



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 19, 2007  
**AGENDA DATE:** March 26, 2007  
**PROJECT ADDRESS:** 1046 Cima Linda (MST2007-00346)  
**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 15,000 square foot project site is currently undergoing a remodel of the 2,980 square foot single family residence and garage. The proposed project involves legalization of second story deck. The discretionary application required for this project is a Modification to permit a 4 ½ square foot corner of the deck to be located within the required front yard setback (SBMC §28.15.060).

Date Application Accepted: February 25, 2008      Date Action Required: May 25, 2008

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	R Casey Nagel	Property Owner:	Stewart Hudnut
Parcel Number:	015-203-004	Lot Area:	15,145 sf
General Plan:	2 Units Per Acre	Zoning:	A-2
Existing Use:	Single Family Residence	Topography:	12% Slope
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	3,100 sf	No Change
Garage	456 sf	N456 sf
Accessory Space	None Existing	No Change

**III. LOT AREA COVERAGE**

Lot Area: 15,145 sf  
Building: 3,560 sf; 24 %  
Hardscape: 3,746 sf; 25%  
Landscape: 7,839 sf; 51 %

**IV. DISCUSSION**

Because the remodel that is currently underway included alterations to the existing roof form, this project was required to be reviewed by the Single Family Design Board (SFDB). The deck revisions were reviewed as a part of the remodel plans and given final approval on 2/29/08.

During the plan check process for the current remodel, it was noted that previous plans on file from 1999 misrepresented the location of the front property line. This misrepresentation resulted in a privacy wall, located along the front lot line, and a 4 ½' square foot corner of an upper level view deck, being located within required setback areas. As a condition of building permit issuance, the applicant was required to show abatement of both violations. Although the wall will be reduced to the maximum allowable height of 3 ½', the property owners are requesting to maintain the deck in its entirety. The deck, located off the upper level master bedroom, provides the property owners with a place to enjoy the property's ocean views. The small corner that encroaches does not intensify its use or result in impacts to the neighbors. Removal of the encroachment would require unjustified structural changes to the structure not being proposed as a part of this remodel.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer approve the project, making the findings that the Modification is necessary to secure an appropriate improvement of allowing the deck to remain in its original configuration, and that it is consistent with the purpose and intent of the ordinance in that adequate separation from neighboring residences is being provided by the front yard and street.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated February 5, 2008
- C. ABR Minutes

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February 5, 2008

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

Re: Modification Request

1046 Cima Linda Drive, Santa Barbara, CA 93108  
APN 015-203-004, Zone A-2, Woodland Heights

**Existing Project:**

The residence is currently under construction for a remodel and has a building permit which encompasses the following: a combine total of 130 square feet of new construction at the front entry and office, replacement of all doors and windows, re-installation of the existing roof, and an upgrade of all interior finishes.

There is an existing second floor balcony which was built into the front yard setback. As a condition of issuing the current remodeling permit, the balcony would either need to be made legal through a modification or shown as to be mitigated as part remodeling scope. Under staff recommendation to not further delay the start of construction, the permit drawings show the mitigation of the balcony and pursue a modification prior to the completion of the project.

**Proposed Modification:**

The modification requested would allow the 1999 second floor balcony addition to exist as it was built under permit and as it was final inspected. The area extending into to 20 foot front yard setback is triangular shaped and extends to it's furthers point 2 feet into the setback it's sides are approximately 3'-0" x 3'-1" x 4'-4" and comprises approximately four and a half square feet. It seems to be a lack of coordination of the structural drawings and the plot plan in the original permit drawings from 1999 and the irregular shape of the parcel which brought about this condition.

Any mitigation would result in undue costs to the homeowner in the soft costs of the architectural and structural design and hard cost of partially or completely replacing the structure. The site is an irregular shaped parcel with multiple easements which further contribute the constriction and irregularity of the site. The setback where balcony extends into is not easily measured without the assistance of a surveyor due to the setback curving at that corner of the house.

**Merits of granting the modification:**

Mitigation of the balcony would either require a reduction of width of the balcony, the depth of the balcony or to cut the corner off of the balcony at a 45 degree angle. Any reduction in width or depth would make the balcony less useable for its intended purpose. A reduction in width would result in a balcony that would not justify with the corner of the building as the other side does and may require the width be adjusted on the other side as well to balance the elevation. A reduction in depth would reduce the coverage of the logia underneath, impact it's usability of that space, and provide less shading for the heavily glazed Southern exposure. To clip the corner at a 45 degree angle would require that other side as well and would adversely compromise the architectural integrity of the house which the current permit is carefully trying to establish.

As designers we feel the existing proportion and size of the balcony are appropriate to the house and should not be altered. Granting the modification does not represent an improvement as much as it prevents a mitigation that would be at the detriment of the aesthetics and function of the balcony and residence. Allowing the additional 3 square feet of balcony will not result in a loss of privacy or loss of view of the adjacent neighbors. The project's goal is make the residence fit better into the architectural character and consistency of the neighborhood and allowing the modification is line with that goal.

Sincerely,

Casey Nagel  
Designer

## 1046 CIMA LINDA LANE DESIGN REVIEW SUMMARY

**July 30, 2007**

(Action may be taken if sufficient information is provided.)

Preliminary Approval with NPO findings and return in two weeks to Consent with the following conditions: 1) show how the parapet roof intersects with the existing roof 2) provide color specification for doors and windows 3) gutter color is to match proposed trim color 4) call out type of tree being removed

**August 27, 2007**

Final approval with condition that the applicant provide a letter from the arborist regarding removal of tree; replace B.1 sheet.

**February 29, 2008**

Final approval as submitted to change windows from steel to wood and to add window 101C on plans.