



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 17, 2008  
**AGENDA DATE:** September 24, 2008  
**PROJECT ADDRESS:** 33 Rubio Road (MST2008-00268)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Zoning & Enforcement Supervisor *RLB*  
 Roxanne Milazzo, Associate Planner

### I. PROJECT DESCRIPTION

The 7,688 square foot project site is currently developed with a single family residence and detached garage. The proposed project involves an architectural remodel to the existing structures and a 712 square foot second story addition to the residence. The discretionary applications required for this project are Modifications to permit alterations to portions of the garage located within the required thirty-foot (30') front and ten-foot (10') interior setbacks (SBMC §28.15.060).

Date Application Accepted: August 28, 2008      Date Action Required: November 28, 2008

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to a condition.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Brian Tharp	Property Owner:	Same
Parcel Number:	029-341-011	Lot Area:	7,688 sf
General Plan:	3 Units Per Acre	Zoning:	E-1
Existing Use:	One Family residence	Topography:	24% Slope

#### Adjacent Land Uses:

North – One Family Residence (2-story)	East - One Family Residence (2-story)
South – One Family Residence (2-story)	West – One Family Residence (1-story)

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,150 sf	+712 =1,862 sf
Garage	380 sf	N/A
Accessory Space	N/A	N/A

**C. PROPOSED LOT AREA COVERAGE**

Building: 1,645 sf; 21%      Hardscape: 1,564 sf; 21%      Landscape: 4,478 sf 58%

**D. FLOOR-AREA RATIO (FAR)**

Max. Allowed FAR: 0.41      Proposed FAR: 0.29      = 71.8% of Max. Allowed FAR

**IV. ZONING ORDINANCE CONSISTENCY**

<b>Standard</b>	<b>Requirement/Allowance</b>	<b>Existing</b>	<b>Proposed</b>
<b>Setbacks</b>			
- Front	30'	15'	15'
- Interior	10'	6'	6'

**V. DISCUSSION**

This project was reviewed by the Single Family Design Board on July 7, 2008, which supported the contemporary design being proposed and questioned whether a Modification was necessary for the minor architectural changes to the garage.

The proposed project involves a 712 square foot second story addition and architectural style change to a 1961 residence and garage. Although the residence conforms to all current zoning requirements, the garage is non-conforming to setbacks since it is located 15 feet from the front lot line and six feet from the interior lot line. In an effort to match the contemporary design being proposed for the residence, an existing window on the garage wall facing the street is being redesigned and the roof is being modified with a parapet. The window change and the parapet, which will raise the existing roof height approximately six inches, constitute alterations to a non-conforming building. Staff supports the Modification requests to alter portions of the garage located within the 30' front setback and the 10' interior setback because the changes do not increase the floor area within the setbacks, intensify the use of the structure, or result in any impacts to the immediate neighbors.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed roof alteration allows the existing garage to be maintained and remain compatible with the proposed architectural remodel, and the window alteration on the front garage wall will result in a slightly smaller opening on that façade.

Said approval is subject to a condition that the unpermitted retaining walls and spa currently on site either be removed, or be included as “as-built” improvements on plans submitted in conjunction with obtaining building permits.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated August 27, 2008
- C. SFDB Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
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27 August, 2008

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

**Re: Modification Request for  
33 Rubio Road  
APN: 029-341-11-00  
Land Use Zone: E-1**

Dear Staff Hearing Officer:

**Existing Situation and Proposed Project**

There is an existing house (1,150 sq.ft. net) with detached two-car garage on the property. Both buildings have building permits according to the City building files. The garage is legal non-conforming as it currently encroaches into the interior setback approximately 3 feet on the easterly side of the property, as well as into front setback by approximately 15 feet. The proposal is to build a 2nd floor master suite addition (660 sq. ft. net) and staircase/vestibule (53 sq.ft. net) above the westerly portion of the existing house. A new roof is proposed over the garage with a short parapet and a replacement window. The foot print of the house and garage will not be increased.

