



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 27, 2013
AGENDA DATE: March 6, 2013
PROJECT ADDRESS: 215 E. Mission Street (MST2012-00455)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RB*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The 20,000 square-foot site is currently developed with a 4,134 square foot, two-story residence, a 346 square foot detached garage with an attached "as-built" 412 square foot storage room, and a 215 square foot detached accessory building (pool house). The proposed project is a request to permit the as-built storage room attached to the existing detached garage. The existing garage is located approximately one foot from the eastern property line and the as-built storage building is located two feet from the eastern property line and 2'-8" from the northern property line. The project would result in a total of 627 square feet of detached accessory space plus 346 square feet of detached garage space. The proposal would abate violations listed in ENF2011-01056.

The discretionary applications required for this project are:

1. A Modification to allow an as-built accessory building to be located within the required ten-foot interior setback on the north side of the property (SBMC §28.15.060 and §28.92.110);
2. A Modification to allow an as-built accessory building to be located within the required ten-foot interior setback on the east side of the property (SBMC §28.15.060 and §28.92.110); and
3. A Modification to allow detached accessory buildings on the site to exceed a total of 500 square feet (SBMC §28.87.160 and §28.92.110).

Date Application Accepted: January 31, 2013

Date Action Required: May 1, 2013

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny the project as proposed.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Syndi Souter	Property Owner:	Gerrold and Barbara Rubin
Parcel Number:	025-323-009	Lot Area:	20,000 sq. ft. (0.46 acres)
General Plan:	Low Density Residential (max. 3 dwelling units/acre)	Zoning:	E-1
Existing Use:	single family residential	Topography:	flat

Adjacent Land Uses:

- North – Single Family Residence (2-story)
- East - Single Family Residence (2-story)
- South - Mission Street and Single Family Residences (2-story)
- West - Single Family Residence (1-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	4,134 sq. ft.	4,134 sq. ft.
Garage	346 sq. ft.	346 sq. ft.
Accessory Space	215 sq. ft.	627 sq. ft.

C. PROPOSED LOT AREA COVERAGE

Building: 5,412 sq. ft. 12% Hardscape: 6,600 sq. ft. 33% Landscape: 7,988 sq. ft. 55%

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
- Front	30 feet	50 feet	No change
- Interior	10 feet	20 feet (to house) 5'-6" to pool house 1 foot to garage	No change to house No change to pool house 2 feet to storage (attached to existing garage)
Building Height	30 feet	< 30 feet	No change
Parking	2 spaces	2 covered spaces	No change
Open Yard	1,250 square feet	>1,250 square feet	>1,250 square feet
Accessory Buildings	≤500 square feet	215 square feet	627 square feet (215 sf (e) + 412 sf as-built)
Garage	≤500 square feet	346 square feet	No change

V. BACKGROUND

A Zoning Information Report (ZIR2005-00894) was prepared in 2005 and noted a zoning code and building code violation for construction of a storage building, located within the required interior setbacks, without permit. A building permit was issued in May 2006 (BLD2006-00829) to demolish the storage building and do other minor interior improvements; however, the permit was never signed off and the storage building has not been demolished. An enforcement case (ENF2011-01056) identifying the unpermitted storage building is currently active.

VI. DISCUSSION

The house is on the City of Santa Barbara's Potential Historic Structures List as the Driscoll House. This project was reviewed by the Historic Landmarks Commission (HLC) on December 19, 2012, and the HLC found the proposal to be supportable.

The proposed project would legalize the as-built storage structure located in the interior setbacks. The project site includes a single family residence, a pool and pool house, and a garage with attached storage building. The existing 215 square foot pool house is legally non-conforming to the required interior setbacks along the western and northern property lines. The existing 346 square foot detached two-car garage is legally non-conforming to the required interior setback long the eastern property line. The as-built storage building attached to the detached garage totals 412 net square feet and has an interior setback of two feet from the eastern property line, and 2'-8" from the northern property line.

