



# City of Santa Barbara

## STAFF HEARING OFFICER MINUTES

OCTOBER 11, 2017

9:00 A.M.

David Gebhard Public Meeting Room  
630 Garden Street  
[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

### STAFF:

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

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### CALL TO ORDER

Ms. Reardon called the meeting to order at 9:00 a.m.

### STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner  
Jessica W. Grant, Acting Senior Planner  
Megan Arciniega, Associate Planner  
David Eng, Planning Technician II  
Kathleen Goo, Commission Secretary

### I. PRELIMINARY MATTERS

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

Ms. Reardon announced that Consent Item II, 1240 W. Micheltorena Street, was pulled from the agenda as requests for time extensions for modifications are not under the purview of the Staff Hearing Officer, but are administrative reviews by the Community Development Director.

- 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 ITEM****A. APPLICATION OF MARK TRAVERS, ARCHITECT AND OWNER, 1240 W. MICHELTORENA STREET, APN: 041-101-010, RS-6-RESIDENTIAL SINGLE UNIT, 6,000 SQUARE FEET MINIMUM LOT SIZE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 5 DU/ACRE) (MST2014-00555)**

This is a request for a two-year time extension for Modifications approved by the Staff Hearing Officer on October 14, 2015. The approved project is set to expire on October 14, 2017, and the owner submitted a time extension request on September 18, 2017. The project received design approval by the Single Family Design Board on January 5, 2016, and the owner submitted for building plan check review on February 21, 2017, and plan check corrections were received in May 2017. Staff is recommending that the Staff Hearing Officer approve a two-year time extension to October 14, 2019.

The 2015 approved project consists of a new three-story, 2,011 square foot, single-family residence on a 6,098 square foot vacant parcel with a 73% slope in the Hillside Design District. A total of eight specimen oak trees will be removed and replaced with 40 oak saplings. The proposal includes approximately 952 cubic yards of grading under the main building footprint and to widen the improved public road in front of the residence to a width of 20 feet clear. The floor-to-lot area ratio (FAR) is 74% of the required maximum FAR.

The approved project included the following discretionary approvals:

1. A Front Setback Modification to allow the first story of the residence to encroach into the required fifteen-foot front setback (SBMC §28.15.060, §28.15.065 and §28.92.110);
2. A Front Setback Modification to allow the garage and the upper stories of the residence to encroach into the required twenty-foot front setback (SBMC §28.15.060, §28.15.065 and §28.92.110);
3. An Open Yard Modification to allow the additional open yard for sloped lots to be reduced to less than the required 160 square feet (SBMC §28.15.060 and §28.92.110); and
4. An Over Height Wall/Fence Modification to allow the proposed retaining walls and related safety railing within ten feet of the front lot line to exceed a maximum height of three and one-half feet (SBMC §28.87.170 and §28.92.110).

**\* The item was pulled from the Agenda. \***

**III. PROJECTS**

**ACTUAL TIME: 9:02 A.M.**

**A. APPLICATION OF WADE DAVIS DESIGN, AGENT FOR VINCENT AND KATHY TUCKER, OWNERS, 1540 FRANCESCHI ROAD, APN 019-102-038, RS-25, RESIDENTIAL SINGLE UNIT, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DWELLING UNITS/ACRE) (MST2017-00355)**

The 17,437 square foot project site is currently developed with a two-story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 146 square foot addition to an existing second-story 283 square foot deck located entirely in the 30-foot primary front setback.

The proposed deck extension was previously reviewed by the Staff Hearing Officer on May 24, 2017 (MST2017-00084) in conjunction with modifications to approve additions and alterations in both the primary and secondary front setbacks, as well as an open yard modification. As part of that project, a deck extension was approved in the secondary front setback up to the plane of the existing deck, for an eight-foot encroachment and total deck size of 547 square feet. A 178 square foot portion of the previously approved deck is located in the primary front setback; however, a Modification was not reviewed for it. The Modification request is now being pursued under the current proposal.

