



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 18, 2007
AGENDA DATE: April 25, 2007
PROJECT ADDRESS: 403 Alameda Padre Serra (MST2004-00353)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The 6,400 square foot project site is currently developed with a single family residence and garage. The Planning Commission has approved the demolition of this residence and the construction of two three-bedroom condominium units on the property. The applicant is requesting modifications for two minor encroachments into required yards as part of the condominium design. The first modification is for two private decks and a balcony on the second floor to encroach into the required front yard; the second modification is for an architectural detail (buttress) to encroach into the required interior yard.

The decks, balcony and buttress were shown on the plans approved by the Planning Commission; however, they were not identified as an encroachment at that time. The decks, balcony and buttress were also shown on the plans approved by the Architectural Board of Review.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow second story deck and balcony areas to encroach into the required front yard (SBMC §28.18.060.A); and
2. A Modification to allow a buttress to encroach into the required interior yard (SBMC §28.18.060.B).

III. PROJECT HISTORY

The two-unit condominium project was approved by the Planning Commission on February 24, 2005. The project included the construction of a new two-unit building, which required approval of a front setback modification and an open yard area modification. The discretionary applications approved for the project by the Planning Commission were:

1. A Modification to allow the proposed building to encroach into the required front yard setback along Alameda Padre Serra (SBMC §28.18.060 A);

2. A Modification to allow less than the required 1,250 square foot open yard area (SBMC § 28.15.060); and
3. A Tentative Subdivision Map (TSM) for one-lot subdivisions to create two condominium units (SBMC Chapters 27.07 and 27.13).

On February 28, 2007, the Staff Hearing Officer approved a two-year extension of the Tentative Subdivision Map.

The project received final Architectural Board of Review approval on January 29, 2007.

The project is currently in plan check for building permits and final approval of the Map.

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Tom Condon	Property Owner: TNS Group, LLC
Parcel Number: 031-391-015	Lot Area: 6,400 square feet
General Plan: Residential – 12 units/acre	Zoning: R-2 Two-Family Residence Zone
Existing Use: single-family residential	Topography: 9.9% slope
Adjacent Land Uses: North – Alameda Padre Serra and Residential East – Gutierrez Street and Residential South – Residential West - Residential	

B. PROJECT STATISTICS

	Planning Commission Approval	Proposed
Living Area	3,530 sq. ft	3,501 sq. ft.
Garage	800 sq. ft.	800 sq. ft.
Balconies	431 sq. ft.	368 sq. ft.

V. ZONING ORDINANCE CONSISTENCY / DISCUSSION

The required front yard setback for a second story in the R-2 zone is 20 feet. The project is requesting that deck areas be allowed to encroach five feet into this setback, consistent with the required first story setback of 15 feet. The building approved by the Planning Commission satisfies the 20-foot setback requirement. However, decks were shown that extended to 15 feet from the front property line. Although not clearly identified, these decks were shown on the floor plan and the building elevations, and should have been identified by staff as an encroachment at the time of Planning Commission review. Similarly, the buttress detail was shown on the site plan and elevations, but was not identified as an encroachment.

Staff is supportive of the deck and balcony encroachments because they provide additional useable outdoor living area on a lot that received a modification for the amount of open yard area provided. The two decks in question are 81 square feet (18' x 4.5') each and the balcony is 15 square feet (6' x

2.5'). The decks have been designed as an integral part of the architecture of the building. Theoretically, the doors to these deck areas could be replaced with windows, and the "deck" could be replaced with a flat roof to maintain the approved architecture of the building; however, this would eliminate what staff believes is an amenity for the development. As for the balcony, it exceeds the two-foot encroachment allowed by the Zoning Ordinance (SBMC §28.87.062, 1) by six inches, which staff believes is a minor encroachment given the overall design of the project and staff's support for the deck encroachments. Additionally, the decks and balcony do not create privacy impacts because they face the public street.