**Modification request and justification for request**

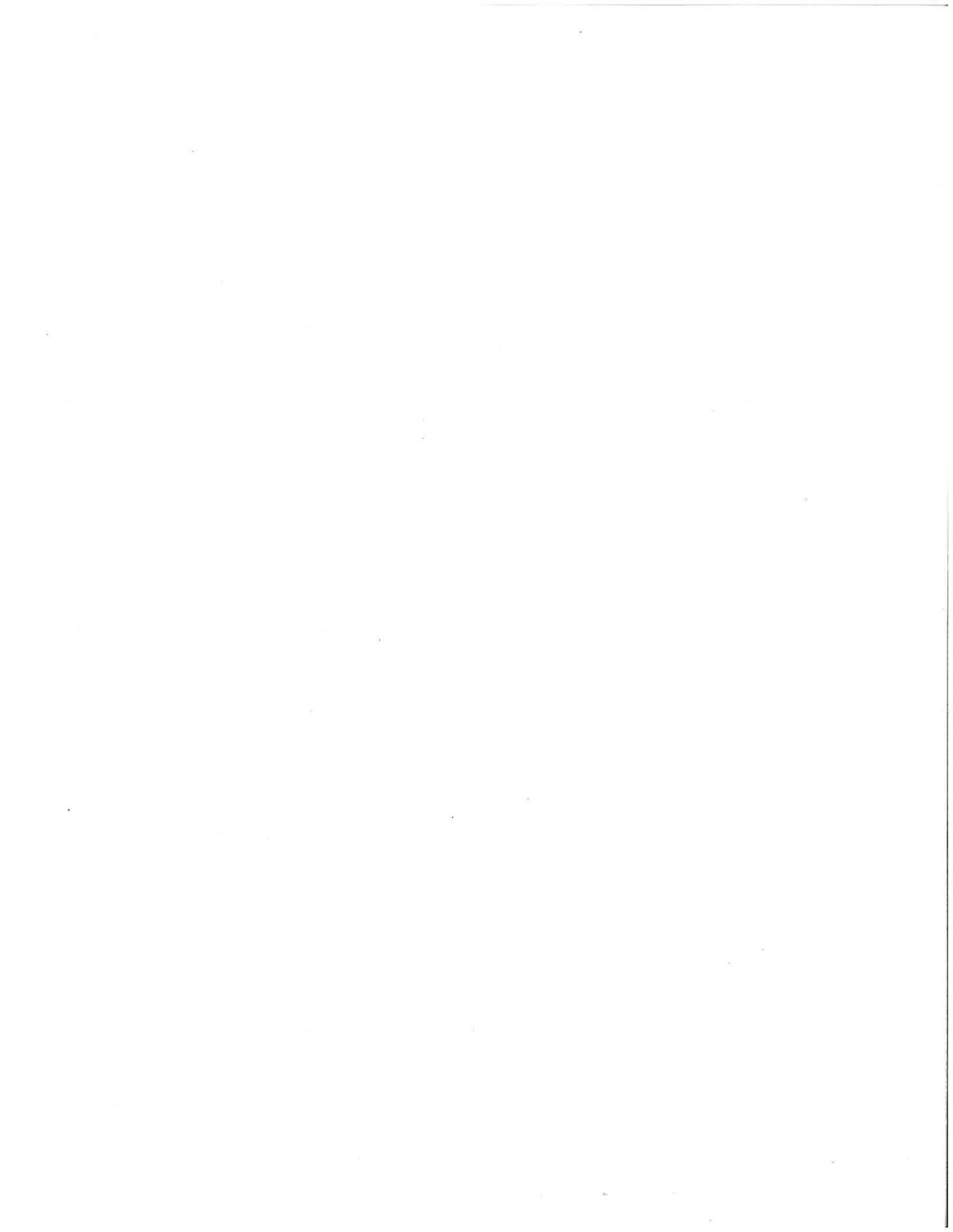
The discretionary application required for this project is a Modification to permit roof changes to portions of the existing garage which are located within the required front and interior setbacks. A parapet will raise the existing roof approximately 6" while maintaining the existing pitch. This improvement will be repeated in the roof of the new second story. The change is necessary to secure an appropriate improvement of compatibility for the new architectural style with no impacts to the adjacent neighbor or neighborhood. All other aspects of the proposed project will comply with current zoning regulations.

**Benefits of project**

The existing house and garage are singularly unattractive and a sad example of 1960's residential architecture. The remodeled home would be an enhancement to the neighborhood. An enlarged home at approximately 2000 sq. ft. is an appropriate use of the property but necessitates these modest changes to the garage to facilitate a harmonious treatment of all project elements.

Respectfully,





## 33 RUBIO ROAD – SINGLE FAMILY DESIGN BOARD MINUTES

July 7, 2008 –

Present: Brian Tharp, Owner.

A letter in opposition from Paula Westbury was acknowledged.

Mark Benedict, opposed: expressed concerns about neighborhood compatibility, lack of permits for retaining walls and hot tub, and privacy issues.

Public comment closed at 6:36 p.m.

Chair Mahan directed Staff to confirm the 15 foot setback at the garage.

Straw Vote: how many Board members would support a contemporary design at the site? 5/2/0.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) Expand sections AA and BB to show silhouettes of the upper neighboring house and proposed house.
- 2) Show the parapets on the roof plan.
- 3) Restudy the elevation drawings and the sloping parapet. Show downspouts on elevations and verify accurate grade lines.
- 4) Provide floor-to-floor sections.
- 5) Determine whether a modification is required for alterations to the garage.
- 6) Provide complete floor plans including windows, doors.

Action: Woolery/Deisler, 7/0/0. Motion carried.