



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 14, 2006
AGENDA DATE: June 21, 2006
PROJECT ADDRESS: 2027 Santa Barbara Street (MST2006-00167)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Zoning & Enforcement Supervisor *DK*
Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The project consists of demolition of an existing swimming pool, garage, and driveway and the construction of a new pool, two-car garage with accessory above, and a 450 square foot addition to the lower level of the residence.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Modification to permit:

1. Garage and accessory space to be located within the required thirty foot (30') front yard setback facing Green Lane (SBMC §28.15.030);
2. An accessory structure in the front yard (SBMC §28.15.060); and,
3. A fence to exceed three and one-half feet (3 ½') in height when located along a front lot line (SBMC §28.87.170).

Date Application Accepted: May 9, 2006 Date Action Required: August 9, 2006

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	W. David Winitzky	Property Owner:	Ferer-Nissenson Family
Parcel Number:	015-311-006	Lot Area:	15,938 Square Feet
General Plan:	Residential 3 units/acre	Zoning:	E-1 Single-Family Residential
Existing Use:	Single-Family Residence	Topography:	8 % Slope

Adjacent Land Uses:

North - Residential	East - Residential
South - Residential	West - Residential

B. PROJECT STATISTICS

Living Area	3,666 Square Feet
Garage	500 Square Feet
Accessory Space	500 Square Feet

C. LOT AREA COVERAGE

-Building	17 %
-	31 %
Paving/Driveway	62 %
-Landscaping	

IV. DISCUSSION

This project was reviewed by the ABR on April 24, 2006 and received favorable comments with suggestions.

This site has frontage onto both Santa Barbara Street and Green Lane and therefore has thirty-foot (30') front yard setbacks off both streets. This creates an unreasonable hardship for the property owners especially because Green Lane looks and functions as an alley. Also taken into consideration was how this "secondary" front yard is clearly used as a back yard with its swimming pool, Jacuzzi, large lawn area, and outdoor furniture. Staff is able to take the position that the restrictions applying to any structure within the required setback and accessory within the front yard do not apply to this project. It is also Staff's position that the purpose and intent of the Zoning Ordinance is not being violated by the height of the fence being proposed for the following reasons: This front lot line functions as a rear lot line, fences are consistent with the pattern of development along the "alley-like" street, the fence is necessary for safety and privacy associated with the new pool location, and Transportation Staff has verified that public safety is not being jeopardized by the proposal.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project, making the findings that benefits of the Modification is necessary to secure an appropriate improvement on the site meets the purpose and intent of the ordinance while eliminating both the existing garage which currently encroaches into the required interior yard setback, and the driveway on Santa Barbara Street, which currently creates a zoning violation with open, exposed parking in the required front and interior yard setbacks.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated May 9, 2006
- C. ABR Minute Summary

Contact/Case Planner: Roxanne Milazzo, Associate Planner, -(rmilazzo@SantaBarbaraCA.gov)
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W. DAVID WINITZKY, A.I.A.

ARCHITECT

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Tuesday, May 09, 2006

Modification Hearing Officer
City of Santa Barbara
P. O. Box 1990
Santa Barbara, CA 93102-1990

**RE: Modification Request for 2027 Santa Barbara Street; Assessor's Parcel Number
025-322-002; Land Use Zone E-1**

Dear Modification Hearing Officer:

There is an existing house (3,480 s.f.) and detached two-car garage (368 s.f.), a garden lath house (81 s.f.) and pool on a 15,938 s.f. lot. The lot is on Santa Barbara Street on one side and Green Lane (an alley width public street) on the other. The (e) garage driveway is accessed off Green Lane and the (e) garage is located in the side yard setback. All other structures are located outside the required setback areas. There is an existing 6' fence along the property line at green lane and less than 10' on either side of the driveway. This is consistent with the pattern of development along Green Lane as all properties have fences or structures located at or within a few feet of the right of way.

We are proposing removal of the existing lath house and non-conforming garage and constructing a new 500 s.f. garage and 500 s.f. second story accessory structure located outside the side yard setback and encroaching on the front yard setback at Green Lane. The modifications being requested are:

- 1) to allow a new garage and accessory structure to encroach on the Green Lane front yard setback by 10 feet.
- 2) to allow the garage and accessory structure to be located in the Green Lane front yard.
- 3) to allow the existing 6' fence on the property line on Green Lane to remain at 6' high and to allow new 6' fence (as a continuation of the existing fence) to tie to the new garage to secure the pool.

The project has been reviewed by the ABR on April 24, 2006 and, by unanimous support for the motion, was continued to the Staff Hearing Officer with the following comments (from Draft ABR Minutes):

"1) The garage and the accessory structure encroachment is a positive aesthetic impact since it reduces paving and eliminates the existing modification into the interior yard setback.

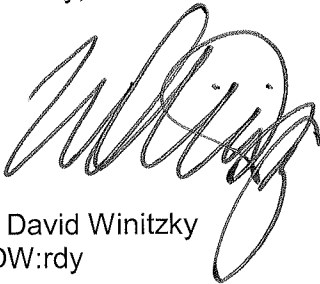
2. The pool is to be located outside of the setback at 15 feet from the property line; therefore, leaving room to pull the fence back at the corner of the driveway and the street for better visibility and reduce the negative impacts of the pool modification.

3. The fence adjacent to the driveway shall be moved the required distance of 10 feet to increase the site distance to Green Lane."

The project, as submitted for modification, has been redesigned to accommodate all of the ABR's comments and recommendations. The pool has been relocated outside the 15 feet setback and therefore does not require a modification. The fence has been moved the required distance of 10 feet on both sides of the driveway and ends splayed to further increase the site distance to Green Lane.

The modifications are being requested because the subject property is unreasonably penalized due to the requirement to provide two front yard setbacks. The ABR Board determined that the structure encroachment was a positive aesthetic impact. Our proposal maintains the pattern of development along Green Lane, reduces hardscape and increases landscape/open space.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. David Winitzky', written in a cursive style.

W. David Winitzky
WDW:rdy

ABR MINUTES SUMMARY - 2027 SANTA BARBARA STREET – APRIL 24, 2006

Mrs. Karolyn Rutledge, neighbor, questioned the location of the second-story addition and setback of the proposed project's, and expressed concern regarding the possible negative impact on her privacy and public view.

Motion: Continued indefinitely to the Staff Hearing Officer with the following comments: 1) The Board can support the modification for the encroachment of the garage and accessory structure to 20 feet off the property line in the rear on Green Lane. 2) The Board can support the existing 6-foot fence along the property line on Green Lane. 3) The Board can support the 5-foot encroachment of the pool into the rear setback on Green Lane. 4) The Board would like to see the encroachment of the 6-foot fence along the driveway made to the required 10 feet for safety reasons. 5) The Board finds that Green Lane's 30-foot setback as a front yard appears to be a hardship. There is precedence since other already existing buildings and pools are closer and other modifications have been granted.

Action:Wienke/LeCron, 3/4/0 (Romano stepped down; Bartlett, Mosel, Manson-Hing, and Mudge opposed).

Motion failed.

Substitute Motion: Continued indefinitely to the Staff Hearing Officer with the following comments: 1) The garage and the accessory structure encroachment is a positive aesthetic impact since it reduces the amount of paving, and eliminates the existing modification into the interior yard setback. 2) The pool is to be located outside of the setback at 15 feet from the property line. 3) The fence adjacent to the driveway shall be moved the required distance of 10 feet per the City of Santa Barbara Municipal Code.

Action:Mudge/Manson-Hing, 7/0/0 (Romano stepped down).