The proposed deck extension would encroach an additional four feet into the primary front setback, with a total depth of 12 feet into the required 30-foot setback. The total size of the subject deck, including both the previously approved and the proposed extension, would be 693 square feet, 506 square feet of which is in the required secondary front setback.

The previously approved project would allow for a 3,470 square foot residence, 79% of the guideline maximum floor-to-lot area ratio (FAR). No additional floor area is proposed under the subject project.

The discretionary applications required for this project are a Secondary Front Setback Modification to allow a deck extension on the south side of the dwelling to encroach within the required 30-foot secondary front setback, and a Primary Front Setback Modification to allow a previously approved deck extension on the west side of the dwelling to encroach within the required 30-foot primary front setback (SBMC § 30.20.030.A and SBMC § 30.250.020.B).

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).

Jessica Grant, Acting Senior 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. She also re-expressed her previous concerns regarding the proposed deck's visibility from the street and entrance area of Franceschi Park and her ability to make the required Modification findings, which resulted

in her previous partial approval and denial. She stated that findings for the Modification include: 1) consistent with the purposes and intent of the Zoning Ordinance, 2) necessary to secure an appropriate improvement on the lot, 3) prevent unreasonable hardship, and 4) promote uniformity of improvement.

Jim Davis, Architect, gave the Applicant presentation, and was joined by Wayne Mackey, Contractor, and Vincent Tucker, Owner.

Public comment opened at 9:21 a.m., and as no one wished to speak, it closed.

Mr. Reardon stated that she could not support the proposed four foot by thirty-five foot deck extension to the previously approved second-story deck on the south side of the dwelling as it is not necessary to secure an appropriate or uniform improvement on the lot or to prevent unreasonable hardship.

She stated that although the property is non-conforming to the front setback requirements and has an average slope of approximately 38%, the previous approval of a Front Setback Modification for a 454 square foot expansion of the second-story deck, granted on May 24, 2017, provided for an appropriate improvement given the site constraints. That previous approval recognized a 190 square foot as-built expansion of a legal 93 square foot second-story deck, and allowed for a further expansion of that deck area by 264 square feet for a total size of 547 square feet. This current Modification request for an additional increase of 146 square feet, which would result in a 693 square foot second-story deck, is not necessary to secure an appropriate improvement on the lot given there is already an approved 547 square foot second-story deck that provides adequate useable outdoor area that meets the purpose of the zoning standard.

**ACTION:** **Assigned Resolution No. 065-17**  
Deny the Secondary Front Setback Modification, and approve the Primary Front Setback Modifications, making the findings as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 5, 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: 9:31 A.M.**

**B. APPLICATION OF JAMES LECRON, ARCHITECT FOR AKILA KRISH, 1117 HARBOR HILLS DR, APN 035-314-019, RS-15 RESIDENTIAL SINGLE UNIT ZONE, GENERAL PLAN DESIGNATION: LOW-DENSITY RESIDENTIAL (MAX 3 DU/AC) (MST2017-00431)**

The proposed project involves demolishing an existing 2,075 square foot, one-story, single-family dwelling with an attached 460 square foot two-car garage, and constructing a new 2,939 square foot, one-story, single-family dwelling with an attached 500 square foot two-car garage. Other site improvements include 1,577 square feet of terraced decks and a new spa. The proposed total of 3,439 square feet of development on a 17,639 square foot lot located in the Hillside Design District is 78% of the guideline maximum floor-to-lot-area ratio (FAR).

The discretionary application required for this project is a Front Setback Modification to allow portions of the new dwelling to be constructed within the required front setback. (SBMC § 30.20.030.A and SBMC § 30.250.020.B)

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).

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

James LeCron, Architect, gave the Applicant presentation, and was joined by Akila Krish, 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 9:37 a.m.

Thomas Kelleway, neighbor, spoke in support and posed some landscaping questions regarding the project.

Public comment closed at 9:42 a.m.

