City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: October 27, 2016

AGENDA DATE: November 3, 2016

PROJECT ADDRESS: 1127 Bath Street (MST2016-00070)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4559
Beatriz Gularte, Senior Planner BEG
Andrew Perez, Planning Technician II AP

I. PURPOSE OF HEARING

The applicant is appealing the decision of the Staff Hearing Officer for the condition imposed on the requested modification. Please refer to the appellant's letter dated September 8, 2016 (Exhibit A).

II. BACKGROUND

On August 31, 2016, the Staff Hearing Officer (SHO) considered a proposal to allow a new two-car garage to be built in the interior setback of the subject property. Please refer to the SHO Staff Report dated August 25, 2016 (Exhibit B).

The applicant was requesting a Modification to allow the garage to be built one inch from the interior property line. The SHO approved the Modification, but conditioned that the project be altered so the garage to be located two feet from the interior property line, to minimize impacts on the neighboring property and to allow for the maintenance of the exterior garage wall. Additionally, the SHO was not supportive of the requested Transportation waiver to allow the interior dimension to be less than 20' wide.

On September 8, 2016, the property owner appealed the SHO's decision. The appeal letter states that the location of the garage in its approved location, two feet from the property line, is unacceptable because it reduced the private outdoor living space for each dwelling and vehicular accessibility in and out of the garage is impractical. The applicant also states that the size of the garage needs to be the dimensions requested in order to provide the amenities for both dwellings on the site.

III. PROJECT DESCRIPTION

The 6,026 square-foot site is currently developed with 1,100 square foot single-family dwelling, a detached 298 square-foot, two-car garage and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage, and construction of a two-car garage with exterior dimensions of 20' wide and 24' deep (480 square feet gross), alterations to the existing rear deck, the infill of an exterior door out of the utility room, and permit the as-built full bathroom in the utility room. The site is located in the R-4, Multiple-Family Zone, which requires a six foot interior setback for covered parking.

IV. REQUIRED APPLICATIONS

The discretionary application required for this project is an Interior Setback Modification to allow the garage to be located within the 6-foot interior setback (SBMC§28.21.060 and SBMC§28.92.110).

V. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the SHO's decision to condition the garage to be two feet from the interior property line, making the findings in Section VIII of this report.

VI. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Mark Morando, Morando Design		
Property Owner:	Bruce Bivens and Leslie Brueckner		
Site Information			
Parcel Number:	039-212-010	**Lot Area**:	6,026 sq. ft.
General Plan:	High Density Residential (28-36 du/acre)	**Zoning**:	R-4
Existing Use:	Residential	**Topography**:	2% slope
Adjacent Land Uses			
North –Single Family Residential (1-story) **South** –Single Family Residential (1-story)		**East** – Bath Street **West** – Curley Avenue	

VII. DISCUSSION

The project site is currently developed with two, single family dwellings and a detached, two-car garage with a loft above. The 298 square foot garage was built in 1925 as a two-car garage, however, it currently functions as a one-car garage. A storage loft was added at some point before 1975 when the City identified it as unpermitted and required its removal. As described above, the applicant is proposing a 480 square foot, two-car garage with exterior dimensions of 20 feet by 24 feet. The proposed garage is 24 feet deep, which is four feet deeper than the standard garage, and the extra depth is requested to provide laundry amenities for both dwellings, a water heater and water softener. The applicant has proposed the interior width of the garage to be 19'4" and has requested a waiver from Transportation to allow the interior width to be less than 20'.

The applicant is requesting the new garage to be built in nearly the same location as the existing garage. The existing garage is actually located slightly on the adjacent property (1123 Bath Street) and the new garage would be located entirely on the subject property, one inch from the interior lot line. Staff felt that allowing a garage with the standard dimensions of 20 feet by 20 feet to be located one inch from the property line would be supportable because it would provide an appropriate improvement on the lot while adding the least amount of new square footage in

the setbacks. The proposed garage, with its 24 foot depth, would add 29 new square feet of floor area in the setback beyond what is necessary to secure an appropriate improvement.

Staff's recommendation was to approve the garage as proposed, minus the 29 square feet of new floor area in the setback. The SHO disagreed with staff's position and felt that a new garage should not be permitted at one inch from the property line to allow for maintenance of the wall and to minimize the impact on the adjacent property. However, as an alternative, the SHO was supportable of a plan in which the garage could remain at its requested larger dimensions, but located two feet from the interior lot line. The applicant felt that requiring the garage to be shifted two feet away from the property line would unnecessarily reduce the amount of open yard. Zoning staff confirmed that the property would still meet the open yard requirements for this zone, even with the garage shifted two feet away from the interior lot line

The applicant also expressed concerns about a driver's ability to easily maneuver the route into and out of the garage if it is required to be moved away from the property line. Transportation staff examined the plan approved by the SHO, and found that the garage would function in the SHO approved location, two feet away from the property line.

