



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 4, 2007  
**AGENDA DATE:** October 10, 2007  
**PROJECT ADDRESS:** 1335 Mission Ridge Road (MST2006-00285)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor  
 Roxanne Milazzo, Associate Planner

### I. PROJECT DESCRIPTION

The 17,000 square foot project site is currently developed with a single family residence. The proposed project involves the legalization of "as-built" construction, expired building permits, and new additions to the residence. The discretionary application required for the project is a Modification to permit new construction within the required front yard setback (SBMC§28.15.060).

Date Application Accepted: July 12, 2007 Date Action Required: October 12, 2007

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Bryan Murphy	Property Owner:	Dario Pini
Parcel Number:	019-210-005	Lot Area:	17,043 sf
General Plan:	1 unit/acre	Zoning:	E-1
Existing Use:	Single Family Residence	Topography:	26 %
Adjacent Land Uses:			
	North – Single Family Residence		East – Single Family Residence
	South – Single Family Residence		West – Single Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	4,855 sf	580 sf "as-built"
Garage	408 sf	No Change
Accessory Space	43 sf	No Change

**III. LOT AREA COVERAGE**

Lot Area: 17,043 sf  
Building: 2,208 sf; 13 %  
Hardscape: 5,870 sf; 34 %  
Landscape: 8,965 sf; 53 %

**IV. DISCUSSION**

This project was reviewed by the ABR on two occasions and forwarded to the Staff Hearing Officer with the comment that the existing and proposed improvements to the residence area aesthetically acceptable as presented.

Over the years numerous permits were issued, construction was started, and then expired while work continued. Portions of the work located within the front yard setbacks, require a Modification to legalize. Portions within the right-of-way will require an encroachment permit by the Public Works Department. Although Staff discourages the use of the Modification process for illegal construction, this Modification approval will allow improvements and additions that work with the existing floor plan and allow for the outstanding enforcement case on the property to be closed. A vast majority of the house already exists, legally, in the front setback. The as-built additions that require the Modifications are at the back of the house. Staff considered that due to the existing location of the house, the front yard encroachment had already been established and that most of the "as-built" additions were just infill at the back of the house.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the project by making the findings that the Modification to allow new construction within the front yard setback is necessary to secure an appropriate improvement, which will result in a unified and cohesive design both in terms of aesthetics and function, and that it meets the purpose and intent of the Zoning Ordinance to allow additions that are at the back of the house.

Exhibits:

- A. Site Plan
- B. Applicant's letter June 18, 2007

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Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

# MURPHY AND ASSOCIATES, ARCHITECTS

3040 State Street, Suite C

Santa Barbara, CA 93105 Ph. (805) 569-0759 Fax (805) 569-9339

email [murpharc@GTE.net](mailto:murpharc@GTE.net)

6-18-2007

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

Re: Modification request for 1335 Mission Ridge  
APN: 019 210 005  
Land use zone E-1

Dear Modification Hearing Officer,

This letter is intended to describe the modification request for 1335 Mission Ridge Road as follows:

## I. EXISTING CONDITIONS AND PROPOSED PROJECT

The existing condition of the site is an existing two story single family residence over a (1) car carport, living area and storage / utility area.

The original building was built in the early 1920's and had net areas of 1,438 sq.ft. Basement, 2,336 sq.ft at the First floor, and 393 sq.ft. Second floor, (4,167 sq.ft total). Most of the building is located in the front yard setback and it was built right up to the right of way line, and hence encroaches 30' into the front yard setback. The site slopes quickly away from the road toward a magnificent ocean and city view.

Our proposal is to reactivate two expired permits, legalize the as built additions and revisions, add some newly proposed additions, and abate the violations noted in ENF.2005-00665.

Note that the areas that encroach into the right of way are not a part of this proposal and shall be addressed in a future encroachment permit application.

Our proposal is as follows

1. To reactivate expired permit #0764 (from 1981) which added 0 sq. ft. at first floor & 517 sq. ft. at second floor
2. To reactivate expired permit #8569 (from 1983) which added 171 sq. ft. at first floor & 0 sq. ft. at second floor
3. To legalize the existing tower (originally permitted by expired permit #0764) by removing the access stair and the floor so that it becomes an architectural element & can exceed the 30' height limit.
4. To legalize several small as built additions which added 321 sq. ft. at the basement level & 94 sq. ft. at the first floor.
5. To add a proposed addition at the basement level which includes an interior stairway connection for existing habitable space at the basement level and to enclose (as directed by the ABR) the understory space below the fireplace area adding 137 sq. ft. at the basement level.
6. To add a proposed addition which includes a boxed bay at the front Laundry area on the first floor adding 10 sq. ft.
7. To add a proposed addition which includes an addition to the (E) closet enclosing a portion of the (E) roof deck at the second floor 18 sq. ft.
8. To add a proposed deck addition which includes a deck that links the two existing decks at the first floor (206 sq. ft. new deck area) (unifying element as requested by the ABR)

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email murpharc@GTE.net

## II. MODIFICATION REQUESTS

The modification requests are as follows:

At the basement level:

1 - To allow an as built infill of the understory area of 191 sq.ft. at the basement level at the south side to the East of the carport which is built in the required 30' front yard set back. . The addition encroached 9.5' into the front yard setback but was the in-fill of understory space in the back of the building, and was not visible from the front and only minimally visible from the east side.

2 -To allow an as built infill of the understory area of 41 sq.ft. at the basement level at the south side to the West of the carport and at the existing stairway much of which is built in the required 30' front yard set back. The addition encroached 5.5' into the front yard setback but was the in-fill of understory space in the back of the building, and was not visible from the front and only minimally visible from the east side.

