



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-09

436 CORONA DEL MAR

COASTAL DEVELOPMENT PERMIT, MODIFICATION

MAY 14, 2009

APPEAL OF JAMES KAHAN ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF ALEX PUJO, ARCHITECT FOR LARRY AND SUSAN JEAN AGOSTINO, PROPERTY OWNERS, 436 CORONA DEL MAR, APN 017-321-007, R-4/SD-3 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL - HOTEL & RESIDENTIAL (MST2008-00420)

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

The discretionary applications required for this project are:

A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009); and

A Modification to allow the new garage to encroach into the interior yard setback (SBMC §28.21.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(l)(1) Existing Facilities and 15303 (b) New Construction.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 7 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Patrick Smyth, via email
 - b. Pamela Haldeman, via email

4. Correspondence received in opposition to the project:

- a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Denied the appeal and upheld the decision of the Staff Hearing Officer.

This motion was passed and adopted on the 14th day of May, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 1 (Lodge) ABSTAIN: 0 ABSENT: 3 (Larson, Jostes, White)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner White recused himself from hearing this item since he worked on the project at one time.

B. **APPEAL OF JAMES KAHAN ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF ALEX PUJO, ARCHITECT FOR LARRY AND SUSAN JEAN AGOSTINO, PROPERTY OWNERS, 436 CORONA DEL MAR, APN 017-321-007, R-4/SD-3 ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL – HOTEL & RESIDENTIAL (MST2008-00420)**

The project consists of a proposal to demolish the existing 1,326 square foot residence and 224 square foot non-conforming garage and construct a 3,094 square foot, three-story duplex and a 548 square foot two-car garage on a 6,594 square foot lot in the non-appealable jurisdiction of the Coastal Zone. Also proposed are 582 square feet of covered patios, 166 square foot open deck and a 400 square foot lap pool. Unit #1 would be a 2,159 square foot, three-story, two-bedroom unit and Unit #2 would be a 934 square foot, one-story, one-bedroom unit with two uncovered parking spaces. One modification is requested to allow the proposed two-car garage to encroach 3' into the interior setback.

The discretionary applications required for this project are:

A Coastal Development Permit to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC §28.45.009); and

A Modification to allow the new garage to encroach into the interior yard setback (SBMC §28.21.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(l)(1) Existing Facilities and 15303 (b) New Construction.

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Tony Fisher, Friends of Outer State Street, gave the Appellant presentation.

Alex Pujo, Architect, gave the applicant presentation.

Staff clarified for the Planning Commission the recent amendment to the zoning ordinance, section 28.21.060, and how the provision did not apply to this project. Staff also explained the partial demolition of the existing garage structure which was conducted without a permit.

Chair Thompson opened the public hearing at 4:33 P.M., and with no one wishing to speak, closed the hearing.

The Commissioners made the following comments:

1. Commissioner Lodge had an issue with the designer not following the setback requirements and cannot make the finding to grant the modification.
2. Commissioner Bartlett expressed frustration that the applicant has been blindsided by this appeal as the appellant had not attended any of the ABR or SHO meetings and added that the appellant's residence has a similar interior yard setback encroachment. The proposed project encroaches 57 sq. ft. less than the existing condition. The location of the garage improves the existing situation and complies with what the ABR requested, by enabling cars to maneuver on site and not back out onto the street. Cannot support the appeal.
3. Commissioner Jacobs wonders about the interest held by the Friends of Outer State Street when the project is not in that area. The real encroachment is about 3' wide and 10 feet long. The project is in keeping with the neighborhood and compatible and there is a three-story apartment complex next door. Supports the project and feels it is elegant and attractive and will be an improvement to the neighborhood.
4. Commissioner Thompson stated that discussions about modifications will continue to take place, but the modification process exists because the City is mostly built-out, and lots are smaller than what may be desired. Feels that the lot size and the ABR's direction for the architectural design forces consideration for the modification, because of the turn radius that is required to allow cars to exit the site facing forward, . Otherwise cars would park on the street which would exacerbate the street parking situation. Another option would be to move the garage over into the open space but that would encroach into the required open yard area. Supported the modification and denial of the appeal.

MOTION: Jacobs/Bartlett

Assigned Resolution No. 015-09

Deny the appeal and uphold the decision of the Staff Hearing Officer for approval of the modification and the Coastal Development Permit.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Lodge) Abstain: 0 Absent: 3 (Larson, Jostes, White)

Chair Thompson announced the ten calendar day appeal period.

V. **NEW ITEM:**

ACTUAL TIME: 4:42 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Jacobs recused herself from hearing this item due to the applicant's attorney working at the same firm as her husband.

This hearing was for Planning Commission consideration of project denial prior to initiation of environmental review. The project could not be approved at this hearing, only denied or continued.

APPLICATION OF PETER EHLEN, ARCHITECT FOR CAROLYN & JOSEPH MCGUIRE PROPERTY OWNERS, 1642 & 1654 CALLE CAÑON / 2418 CALLE MONTILLA, APNs 041-140-006, 008, 009, A-2 & E-1 ZONES, GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST99-00606)

The project consists of a subdivision of two lots of 225,285 sf and 99,333 sf into six lots. The project location is within the Alta Mesa General Plan neighborhood and in an area designated as High Fire and Major Hillside. Due to slope density requirements, each of the six proposed lots is required to provide more than the minimum lot area for the zone. The larger existing lot is zoned A-2 and currently developed with two residences accessed from a common driveway on Calle Cañon. The smaller existing lot is split-zoned A-2 and E-1 and currently developed with a single-family residence fronting Calle Montilla. The three existing single-family residences are proposed to remain. Multiple retaining walls up to approximately 20 ft in height would be necessary to construct the proposed driveways. New curb, gutter, sidewalk, and parkway are proposed along the Calle Cañon frontage.

The discretionary applications required for this project are:

1. Lot Area Modification to allow the creation of a 10,188 square foot lot (Lot 6) where a 22,500 square foot lot is required with slope density in the E-1 Zone (SBMC §28.15.080 and §28.92.110.A);
2. Street Frontage Modification to allow Lot 2 less than the required A-1 Zone 100 feet of street frontage (SBMC §28.15.080 and 28.92.110.A);
3. Street Frontage Modification to allow Lot 3 less than the required A-1 Zone 100 feet of street frontage (SBMC §28.15.080 and 28.92.110.A);
4. Street Frontage Modification to allow Lot 4 less than the required A-1 Zone 100 feet of street frontage (SBMC §28.15.080 and 28.92.110.A);
5. Wall Height Modification to allow retaining walls to exceed 3.5 feet in height within ten feet of the front lot line on Calle Cañon and on either side of the driveway for Lots 1-4 within 20 feet of the front lot line (SBMC §28.87.170.B and 28.92.110.A);
6. Tentative Subdivision Map to allow the division of two lots into six lots (SBMC 27.07);
7. Public Street Waiver to allow the creation of Lot 2 without frontage on a public street (SBMC §22.60.300);