VIII. RECOMMENDATION AND FINDINGS

Staff recommends that the Planning Commission deny the appeal and uphold the SHO's decision to approve an alternate design located two feet from the property line subject to the conditions of approval specified in Staff Hearing Office Resolution 053-16, making the following finding:

The Planning Commission finds that the Modification to allow the garage to encroach 5 feet, 11 inches into the required six foot interior setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot, as the requested garage increases the amount of floor area in the interior setback adversely impacting the adjacent property.

Exhibits:

A. Applicant's Letter
B. SHO Staff Report, dated August 25, 2016
C. SHO Minutes, dated August 31, 2016
D. SHO Resolution, dated August 31, 2016

September 8, 2016

Planning Commission
Planning Division, Community Development Department
630 Garden Street
Santa Barbara, CA 93101

RECEIVED
SEP 12 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Case MST2016-00070

Dear Members of the Planning Commission:

We, Bruce Bivans and Leslie Brueckner, hereby appeal a decision made by the Staff Hearing Officer on August 31, 2016 in the above referenced case. We are appealing the Staff Hearing Officer's decision to move the garage two-feet from the property line, instead of maintaining the garage along the property line per S.B.M.C. 28.21.060 & 28.92. .110.

The existing garage was built in 1925 as an eighteen-foot long by sixteen foot wide Model 'A' two car garage, up against the interior property line. The garage is dilapidated and has had an illegal second story added to it, by a previous owner, that was discovered in a 1975 Zoning Report.

Per the recommendation of the City Planning Department, we hired a land use consultant who told us that we could modify the garage along the property line to reach the twenty foot interior clear dimension for a 'full' size garage. We were also advised that we should not have a problem adding three feet more along the setback to relocate our improperly located water heater. The additional three foot depth would also leave room for a water softener and a full size washer/dryer. The

laundry facility will serve both units, since the rear unit doesn't have a laundry hook-up. (Note: none of these appliances are in the setback.)

We received positive comments from our neighbors on each side and contractors.
A Staff Hearing Officer (SHO) pre-consultation meeting was held on March 30th, 2016. SHO Staff supported the new garage within the interior setback with the laundry facility itself moved out of the six-foot interior setback. A double door is proposed at the rear of the garage to provide access to the front dwelling for large furniture and amenities such as a hot tub, since there is no way to maneuver large items through the privacy fences that separate the two units.

The Architectural Board of Review (ABR) reviewed the project on May 9th, 2016 on the Consent agenda. The chairperson stated that he very much likes our project due to the fact that the projects design is matching the front Victorian.
[At this point we had been deeply involved in our project for about three years.]

The SHO Staff report was supportive of the garage being on the property line for numerous reasons, but wants removal of the additional 3'4" beyond the twenty-foot interior clear dimension within the interior setback, that was slated for storage because it is not required for a conforming parking space.
At the SHO meeting, staff stated their position and the SHO decided that we could keep the entire floor plan layout, if we moved the garage two feet away from the property line, or the project would be denied.

The SHO mentioned that having a two foot setback would allow the wall of the garage to be maintained. The garage wall has been on the property line for ninety-one years, and maintenance has been limited to occasional painting. Creating a two foot gap between the property line and the garage wall will create the need to maintain an effectively useless forty-two square feet of space (while eliminating that same forty-

two square feet of space that would otherwise be available for the property owner's use and enjoyment).

Technically, we can rebuild the garage in the same location, dimensions and roof pitch per the non-conforming ordinance and end up with a nonfunctioning, one-car garage. The two main reasons to expand the garage are for functionality and the aesthetics enhancing the property. The biggest obstacle to achieving these two goals is that, whereas typical downtown lots are fifty feet wide, the width of the lot is only forty feet. This forty foot dimension with a twenty-one foot wide garage leaves nineteen feet of yard. This, together with the constraints of the Curley Avenue dwelling and the functionality of its private outdoor living space area requirements, necessitates that the garage be on the property line.