The buttress detail is a 1'-10" encroachment into the required six-foot interior yard that occupies a total of 3.6 square feet of the entire setback area. Staff is supportive of this encroachment, as it is an architectural feature that does not impact the use or intent of the required yard area. The Zoning Ordinance (SBMC §28.87.062, 1) allows encroachments into required yards for certain architectural features that do not provide additional floor space within the building. However, the City has interpreted that section of the Ordinance to apply primarily to architectural features that project from the building and do not touch the ground. The buttress is an architectural element provided purely to enhance the aesthetics of the building. Staff believes that it is similar to a chimney, which is an allowed encroachment, and should be permitted.

VI. RECOMMENDATION / FINDINGS

Staff recommends that the Staff Hearing Officer approve the project, subject to the conditions of approval in Planning Commission Resolution 015-05, making the following findings:

A. FRONT YARD SETBACK MODIFICATION (SBMC §28.92.110)

In order for the Staff Hearing Officer to approve the requested modification to allow decks and a balcony on the second floor of the approved building to encroach into the required twenty-foot (second floor) front yard setback along Gutierrez Street, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

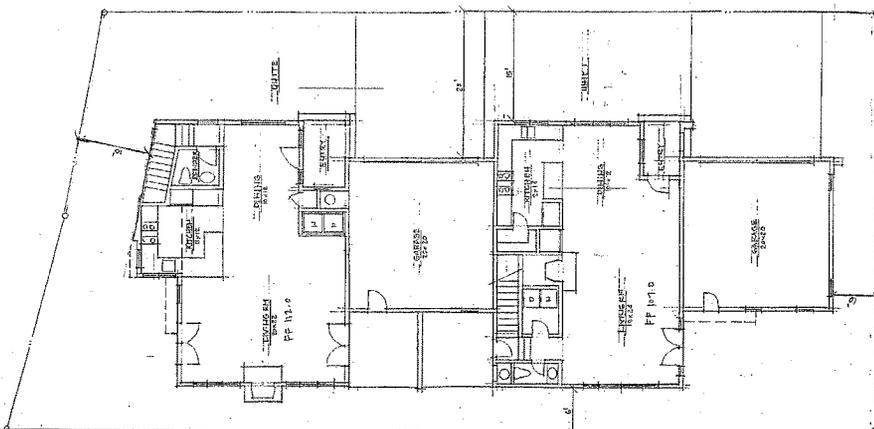
The Modification is necessary to secure an appropriate improvement for the site, and is consistent with the purposes and intent of the Zoning Ordinance, in that the second story encroachment does not impact surrounding residences, does not have a negative visual impact on the neighborhood and provides for additional private outdoor living space for the residents of the site. Additionally, the property is a relatively narrow corner lot, which limits the feasibility of a code compliant design.

B. INTERIOR YARD SETBACK MODIFICATION (SBMC §28.92.110)

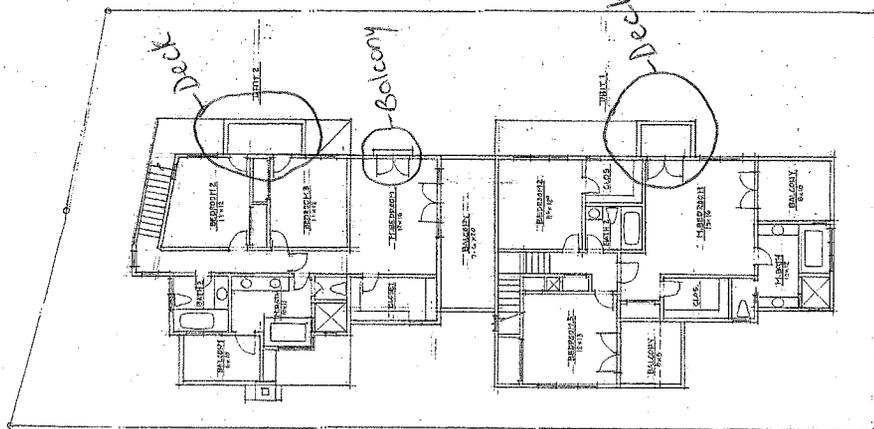
In order for the Staff Hearing Officer to approve the requested modification to allow the buttress to encroach into the required six-foot interior yard setback, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

