



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 28, 2007
AGENDA DATE: December 5, 2007
PROJECT ADDRESS: 521 Olive Street (MST2004-00421)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor *DJK*
 Roxanne Milazzo, Associate Planner *Rm*

I. PROJECT DESCRIPTION

The 3,000 square foot project site is currently developed with a single family residence and carport. The proposed project involves a request to approve an "as-built" spa, water feature, and exterior staircase. The discretionary application required for this project are Modifications to permit improvements within the required front and interior yard setbacks (SBMC 29.21.060).

Date Application Accepted: November 5, 2007 Date Action Required: February 5, 2008

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Mark Morando	Property Owner: Pamela Thompson
Parcel Number: 031-212-008	Lot Area: 3,000 sf
General Plan: Industrial	Zoning: C-M
Existing Use: One Family Residence	Topography: Flat
Adjacent Land Uses:	
North - Commercial	East - Commercial
South - Commercial	West - Commercial

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,222 sf	No Change
Carport	460 sf	No Change
Accessory Space	None Existing	No Change

III. LOT AREA COVERAGE

Lot Area: 3,000 sf
Building: 2,222 sf; 46%
Hardscape: 270 sf; 9%
Landscape: 1,330 sf; 44%

IV. DISCUSSION

The original construction plans for the residence show an upper level deck off an upstairs study. At some point in time, a stairway was added to provide exterior access to the yard. During preparation of a Zoning Information Report (ZIR) for transfer of title, it was noted that the stairway had been constructed without benefit of permits and was located within required front and interior yard setbacks. In August of 2004 a Modification was approved to allow the stairway to be legalized. The following month the project was reviewed and approved by the Architectural Board of Review (ABR). Failure to pull building permits resulted in expiration of those approvals. The project before us today is the same project that was approved and built. The "as-built" spa and water feature were also installed at some point in time without benefit of permits and within the required interior yard setback.

Although Staff discourages the use of the Modification process for illegal construction, there are times when required findings can be made. In this case, the stairway, water feature, and spa all located in a yard abutting a commercial driveway. Therefore it is Staff's position that the installations will not result in impacts to adjacent neighbors. Also considered are the site constraints with where development has been sited, the small lot area, the commercial zoning, and the solid wall that screens the installations from being seen from outside the property.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the project as submitted by making the findings that the Modifications for secondary access, the water feature, and spa are necessary to secure an appropriate improvement, and that all three installations meet the purpose and intent of the ordinance by providing amenities in the outdoor living space on site without impacts to adjacent neighbors.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated November 5, 2007

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C. ABR Minutes

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

November 5, 2007

City of Santa Barbara Staff Hearing Officer
630 garden Street
Santa Barbara, CA 93101

RE: 521 Olive Street, APN 031-212, Request for modifications.

The owner request your consideration to reinstate the expired modification for the front exterior stairway to the second floor, which encroaches to the interior lot line and five feet from the front lot line. Additionally, a modification is requested for a water fountain and a hot tub and related equipment to encroach into the required interior yard. The lot is 25' wide by 120' deep in the C-M zone on the east side of Olive Street between Cota and Haley Streets. The stairway provides access to the study and loft areas at the front of the dwelling, above the carport.

The loft area above the carport is used by the owner, as her workspace, and provides separation of the workspace from the living area of the dwelling.
The original interior stairway that provides access to the study will be retained.

The original house design incorporated a deck off the study. The stairs extend down from this deck to the southerly interior property line, follow the lot line, and then switch back toward the north. The stairs do not block access to the carport and provide separation to the main outdoor living area on the south side of the dwelling. The stairs are not visible from the street, except for a small portion attaining the original six-foot deck.

The residential use in the C-M zone requires that the building abide by the R-4 setbacks, otherwise the building could be constructed lot line to lot line. All of the other building on the block are commercial and extend up to the front and side property lines or have building elements constructed up to the lot lines. The lot adjacent to the south is a parking lot, accessing a commercial building behind the residence. Directly across the street are a commercial building and the MTD bus maintenance and parking lot. Next-door is a commercial building, which abuts the residences wall.

The stairs are appropriate architecturally and functionally, as they provide access to the second floor, fire retreat, and separate the outdoor living space from the street. The stairs are consistent with the pattern of development on the block and do not cause a problem for the adjacent uses in the C-M zoned area. The owner believes that the project prevents the very narrow lot width from being a hardship, as the only other way to provide exterior access would result in blocking access to the carport.

The water fountain is approximately five feet in height and has a water trough 18" wide and 10" deep and is attached to the eight foot masonry wall running along the southeast property line. The fountain provides a buffer from the noise of the commercial parking lot next door. The hot tub and associated equipment are just off the living room, also within the interior yard setback of the southeast property line abutting the parking lot.

The hot tub equipment also abuts the rear of the building, which is also the rear property line. The opposite side of the wall serves as the trash enclosure area for the commercial operation behind the residence.

Sincerely,

Mark Morando
Morando Sustainable Design and
Comprehensive Planning.



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

521 OLIVE ST

MST2004-00421

R-ALTERATIONS

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Project Description:

Proposal to reinstate previous approval of a modification to allow an as-built stairway to encroach into the required interior yard setback. The expired project included the stairway from a second-story deck in the required interior yard and replacement of an existing skylight with a dormer. The existing three-story 2,222 square foot single-family residence including 460 square foot attached two-car garage is located on a 3,000 square foot lot.

Activities:

9/8/2004 *ABR-Final Approval - Project*

9/7/2004 *ABR-Final Review Hearing*

(Final review of the project is requested. Modification was approved August 11, 2004.)

(5:24)

David Tabor, Representative; and Tai Yeh, Architect, present

Motion: Final approval of the project with the following conditions: 1) The understanding that the dormer corners shall match the existing building. 2) It is suggested to pick up the asian detail to swoop the eaves.

Action: Pierron/Bartlett, 8/0/0. Eichelberger stepped down.

8/23/2004 *ABR-Consent (Continued)*

(Final review of the project is requested. Modification was approved August 11, 2004.)

Continued indefinitely due to the applicant's absence.

6/28/2004 *ABR-Consent (New)*

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND A

Activities:

MODIFICATION.)

Continued indefinitely with the following comments: 1) The stair encroachment has no adverse visual impact. 2) Study a roof material and architectural style which is consistent with the Hispanic/Pueblo District of Haley/Milpas Guidelines.