Furthermore, if the garage remains on the property line, we could comply with the requirement of expanding the garage from its current width of 16 feet to the requisite interior width of twenty feet and still be able to get two vehicles into it. If the garage is moved two feet from the property line, however, we will no longer be able to do so. Given that the garage is already growing four feet eight inches on the left to meet its 20 foot interior width requirement, the SHO's decision to move an additional two feet would make it virtually impossible to maneuver our two vehicles into the garage. Although the template used by the representative in the Transportation Department allowed her to conclude that moving the garage this additional two feet from the property line would still allow two vehicles to enter and exit, her conclusion is possible only in theory. The left edge of the 15 foot driveway runs along the wall of the small house at the back of the property that faces Curley Avenue, and that wall ends just 8 feet in front of the garage door. Even if no vehicle was in the driveway next to the small house, the left wheels of a vehicle driving along the left edge of the driveway would enter the garage 4 feet from its interior left wall. A mid-size vehicle, and certainly our small truck and Toyota Highlander, would have an extremely difficult time turning the necessary angle in order to park in

such a way as to leave room on the right half of the garage for a second vehicle. As a practical matter, successfully parking in this manner requires the experience that the UCSB students who drive for Leslie (who is visually impaired) simply do not possess.

We are not the only people who will be adversely affected by the SHO's decision to move the garage 2 feet from the property line. The small house at the back of the property that faces Curley Avenue is a rental unit, and its lease provides for a backyard. The backyard is currently 9 feet by 18 feet. Expanding and moving the garage in accordance with the SHO's decision will reduce the backyard to 9 feet by 12 feet, a reduction of 33%. We will grow the backyard 1 foot towards Bath Street, and the rental unit's backyard will then be 10 feet by 12 feet, still a reduction of 26% and a breach of our lease agreement.

We have been diligent in our ongoing effort to correct the zoning violations that existed at the time we purchased the property. We have consistently acted in good faith, following the rules and guidelines given to us by experts working both for the City of Santa Barbara and as private land use consultants. We respectfully request that the Planning Commission grant our appeal and overturn the decision made by the SHO at the August 31 hearing.

Thank you very much.

Sincerely,

Bruce Bivans
Brucebivans@cox.net
805 403 1280
1127 Bath Street
Santa Barbara, CA 93101

Leslie Brueckner
lesliebrueckner@cox.net
805 448 4854
1127 Bath Street
Santa Barbara, CA 93101

City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: August 25, 2016

AGENDA DATE: August 31, 2015

PROJECT ADDRESS: 1127 Bath St. (MST2016-00070)

TO: Susan Reardon, Senior Planner, Staff Hearing Officer

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Andrew Perez, Planning Technician II AP

I. PROJECT DESCRIPTION

The 6,026 square-foot site is currently developed with 1,100 square foot single-family dwelling, a detached 298 square-foot, two-car garage and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage, and replacement with a 480 square foot, two-car garage, alterations to the existing rear deck, the infill of an exterior door out of the utility room, and permit the as-built full bathroom in the utility room. The discretionary application for this project is an Interior Setback Modification to allow the new garage to be located within the 6-foot interior setback (SBMC 28.21.060 and SBMC 28.92.110).

Date Application Accepted: August 2, 2016 Date Action Required: December 2, 2016

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the condition that the garage be redesigned to eliminate the 29 square feet of new floor area in the setback, and subject to the conditions outlined in the Staff Report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Mark Morando, Morando Design	Property Owner:	Bruce Bivens & Leslie Brueckner
Parcel Number:	039-212-010	Lot Area:	6,026 square feet
General Plan:	High Density Residential (28-36 du/acre)	Zoning:	R-4
Existing Use:	Residential	Topography:	2 % slope

Adjacent Land Uses:

North – Single-Family Residential (1-story)
South – Single-Family Residential (1-story)
East - Bath Street
West – Curley Avenue

B. **PROJECT STATISTICS**

	Existing	Proposed
Living Area	1,664 sq. ft.	1,664 sq. ft.
Garage	269 sq. ft.	451 sq. ft.

C. **PROPOSED LOT AREA COVERAGE**

Building: 2,115 sf 35% Hardscape: 1,157 sf 19% Landscape: 2,728 sf 46%

IV. DISCUSSION

This project was reviewed by the ABR on May 9, 2016, and the board found that the interior setback Modification would be aesthetically appropriate and would not pose negative visual impacts to the neighborhood. The project was continued indefinitely to the Staff Hearing Officer, and requested to return to the ABR with comments.