3 - To allow a new proposed infill of the understory area of 137 sq.ft. at the basement level (as directed by the A.B.R.) at the southeast corner and with a new stairway to be built in the required 30' front yard set back. The addition will encroached 20.5' into the front yard setback but will be the in-fill of understory space in the back of the building, and will not visible from the front and only visible from the east side.

At First Floor:

4 - To reactivate permit #8569 addition of 60 sq.ft. at the east end Sunroom, Study, bay window and deck addition on the first floor built in the required 30' front yard set back. . In this addition the Sunroom encroached 19.5' into the front yard setback but was an enclosure of what originally was an existing deck area. The Study encroached 9.5' into the front yard setback but was the in-fill of a niche in the back of the original building, and was not even visible from the front or the sides.

5 - To allow an as built partial enclosure of the roofed porch area for a toilet enclosure of 10 sq.ft. on the first floor at the northwest corner which is built in the required 30' front yard set back. The Toilet Enclosure is located so that it encroached 28.5' into the front yard setback but it was behind an existing front and side wall and was the in-fill of a niche in the original building, and was not visible from the front or the sides, but only from the porch area.

6 - To allow a new box bay addition/extension of 10 sq.ft. at the laundry/bath on the first floor to be built in the required 30' front yard set back. The Bay is located so that it encroaches 25' into the front yard setback but it is a minor appurtenance to the west side of the existing original building, it is minimally visible from the front and as a bay does not extend to the ground or the roof level.

At Second Floor:

7 -To reactivate permit #0764 addition of 517 sq.ft. at the west end master bedroom addition on the second floor built in the required 30' front yard set back. This addition while it encroached 20' into the front yard setback is stepped back about 10' from the original front of the house and exists entirely within the foot print of the original building.

8 - To allow (2) as built wrought iron balconies of 10 sq.ft.and 17 sq.ft on the second floor at the southwest corner which are built in the required 30' front yard set back. The balconies are located so that they encroach 15' max. into the front yard setback but are a minor appurtenance to the west side of the existing building, they are minimally visible from the front and as balconies do not extend to the ground or the roof level.

9 -To allow a new addition of 18 sq.ft. at the (E) closet and (e) roof deck on the second floor to be built in the required 30' front yard set back. . The addition will encroached 15.25' into the front yard setback but will be the enclosure of existing roof deck space in the back of the building, and will not visible from the front or sides and only minimally visible from the rear.

## III. PROJECT BENEFITS

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3040 State Street, Suite C

Santa Barbara, CA 93105 Ph. (805) 569-0759 Fax (805) 569-9339

email [murpharc@GTE.net](mailto:murpharc@GTE.net)

We feel these modifications are appropriate for the following reasons:

- 1 - This is a sloping lot, sloping quickly away from the street and locating building further from the roadway creates a much greater hardship in terms of accessibility.
- 2 - The original house was built right up to right of way line with nearly all of the house located in what is now the 30' required front yard setback and most of the as built and proposed additions only infilling the understory spaces that were unenclosed to the back or side of the building .
- 3 - The direction of the A.B.R. was to connect some of the forms of the upper levels to the ground, (especially in the area of the as-built fireplace in the southeast corner) i.e. to infill the understory space that was unenclosed to the back and east side of the building .
- 4 - There is quite a bit of precedence in the surrounding area for buildings that encroach into the front yard setback, which is typical of developments of that era in hillside regions, with many of the houses including the house directly to the east (at the corner of Mission ridge and Arbolado) also being built right up to right of way lines.
- 5 - The project will abate the violations of the enforcement case, clear up the standing of work done but never finalized under the expired permits, legalize as built work, and create a much more unified & cohesive design both in terms of aesthetics & functionality of the plan.

Thank You

Bryan Murphy

# 1335 Mission Ridge ABR Minutes

February 5, 2007

Motion: Continued indefinitely to the Full Board with the following comments: 1. Revise drawings to clearly indicate all work for new and existing buildings. 2. Provide more photos of the surrounding neighborhood, including homes to either side and across the street and any vantage points that may be seen from the public realm above or below, particularly from Viscano Street. 3. Return with revised plans and elevations, calculations, square footage, to include architecture, landscape and site work plans, that accurately depict: a. all of the as-built conditions; b. all of initially permitted but expired as-built work; c. any proposed alterations to the existing structure; d. existing structure to remain as is as originally permitted. 4. Provide drawings that match the photographs, including window changes. Action:Sherry/Mudge, 5/0/0. (Manson-Hing absent.)

April 2, 2007

Motion: Continued indefinitely to the Staff Hearing Officer and return to the Full Board with the following comments: 1. The Board finds that the modifications required for the proposed improvements to the existing house, within the front yard setback, are aesthetically acceptable as presented. 2. The Board would prefer to see the entire house designed in a cohesive style, possibly including reductions in window sizes, the potential removal of the stained glass windows, potential grounding of fireplaces, and relocation of columns, on the rear elevation, to align with the structural supports above. 3. The Board understands and appreciates the "quirkiness" of the design of the house and looks for a design to be played out in the Spanish Mediterranean style. 4. The Board is concerned with the parking in the front and looks to staff to advise the applicant, as the parking is an existing condition. 5. Document the rear driveway and retaining wall areas on the plans. Some of the walls appear to be deteriorated. Action:Sherry/Mudge, 6/0/0. Motion carried. (Manson-Hing absent.)