



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 14, 2010  
**AGENDA DATE:** April 21, 2010  
**PROJECT ADDRESS:** 27 Rubio Road (MST2010-00058)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Roxanne Milazzo, Associate Planner

### I. PROJECT DESCRIPTION

The 7,330 square foot project site is currently developed with a single family residence and detached one-car garage. The proposed project involves the demolition of an existing "as-built deck and replacement with a new one. The discretionary application required for this project is a Modification to permit the deck to be located within the required thirty-foot front setback (SBMC §28.15.060).

Date Application Accepted: March 23, 2010

Date Action Required: June 23, 2010

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, with the condition that the size of the deck be reduced by 100-200 square feet and/or its height be reduced by three to five feet.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Don Gragg	Property Owner:	Linda Rima
Parcel Number:	029-341-012	Lot Area:	7,330 sf
General Plan:	12 Units Per Acre	Zoning:	E-1
Existing Use:	One-Family Residence	Topography:	27%

#### Adjacent Land Uses:

North – One-Family Residence  
 South – Rubio Road

East - One-Family Residence  
 West – One-Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,150 sf	1,150 sf
Garage	240 sf	240 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 1,390 sf 19%    Hardscape: 718 sf 10%    Landscape: 5,222 sf 71%

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

Max. Allowed FAR: 0.41    Proposed FAR: 0.19    = 45.8% of Max. Allowed FAR

**IV. DISCUSSION**

The project site is currently developed with a single family residence and attached one-car garage. A Zoning Information Report, prepared prior to the current owner taking possession of the property, identified several zoning violations, including an illegal deck at the front of the residence. When the new owner came in to abate the outstanding violations on site, a proposal to construct a new outdoor living deck was included in their request. During plan check, Staff determined that the front lot line for the property was approximately 20' back from the edge of the right-of-way paving, which meant the majority of the area in front of the residence was front setback. The proposed deck will be located within five feet of the front lot line.

Staff acknowledges the narrowness of the cul-de-sac street, unimproved right-of-way, and neighborhood pattern of development (both of the immediate neighbors have been granted Modifications for front setback reductions), and the recognized site constraints of working with an existing building footprint on a 7,330 square foot lot with an overall slope of 27%. Staff understands that the deck allows the front yard to be utilized as outdoor living space for enjoying the property's city and ocean view. Although its location does not appear to impact the private or outdoor living spaces of the immediate neighbors, Staff recommends that the deck either be lowered or reduced in size to lessen its encroachment in the required setback. The deck is in the process of being reviewed by the Single Family Design Board who gave favorable comments to the encroachment but requested that the design of the deck continue to be worked on.

**V. FINDINGS**

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance is necessary to secure an appropriate improvement on the lot. The proposed encroachment into the required front setback allows for an outdoor living space which takes advantage of the property's ocean views in an area that does not result in impacts to the adjacent neighbors, on a lot that has a wide, unimproved right-of-way in front of it.

STAFF HEARING OFFICER STAFF REPORT  
27 RUBIO ROAD (MST2010-00058)  
APRIL 14, 2010  
PAGE 3

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated 3/23/2010
- C. SFDB Minutes

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

# SANTA BARBARA DESIGN & BUILD

Don Gragg  
Santa Barbara Design & Build  
1865 Eucalyptus Hill Rd.  
Santa Barbara, Ca. 93108  
805 453-0518

3/23/2010

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

**Re: Modification Request for 27 Rubio Rd APN# 029-341-012 E-1**

Dear Staff Hearing Officer

There is an existing house (1283 s.f.), a detached one car garage on the property. The house and the garage currently encroach into the front setback on the south side of the property due to a public works right of way. An unpermitted deck is to be removed under existing permit currently active on the house. All previous zoning violations have been remedied under the existing permit BLD2009-01963.

A Modification is being requested to allow a front deck to encroach into the front yard setback. The new deck will be build two foot smaller than the previous deck to be 25' from the edge of the road which would be the allowable setback if the public works right of way did not exist. This is the best location on the property to take advantage of the views while taking neighbors privacy issues into consideration.

The major benefits of having the proposed deck in the setback are that this the best place on the property to enjoy the beautiful panoramic views without having to build a second story deck that would create privacy issues that may be associated with a second story addition. It also keeps the great feel of the original architecture in tact in the neighborhood.

Sincerely,



1865  
PHONE

93108  
[@cox.net](mailto:don@cox.net)

Exhibit B

## **27 RUBIO ROAD SINGLE FAMILY DESIGN BOARD MINUTES**

March 15, 2010

Continued to the Staff Hearing Officer with comments: 1) The encroachment is supportable. 2) Restudy the architecture to be more compatible with the house. 3) The project follows the existing pattern along the street and does not negatively impact the neighborhood.