The existing development on this property is two, single-family dwellings and a detached two-car garage. The garage is undersized by today's standards at only 298 square feet, and is non-conforming to the required interior setback. The proposed project involves the demolition of the existing garage and the unpermitted loft above. The loft was the subject of an enforcement case in 1975, however the loft was never removed and remains there today.

A very slight portion of the existing garage is located on the adjacent property, however the new garage would be constructed one inch from the property line instead of the required six feet. No new windows are proposed for the façade directly facing the neighboring property at 1123 Bath Street to preserve privacy.

The new garage has a proposed depth of 24 feet, rather than the standard 20-foot depth for a two-car garage. The additional square footage will be used to accommodate laundry facilities, a laundry tray, water heater and water softener. The laundry facilities will serve both units on the property. The extra depth of the garage will result in 29 square feet of new floor area located in the interior setback. A set of exterior double doors are proposed in the area of the encroachment to allow the property owner to move large items from the driveway through the garage and into the backyard and front house. Due to the configuration of the privacy fence and gate for 1128 Curley maneuvering large items through the 4-foot wide gate and into the backyard is difficult, and a path of travel through the proposed double doors would alleviate that difficulty.

Staff is supportive of the setback encroachment by the garage, albeit with a redesign that eliminates the 29 square feet of new floor area proposed to be located in the setback, which is proposed for storage, and is not necessary to achieve the goal of providing two parking spaces and laundry facilities for both units. However, the area of the new garage that is proposed to be

built in nearly the same footprint of the existing, non-conforming structure is not anticipated to have any detrimental effect on the privacy of the neighboring property. In addition to using a similar footprint, the new garage will not include the second story loft, and will be built entirely on the subject property, further enhancing the privacy of the adjacent property.

The proposed project is beneficial because the additional interior clearance of the garage will create two, functional parking spaces and amenities to serve both units. Additionally, the demolition of the existing garage will remove the existing loft, thus abating an outstanding zoning violation, and will result in greater openness for the neighboring property.

Transportation Review

Transportation staff has reviewed the project and is supportive of the garage width waiver given the constraints with the existing buildings and property. However, staff is not supportive of the sliding garage doors, which should be replaced with a standard one-piece or roll-up door.

Environmental Review

The project is located within an area mapped as Spanish/Mexican, Hispanic- American Transition Period, American Period, and Early 20th Century Archaeological Sensitive Resource Zones, as depicted on the City of Santa Barbara's Archaeological Resources Sensitivity Map. An Archaeological Letter Report, prepared by A. George Toren, of Compass Rose Archaeological, Incorporated, dated April 21, 2016 was accepted by Planning Staff on June 27, 2016. The report concludes that the demolition of the existing garage and construction of the proposed garage will not have an adverse impact on any known prehistoric or archaeological resources since no evidence of any artifacts or features were identified on the subject property. Also, it was found that no further archaeological investigations are recommended and there is no need for a full Phase I archaeological report. There was also a recommendation for inclusion of the standard discovery condition. Staff has included the recommended conditions for the Archaeological Letter Report to be reproduced on the plans prior to submittal for the building permit.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed garage is appropriate because it allows a desired improvement and is not anticipated to adversely impact the adjacent neighboring property because the proposed garage does not have any windows facing the closest neighboring property, and the double doors in the setback are anticipated to only be seldom used. The project is anticipated to have a beneficial impact to the adjacent neighboring property because the garage will be built on the subject property, rather than crossing onto the adjacent property, and it will have less mass than the existing two-story garage/ accessory building.

Said approval is subject to the following conditions:

1. The garage shall be designed to not encroach into the setback more than what is required to provide a conforming parking space, as approved by Transportation staff and to eliminate the 29 square feet of new floor area proposed to be located in the setback.

2. The garage door shall be either a single, standard one-piece or roll-up door.
3. Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

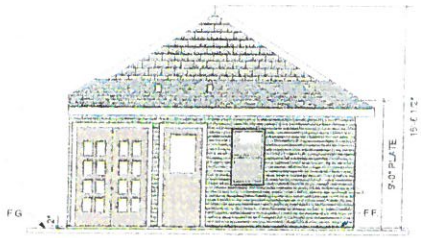
   If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

   If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

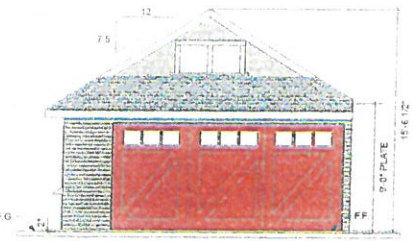
Exhibits:

A. Site Plan (under separate cover)
B. Applicant's letter, dated May 23, 2016
C. SFDB/ABR/HLC Minutes

Contact/Case Planner: Andrew Perez, Planning Technician II
(ACPerez@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4559



DETACHED GARAGE (REAR) EAST ELEVATION
Scale: 1/4" = 1'-0"



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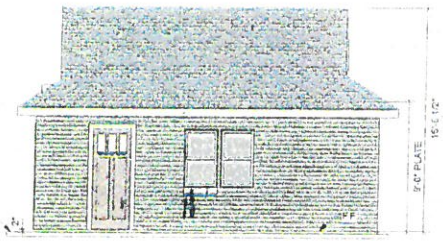


DETACHED GARAGE (YARD SIDE) NORTH ELEVATION
Scale: 1/4" = 1'-0"

DETACHED GARAGE (PL SIDE) SOUTH ELEVATION
Scale: 1/4" = 1'-0"

NEW GARAGE ROOF PITCH, WINDOW STYLE & MATERIALS, BODY & TRIM COLOR, ASPHALT SHINGLES AND DUTCH GABLE END SHINGLES TO MATCH (E) FRONT VICTORIAN

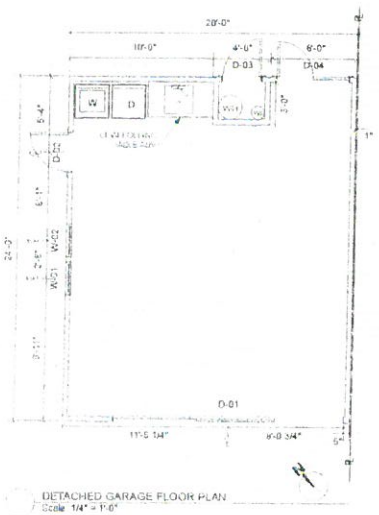
LEGEND

Window Schedule

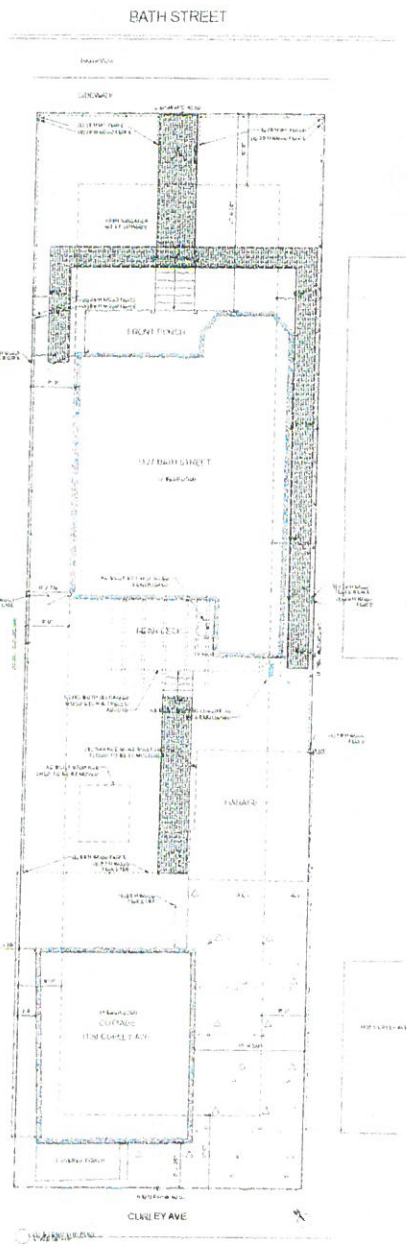
Mark	Nominal Size O.A. Width	O.A. Height	Sash Operation
4	0'-0"	1'-3"	
W-01	2'-1"	4'-0"	Double Hung
W-02	2'-1"	4'-0"	Double Hung
W-03	2'-0"	3'-0"	Single Hung
W-04	1'-10"	2'-6"	Double Hung