The first two modification requests are to allow an accessory structure to be located within the required 10-foot interior setbacks (SBMC §28.15.060.B). The storage building encroaches 8' and 8'-2" into the required 10-foot interior setbacks along the eastern and northern property lines, respectively. The applicant proposes to retain the existing encroaching building footprint. The storage building is an intensification of use within the interior setbacks adjacent to neighboring residential parcels. Other locations for the storage building that conform to zoning ordinance requirements for setbacks and open space are available. For this reason, Staff does not support the proposed location of the storage building and recommends denial of the requested setback Modifications.

Please note that letters of support from the two adjacent parcels most affected by the setback Modification requests were received and are included in Exhibit B. Although the storage building has been located in the setbacks for more than twenty years, and the neighbors don't oppose it, staff reviews as-built structures as though they are new/proposed and continues to find that the setback Modifications cannot be supported.

The third modification request is to allow accessory building area on the lot to exceed 500 square feet. The Zoning Ordinance limits the cumulative area of detached accessory buildings to 500 square feet per parcel. The square footage of the existing pool house and the as-built storage building totals 627 net square feet. Additionally, in the E-1 Zone, garages are limited to a cumulative maximum of 500 square feet and two parking spaces are required. Therefore, the Zoning Ordinance allows for a combined total of 1,000 square feet of accessory and garage

area on a lot of this size (20,000 square feet) in this zone. [On a lot greater than 20,000 square feet in this zone, the maximum total is 1,250 square feet.] Staff often uses this combined total as a factor in evaluating Modification requests to allow accessory buildings in excess of 500 square feet. In this case, the accessory space (627 sq. ft.) plus the garage space (346 sq. ft.) would total 973 sq. ft., which is less than 1,000 square feet of combined floor area. This combined area, along with the site's relatively large size and flat topography, provide a basis for support of a modification to allow the accessory floor area to exceed 500 square feet. However, the current location of this accessory floor area within the required interior setbacks is not supported by staff (as outlined above), and therefore staff cannot recommend approval of the floor area modification at this time.

VII. FINDINGS

The Staff Hearing Officer finds that the Interior Setback Modifications are neither consistent with the purposes and intent of the Zoning Ordinance nor necessary to secure an appropriate improvement on the lot. The property does not contain significant site constraints that would warrant the proposed encroachment into the interior setback and thus, a conforming design that complies with the setback requirements should be explored.

The Staff Hearing Officer finds that the requested Modification to allow more than 500 square feet of accessory floor area on the lot does not constitute an appropriate improvement on the lot without an associated proposal for accessory space that conforms to the Zoning Ordinance relative to setback requirements.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated January 31, 2013
- C. HLC Minutes

Contact/Case Planner: Allison De Busk, Project Planner
(ADebusk@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4552

 Souter Land Use Consulting
 P.O. Box 50423
 Santa Barbara, CA 93150
 (805) 695-0046
 syndisouter@aol.com

January 31, 2013

Susan Reardon, Staff Hearing Officer
Community Development Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED

JAN 31 2013

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Re: 215 E. Mission Street; APN 025-323-009; E-1 Zone
MST2012-00455; ENF2011-01056

Dear Ms. Reardon,

On behalf of the property owners, Gerry and Bobbie Rubin, I am requesting three Modifications to allow an as-built storage room addition to their detached two-car garage to remain. The first and second Modification requests are to allow the storage room to encroach up to 8 feet into the required 10-foot side and rear interior yard setbacks, respectively. The third Modification request is to allow the aggregate floor area of non-garage accessory structures to exceed the 500 sq. ft. maximum by 127 sq. ft., for a total of 627 sq. ft. of non-garage accessory structures on-site.

The property is 20,000 sq. ft. in size and is currently developed with a 4,134 sq. ft. two-story single-family residence, a swimming pool, a 215 sq. ft. pool house, and a 346 sq. ft. detached 2-car garage with an as-built 412 sq. ft. storage room addition. The residence is known as the "Driscoll House" and it is on the City's List of Potential Historic Resources. The FAR for the property is 26%, including the storage room. The storage room was added by a prior owner sometime between 1982 and 1991 according to City records.