The Modification is necessary to secure an appropriate improvement for the site, and is consistent with the purposes and intent of the Zoning Ordinance, in that the proposed encroachment is very minor and does not impact residents of the site or surrounding residences, has a positive visual impact on the overall project design.

Exhibit A: Reduced Floor Plans and Elevations as approved by the Planning Commission on February 24, 2005

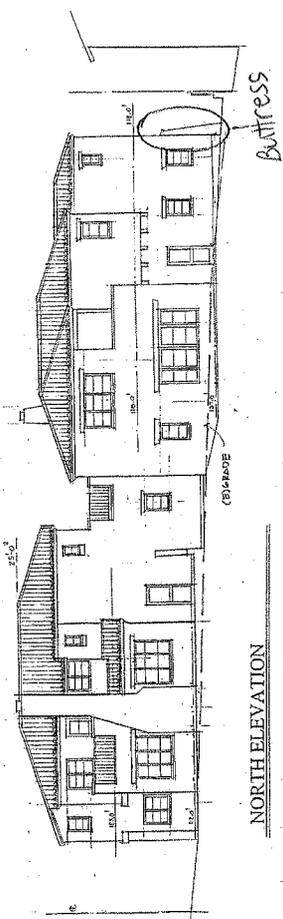


FIRST FLOOR PLAN 8'11" x 41'0"

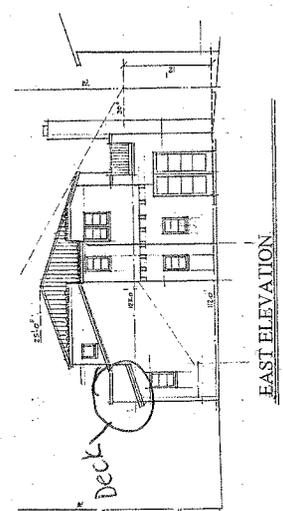


SECOND FLOOR PLAN 8'11" x 41'0"

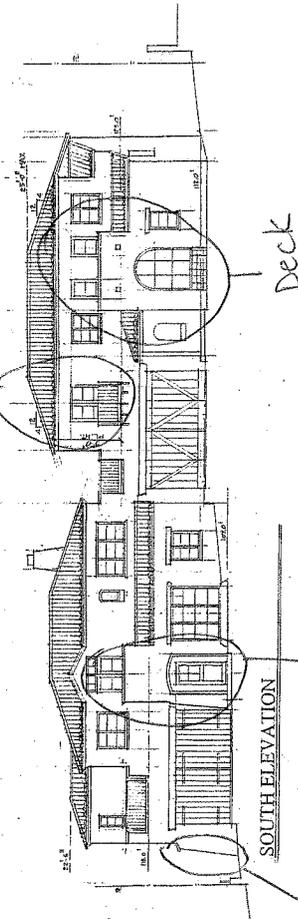
Planning Commission Approved Floor Plans



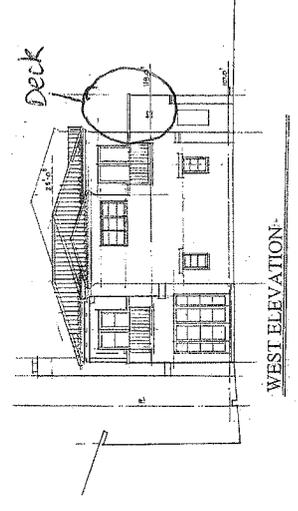
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Buttress
Encroachment
Deck

Planning Commission Approved Elevations