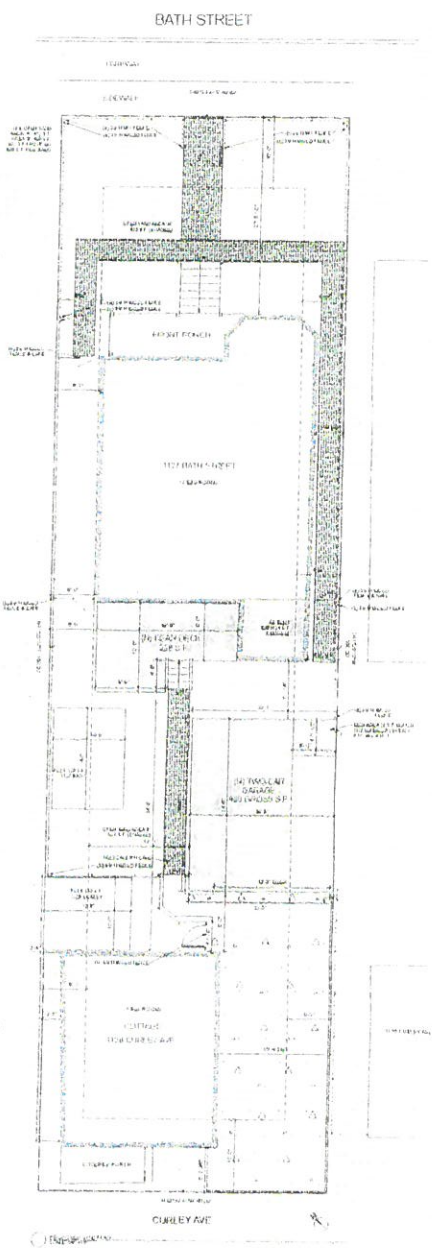
Door Schedule

Mark	Nominal Size Width	Height	Thickness	Door Operation	Side Light	Sidel Wid	R. Sidel Wid
4	20'-41"	20'-6"	2"			4'-0"	4'-0"
D-02	2'-6"	7'-0"	1 3/4"	Swing Single		N/A	N/A
D-04	5'-0"	7'-0"	1 3/4"	Complex Swing		N/A	N/A
D-03	2'-6"	7'-0"	1 3/4"	Swing Single		N/A	N/A
D-01	16'-0"	7'-0"	1 3/4"	Slider		N/A	N/A



DETACHED GARAGE FLOOR PLAN
Scale: 1/4" = 1'-0"





MORANDO DESIGN

Bruckner Residence

1127 Bath Street

SITE PLAN, DETACHED GARAGE FLOOR PLAN & ELEVATIONS

DATE 03/25/15

SHEET A2

2 OF 3 SHEETS

May 23, 2016

Staff Hearing Officer
City of Santa Barbara
Post Office Drawer 1990
Santa Barbara, CA 93102

RECEIVED
JUN 13 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Bivans/Brueckner Residence
1127 Bath Street
Santa Barbara, CA 93101

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 1127 Bath Street, within the West Downtown neighborhood, in the City of Santa Barbara. The parcel (039-212-010) is zoned R-4 and has an approximate slope of 2%. The 6,000 square foot parcel is developed with: a 1,104 net square foot one-story dwelling, a detached 269 net square foot two-car garage and a rear 560 square foot dwelling.

The owner's of 1127 Bath Street request your consideration for an interior yard and front yard modification pursuant to SBMC 28.92.110.A.2.

The proposal is to remove the dilapidated rear detached two-car garage (16'x18' circa 1925) within the interior yard setback and replace it with a new two-car garage. The new two-car garage will also be within the interior setback and have a lager more conforming footprint and designed in the same style to match the front Queen Anne Victorian. The existing driveway and rear dwelling will remain. Access to the garage is limited by the location of the existing rear dwelling which is 15'4 ¾" to the side property line. The driveway occupies this entire area and will not be changed. There is no fence encroaching into the driveway area, as the neighbor's fence is on his own property. The new two-car garage will have a 20'0" wide exterior dimension and a 19'2" wide interior dimension. The new garage depth will be 24'0" exterior and 23'2" interior. The existing front two-bedroom one bath Victorian has a typical floor plan and limited space. It also, has some changes that were made when the present owner's purchase the house in 2011, under ZIR2011-00332. An as-built full bath was added to the existing rear utility room. The rear raised wood deck with trellis and W/D hook-ups were added without a permit. A detached storage shed within the interior setback and the garages second floor storage loft.
The rear bathroom will be permitted and the door out of the utility area will be removed, because that section of the raised rear deck will eliminated. The rear deck will be rebuilt without a trellis. The W/D, water heater and water softener

will be relocated to the extra depth of the new garage, since there isn't any room in the front dwelling. The laundry facility will serve both units, since the rear unit doesn't have a laundry hook-up. In 1975 an enforcement case was created to remove the room above the garage (second story). The second story was not removed and remains there today. (See attached photos.) The existing garage spans over the property line, per the survey. With the demolition of the garage the second story loft will be removed and the garage will be built within the property lines. The garage is designed to be one-inch off the property line to allow for siding and still maintain, as much room as possible for maneuvering access for a functional sixteen-foot door.