Since the storage room is in the corner of the property, it encroaches into both the side and rear interior yard setbacks. Hence, the request for two Modifications to allow the storage room to encroach up to 8 feet into the 10-foot side and rear interior setbacks. The fenced-in pool area consumes a considerable amount of the backyard area on the property, leaving a small functional backyard area for recreation. Additionally, the areas around the house are heavily landscaped with trees and planters. By locating the storage room in the rear corner of the property, it allows the maximum functional area to remain.

The project also requires a Modification to allow the total aggregate floor area of non-garage accessory structures to be 627 sq. ft. total. The existing garage is only 346 sq. ft., so there is not much room inside for storage of items around the perimeter as in most larger 2-car garages. Per the zoning ordinance, the property could have up to

EXHIBIT B

1,250 sq. ft. of accessory structures on site. This project would result in a total of only 973 sq. ft. of accessory structures on the 20,000 sq. ft. lot, which is only 4.8% of the lot area.

The overall benefit of the project is that it would allow the property owners to maintain the only accessible storage on the property and have a functional backyard. Two of the adjacent neighbors have submitted letters of support to the City (attached), including the neighbor to the East which is impacted the most by the project. The project was reviewed at HLC on 12/19/2012 and received positive comments and support for the Modification requests. As such, I feel that the City can make the finding that the storage room is an appropriate improvement on the property.

If you have any questions or need any additional information regarding this project, please feel free to call me at 695-0046 or e-mail me at syndisouter@aol.com.

Sincerely,


Syndi Souter

Enclosures:

- Letter of Support from Jim Kearns, 225 E. Mission Street
- Letter of Support from Charles Foss, 2018 Santa Barbara Street

cc: Gerry and Bobbie Rubin, 215 E. Mission Street, Santa Barbara, CA 93101

September 11, 2012

City Planning Department
c/o City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93102-1990

RE: APN: 025-323-009, Case No. ENF2011-01056

RECEIVED

JAN 31 2013

**CITY OF SANTA BARBARA
PLANNING DIVISION**

To Whom It May Concern:

It has come to our attention that the City is considering actions related to requiring our neighbors, Barbara and Gerry Rubin, at 215 E Mission Street, to remove their storage unit at the rear of their property. If adopted, we would judge this action as unnecessary. The structure in question neither represents a physical and/or cosmetic annoyance to us.

* We totally support the Rubin's retaining the structure as it currently exists.

Sincerely



Charles Foss
2018 Santa Barbara Street
Santa Barbara, CA 93105

September 11, 2012

RECEIVED

JAN 31 2013

City Planning Department
c/o City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93102-1990

**CITY OF SANTA BARBARA
PLANNING DIVISION**

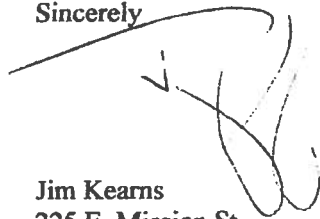
RE: APN: 025-323-009, Case No. ENF2011-01056

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→ We totally support the Rubin's retaining the structure as it currently exists.

Sincerely



Jim Kearns
225 E. Mission St.
Santa Barbara, CA 93101

NEW ITEM**B. 215 E MISSION ST****E-1 Zone**

Assessor's Parcel Number: 025-323-009
Application Number: MST2012-00455
Owner: Gerrold & Barbara Rubin Trust
Applicant: Souter Land Use Consulting
Designer: Design Systems

(Proposal to permit a 400 square foot "as-built" accessory structure attached to an existing garage located in the required setbacks. Staff Hearing Officer review is required. This is on the City's List of Potential Historic Resources: "Driscoll House.")

(Comments only: Requires Staff Hearing Officer Review.)

Continued indefinitely to the Staff Hearing Officer with the comment that the proposal is supportable.