less than the required open yard area (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 15303, New Construction and Conversion of Small Structures, which includes construction of a second dwelling unit in a residential zone.

Megan Arciniega, Associate Planner, gave the Staff presentation and recommendation.

Frank Rogue, Agent, gave the Applicant presentation and clarified his reasons for the requested modifications.

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 9:30 a.m.

Robert Betancourt, property owner across from the project, spoke in opposition to the project.

Teri Tuason, owner, spoke in support of the project.

Correspondence from b. j. Danetra and Bruce and Trudi Ramsey in opposition was acknowledged.

Public comment closed at 9:37 a.m.

Ms. Reardon stated she could make the required findings for the requested lot area modification and open yard modification.

However, Ms. Reardon stated that due to the fact that the Single Family Design Board could not support the design nor find that the requested modifications are aesthetically appropriate, and the fact that the application for the front setback does not promote uniformity of improvement, is not appropriate for the lot, and is not consistent with the purposes and intent of the Zoning Ordinance, she could not make the required findings for the front setback modification.

ACTION: **Assigned Resolution No. 061-17**
Approved the Lot Area Modification and Open Yard Modification, and denied the Front Yard Setback Modifications, making the findings as outlined in the Staff Report dated September 6, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated September 6, 2017.

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: 9:51 A.M.

B. APPLICATION OF VICENTE SABORIO, AGENT FOR JOHN AND EVELYN ROBLES, 35 LORINDA PLACE, APN 043-083-030, R-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 5 DU/ACRE) (MST2017-00489)

The 6,100 square foot site was originally developed with an 831 square foot single-family dwelling and a detached 347 square foot garage. The proposed project proposes to legalize a 302 square foot "as-built" addition, permit a 72 square foot addition, demolish the an unpermitted sunroom, storage room and garage awning, and remodel the interior of the dwelling. The proposed total of 1,617 square feet is 60% of the maximum allowable floor-to-lot-area ratio (FAR).

The discretionary application required for this project is an Open Yard Modification to allow the "as-built" addition to reduce the size of the open yard area below the minimum dimensions (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 to Land Use Limitations.

Stephanie Swanson, Planning Technician I, gave the Staff presentation and recommendation.

Vicente Saborio, Designer, gave the Applicant presentation, and was joined by John and Evelyn Robles, Owners.

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 9:55 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 062-17**
Approved the Open Yard Modification, making the findings as outlined in the Staff Report dated September 7, 2017, and as revised at the hearing.

Said approval is subject to the conditions as 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: 9:59 A.M.

C. APPLICATION OF TRISH ALLEN, AGENT FOR JOHN WHITEHURST, 333 W. ORTEGA STREET, APN 037-113-001, R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE, GENERAL PLAN DESIGNATION: HIGH PRIORITY HOUSING OVERLAY (37-63 DU/ACRE) (MST2016-00397)

The 9,375 square foot parcel is currently developed with a two-story, 2,774 square foot, 4-unit apartment building and a detached 760 square foot, four-car garage. The proposed project involves the demolition of the existing garage, and a 2,017 square foot addition consisting of four new apartment units. The eight units on site will have an average size of 660 square feet, and will be developed under the Average Unit Size Density Incentive Program. The project will also include new covered parking, reconfiguration of the existing driveway off of Castillo Street, new landscaping, site walls, and other minor site work.

The discretionary applications required for this project are:

1. Interior Setback Modification to allow a second floor deck to encroach 2 feet into the required 10 foot rear setback (SBMC §28.20.070 and SBMC§28.92.110) and
2. Open Yard Modification to allow the common outdoor living space to have less than the minimum dimensions required by code (SBMC §28.20.070, §28.21.081, and SBMC§28.92.110).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning.

Case Planner: Stephanie Swanson, Planning Technician I

Email: SSwanson@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4569

Stephanie Swanson, Planning Technician I, gave the Staff presentation and recommendation.

Trish Allen, Agent, and gave the Applicant presentation, and was joined by Tracy Burnell, Architect.

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 10:10 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 063-17**
Approved the Interior Setback Modification and Open Yard Modification, making the findings as outlined in the Staff Report dated September 7, 2017.

Said approval is subject to the conditions as outlined in the Staff Report dated September 7, 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.

ACTUAL TIME: 10:14 A.M.

D. APPLICATION OF JIM DAVIS, ARCHITECT FOR HEIDI SWITZER, 315 LA MARINA DRIVE, APN 045-161-004, E-3/SD-3 ZONES ONE-FAMILY RESIDENCE ZONE AND COASTAL ZONE OVERLAY, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 5 DU/ACRE) (MST2017-00412)

The 5,790 square foot site is currently developed with a 1,349 square foot single-family dwelling and a 233 square foot attached one-car garage. The proposed project consists of a 250 square foot first-floor addition, a new second-floor addition of 446 square feet, the demolition of 40 square feet of existing floor area, a 311 square foot partially covered second-floor deck, widening the existing garage door, an interior remodel, and replacement of all existing windows and doors, exterior siding, and roofing materials. The 2,238 square foot proposal is 85% of the maximum allowable floor-to-lot-area ratio (FAR).

The discretionary application required for this project is a Front Setback Modification to allow the expansion of the existing garage door opening in the 20-foot required front setback and to allow a conforming second-story addition that will change the basic exterior characteristics to the existing nonconforming structure. (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 to Land Use Limitations.

David Eng, Planning Technician II, gave the Staff presentation and recommendation.

Akiko Wade Davis, Architect, gave the Applicant presentation, and was joined by Jim Davis, Architect.

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 10:18 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 064-17**
Approved the Front Setback Modification, making the findings as outlined in the Staff Report dated September 7, 2017.

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 HEARING RECESSED FROM 10:20 TO 10:31 A.M. ***

ACTUAL TIME: 10:31 A.M.

E. APPLICATION OF RYAN HOWE, 118 NORTH MILPAS STREET, APN 017-091-016, C-2 ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL (MST2015-00319)

Proposal for management staff changes and operational changes for an issued Medical Marijuana Storefront Collective Dispensary Permit. Tenant improvements for the dispensary in the existing 2,264 square foot commercial building are currently under construction. The collective has not begun operating.

The discretionary application required for this project is an amendment to the Storefront Collective Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a), Existing Facilities.

Ms. Reardon announced that after review of the application materials and the public record, she has concerns whether there was an unauthorized transfer of control of the Storefront Collective Dispensary Permit through changes to the Management Members and/or additions of persons able to act on the Dispensary's behalf that were not identified in the application materials and prior to the application being submitted for review.

Ms. Reardon announced that she could not hold the public hearing today and is referring the matter to the City Attorney's Office for further investigation regarding whether an unauthorized transfer of the Storefront Collective Dispensary Permit has occurred.

Ms. Reardon thanked the public for their patience and attendance at the meeting.

ACTION:
Continued public hearing for six weeks to October 25, 2017 and referred the matter to the City Attorney's Office for investigation of possible unauthorized transfer of ownership and/or control of the Storefront Collective Dispensary.

IV. **ADJOURNMENT**

Ms. Reardon adjourned the meeting at 10:43 a.m.

Submitted by,



Kathleen Goo, Commission Secretary