Transportation Division has reviewed the garage location and access and has approved the proposal.

A Staff Hearing Officer (SHO) pre-consultation meeting was held on March 30th, 2016. SHO Staff supports the new garage within the interior setback and the laundry area has been moved out of the six-foot setback. A double door is proposed at the rear of the garage to provide access to the front dwelling for large furniture and amenities such as a hot tub, since there is not way to maneuver large items through the privacy fences that separate the two units.

The Architectural Board of Review (ABR) reviewed the project on May 9th, 2016 on the consent agenda. The Board loved the fact that the projects design was matching the front Victorian and asked to add a window matching the front Victorians in the area of the Dutch gable facing the Curley Avenue by moving the gable wall further back and creating a smaller Dutch gable area. This has been achieved and is represented on the plans. The new garage does not affect the use and enjoyment of the neighbor's unit directly next door to the new garage on the southwest; as there are no windows on that side of the garage that would invade privacy, they have an existing six-foot fence along the driveway for separation and privacy and the height of the new structure will be similar to what is there now and has been for over forty years, but instead of a solid two-story wall on the property line it will have a nine-foot plate with a 7.5"/12" gable roof, to match the front Victorian providing additional relief and architectural function. It also provides a more conforming functional two-car garage, one space per unit and amenities serving both units.

The owner and I believe that the proposed garage is appropriately designed and creates an improvement that is architecturally correct and functionally utilitarian, in that it removes a hazardous structure and adds a better functioning garage with amenities serving both units. The project remedies all violations on the property. Build a better functioning rear deck for the Victorian and solves some floor plan issues. The interior yard modification for the additional minimal floor area of the garage building (29 gross s.f.) secures an appropriate and uniform

improvement by design. Thank you for your consideration in this matter. Please feel free to call 805-680-2703 if you have any questions or comments regarding this request.

Sincerely,

Mark Morando
Morando Planning & Design
May 23, 2016

ABR - NEW ITEM

E. **1127 BATH ST** **R-4 Zone**

Assessor's Parcel Number: 039-212-010
Application Number: MST2016-00070
Owner: Leslie Brueckner
Applicant: Morando Design

(Proposal to demolish an existing 269 square foot detached garage and construct a new 451 square foot detached garage on a 6,000 square foot parcel developed with two single-family dwellings. A total of two covered parking spaces will be provided on site. Both dwelling units will remain unaltered with the exception of the relocation of an existing water heater from the front residence facing Bath Street to the rear of the new garage. Staff Hearing Officer review is requested for a zoning modification to allow the garage and laundry to encroach into the required interior setback.)

(Comments only; requires Environmental Assessment and Staff Hearing Officer review. Requires a Transportation Waiver prior to issuance of Building Permit.)

Present: Mark Morando, Applicant.

Motion: Continued indefinitely to Staff Hearing Officer with positive comments:

1) The Board finds the proposed rear and interior modification aesthetically appropriate, and does not pose negative visual impacts to the neighborhood or consistency issues with the Architectural Board of Review Guidelines.
2) In the new garage, add a fan vent or window under the gable.
3) Relocate the gable ends to allow the fan light or louver or a garage window.
4) The Board suggested using an alternate material to the proposed red wood deck.

Action: Wittausch/_____, 1/0/0. Motion carried.

III. PROJECTS:

ACTUAL TIME: 9:06 A.M.

A. APPLICATION OF MARK MORANDO, APPLICANT FOR BRUCE BIVENS AND LESLIE BRUECKNER, 1127 BATH STREET, APN 039-212-010, R-4 (HOTEL-MOTEL-MULTIPLE RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (28-36 DU/ACRE) (MST2016-00070)

The 6,026 square foot site is currently developed with 1,100 square foot single-family dwelling, a detached 298 square foot, two-car garage and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage, and replacement with a 480 square foot, two-car garage, alterations to the existing rear deck, the infill of an exterior door out of the utility room, and permit the as-built full bathroom in the utility room.

The discretionary applications required for this project is an Interior Setback Modification to allow the proposed garage to encroach into the required 6-foot interior setback (SBMC §28.21.060 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).

Present: Mark Morando, Applicant; and Bruce and Leslie Brueckner, Owners.

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

Andrew Perez, Planning Technician II, gave the Staff presentation and recommendation.