**ACTION:** **Assigned Resolution No. 066-17**  
Approve the Front Setback Modification, making the findings as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 5, 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: 9:54 A.M.**

**C. APPLICATION OF TAI YEH, ARCHITECT FOR CHERYL ANN II, LLC, 2146 RIDGE LN., APN 019-161-001, RS-25 RESIDENTIAL SINGLE UNIT ZONE, GENERAL PLAN DESIGNATION: LOW-DENSITY RESIDENTIAL (MAX 3 DU/AC) (MST2017-00375)**

The 13,649 square foot project site is currently developed with a 1,430 square foot, one-story, single-family dwelling and an attached 285 square foot one-car garage. The proposal involves a 318 square foot addition to the garage to create a 603 square foot two-car garage with a work bench and sink, new window and man door. A total of 2,033 square feet of development is proposed.

The discretionary application required for this project is a Front Setback Modification to allow additions and alterations to the garage within the required 35-foot setback. (SBMC § 30.20.030.A and SBMC § 30.250.020.B).

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).

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

Tai Yeh, Architect, 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 9:48 a.m., and as no one wished to speak, it closed.

**ACTION:** **Assigned Resolution No. 067-17**  
Approve the Front Setback Modification, making the findings as outlined in the Staff Report dated October 5, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 5, 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: 9:51 A.M.**

**D. APPLICATION OF JIM DAVIS, ARCHITECT FOR ALEX AND KRIS BRODIE, 3360 BRAEMAR DRIVE, APN 047-030-020, A-1/S-D-3 ZONES, LOCAL COASTAL PROGRAM AND LAND USE PLAN, DESIGNATION: LOW DENSITY RESIDENTIAL (MST2017-00304)**

The project includes the conversion of an existing 556 square foot accessory structure to an Accessory Dwelling Unit (ADU) pursuant to Government Code 65852.2. As part of the conversion the accessory structure, the project proposes removal of the wood deck currently attached to the structure and replacement with permeable paving, as well as construction of a new covered entry, porch, 6-foot wood access gate, driveway, and single uncovered parking space. The existing residence and accessory structure to be converted into the ADU are located within the required front setback; therefore, alterations to the structures require approval of a Front Setback Modification.

The project is located within the Non-Appealable Jurisdiction of the City's Coastal Zone and because the new ADU created is detached, a Coastal Development Permit is required for the ADU per Coastal Commission Memorandum dated April 18, 2017 (New Accessory Dwelling Unit Legislation).

Pursuant to SBMC 28.44.110, when a proposed development only involves the addition of a secondary dwelling unit to an existing single family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least ten (10) calendar days after notice has been provided. The Staff Hearing Officer may receive and consider written comments from the public, but without a public hearing. The decision will be the final action of the City (i.e., not appealable).

The applicant is also proposing other alterations to the existing 1,751 square foot single-story residence including 13 square feet of demolition, 412 square feet of additions, changes to the roof, and replacement of a 6-foot wide window with an 8-foot wide door, as well as the demolition of two storage sheds (119 square feet and 128 square feet). The improvements to the existing single family residence are exempt from Coastal Development Permit requirements per SBMC 28.44.070.D.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow alterations to the residence and accessory structure (Accessory Dwelling Unit) that are non-conforming to the front setback (SBMC §28.92.026.A); and
2. A Coastal Development Permit (CDP2017-00004) to allow a detached Accessory Dwelling Unit in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

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 or Conversion of Small Structures.

Megan Arciniega, Associate Planner, gave the Staff presentation and recommendation. She clarified that there would be only one tree proposed for removal and corrected the floor-to-lot ratio (FAR) calculation.

Jim Davis, Architect, gave the Applicant presentation, and was joined by Alex Rood, 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 10:02 a.m., and as no one wished to speak, it closed.

**ACTION:** **Assigned Resolution No. 068-17**  
Approve the Front Setback Modification and Coastal Development Permit, making the findings as outlined in the Staff Report dated October 4, 2017, and as revised at the hearing.

Said approval is subject to the conditions as outlined in the Staff Report dated October 4, 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 10:21 a.m.

Submitted by,

  
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Kathleen Goo, Commission Secretary