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

Ms. Reardon questioned that, given the garage was being demolished, why the replacement garage was not proposed to meet the minimum interior dimensions. She also questioned the proposed one inch setback from the interior property line and the ability for future maintenance of that exterior portion of the garage. Ms. Reardon stated that the interior dimension of the replacement garage must meet the minimum requirements and that she could only support a 4-foot encroachment instead of the requested 6-foot encroachment.

ACTION: **Assigned Resolution No. 053-16**
Approved an Interior Setback Modification making the findings as outlined in the Staff Report dated August 25, 2016.

Said approval is subject to the conditions as outlined in the Staff Report dated August 25, 2016, and as revised at the hearing.

ACTUAL TIME: 9:23 A.M.

B. APPLICATION OF WAYNE LABRIE, ARCHITECT FOR WAYNE AND ELIZABETH LABRIE, 288 CANON DRIVE, APN 053-142-010, E-2 SINGLE FAMILY AND SD-2 SPECIAL DISTRICT ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAXIMUM 5 DWELLING UNITS/ACRE) (MST2015-00549)

The 13,721 square-foot site is currently developed with an existing two-story 2,576 square foot single-family residence including an attached 380 square foot two-car garage. The proposed project involves demolition, alterations, and additions to the residence, resulting in a 4,954 square foot, split-four-level single-family residence and basement. The alterations include: 1,143 square foot demolition of the existing 1,671 square foot first level; 528 square feet of the existing first level will remain and includes the existing garage and remodel of the existing floor area for a new laundry room and guest bedroom; excavation and construction of a new of 1,594 square foot basement; construction of 1,326 square foot new main entry level (level two); a 200 square foot addition to the existing master bedroom (level three); and a new 401 square foot master bedroom (level four). Other alterations consist of new and reconfigured decks, two new basement level courtyards, replacement of the existing driveway with new permeable paving, new permeable patios, removal of one existing tree and minor landscaping alterations. The proposed total of 4,954 square feet, located on a 13,721 square foot lot, is 99% of the required maximum floor-to-lot area ratio (FAR). The FAR includes a 797 square foot (50%) basement credit per SBMC §28.15.083.

The discretionary applications required for this project are:

1. Interior Setback Modification to allow for a window replacement located on the first floor and a new window and relocation of a window on the second floor within the required 8-foot interior (north) setback (SBMC §28.15.060 and §28.92.110); and

2. Solar Access Height Limitations Modification to allow changes to the north elevation of the building to exceed solar access height limitations by approximately 5'–4 ¼" (SBMC §28.11 and §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: Wayne Labrie, Architect and Owner.

City of Santa Barbara
California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 053-16
1127 BATH STREET
MODIFICATION
AUGUST 31, 2016

APPLICATION OF MARK MORANDO, ARCHITECT FOR BRUCE BIVENS AND LESLIE BRUECKNER, 1127 BATH STREET, APN 039-212-010, R-4 (HOTEL-MOTEL-MULTIPLE RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (28-36 DU/ACRE) (MST2016-00070)

The 6,026 square foot site is currently developed with 1,100 square foot single-family dwelling, a detached 298 square foot, two-car garage and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage, and replacement with a 480 square foot, two-car garage, alterations to the existing rear deck, the infill of an exterior door out of the utility room, and permit the as-built full bathroom in the utility room.

The discretionary applications required for this project is an Interior Setback Modification to allow the proposed garage to encroach into the required 6-foot interior setback (SBMC §28.21.060 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).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

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

1. Staff Report with Attachments, August 25, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved an Interior Setback Modification making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed garage is appropriate because it allows a desired improvement and is not anticipated to adversely impact the adjacent neighboring property because the proposed garage does not have any windows facing the closest neighboring property, and the double doors in the setback are anticipated to only be seldom used. The project is anticipated to have a beneficial impact to the adjacent neighboring property because the garage will be built on the subject property, rather than crossing onto the adjacent property, and it will have less mass than the existing two-story garage/ accessory building.

II. Said approval is subject to the following conditions:

A. The rear garage door shall be either a single, standard one-piece or roll-up door.

B. The interior dimensions of the proposed garage shall be 20 feet by 20 feet.

C. The site plan shall be revised to provide a minimum of a 2 foot setback from the interior property line.

D. Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

This motion was passed and adopted on the 31st day of August, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary _____ Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Architectural Board of Review (ABR)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS**: The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
   a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
   b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
      i. an Issuance of a Certificate of Occupancy for the use, or;
      ii. one (1) year from granting the approval.