



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 5, 2013
AGENDA DATE: December 11,, 2013
PROJECT ADDRESS: 613 E. Victoria Street (MST2013-00338)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The 4,505 square-foot corner lot is currently developed with a 965 square-foot, one-story residence with a covered entry porch, an unpermitted rear addition and trellis, and a detached 251 square-foot one-car garage. The proposed project involves the demolition of the unpermitted rear addition and trellis, a new 219 square-foot addition at the rear, a new 120 square foot trellis, permitting "as-built" site walls ranging in height from 3'-6" to 5'-8", and interior alterations to the dwelling. The project will address violations outlined in ZIR2002-00154. This property is a contributing historic resource to the potential Bungalow Haven Historic District.

The discretionary applications required for this project are:

1. A Modification to provide less than the required 1,250-foot open yard. (SBMC § 28.18.060 & §28.92.110); and
2. A Modification to allow the height of an "as-built" wall to exceed the maximum height of 3.5 feet within ten feet of a front property line and within fifty feet of a street corner. (SBMC § 28.87.170 & SBMC § 28.92.110).

Date Application Accepted: 10/28/2013

Date Action Required: 1/24/2014

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Dawn Sherry, Architect	Property Owner:	Giegerich-Polchin Family Trust
Parcel Number:	029-093-015	Lot Area:	4,505 sq ft
General Plan:	Medium Density	Zoning:	R-2

Residential 12 units/acre
 Existing Use: Residential Topography: 3% slope

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	965 sq. ft.	+219 sq. ft. = 1,184 sq. ft.
Garage	251 sq. ft.	No change

C. PROPOSED LOT AREA COVERAGE

Building: 1,435 sq. ft. 32% Hardscape: 690 sq. ft. 15% Landscape: 2,258 sq. ft. 53%

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Setbacks			
- Front	15 ft.	Approx. 8 ft.	No change
- Interior	6 ft.	3 ft. & 5 ft.	No change*
- Rear	6 ft.	None	No change
Building Height	30 ft.	Approx. 13 ½ ft.	No change
Parking	2 covered	1 covered	No change
Open Yard	1,250 sq. ft.	1,164 sq. ft.	945 sq. ft.

*Per SBMC §28.18.065.C (Nonconforming Building), when an existing building is 5 ft. from an interior property line, a ground level addition may be constructed 5 ft. from the same interior property line

V. BACKGROUND

On November 17, 1959, a Modification was approved to construct a nonconforming addition to the dwelling, subject to a condition that the hedge height be reduced to 3½ feet along Panchita Street from the area of the former porch (now an enclosed room) southerly to the West Victoria Street corner.

A Zoning Information Report (ZIR2002-00154) was prepared in 2002, and noted zoning code violations for over-height hedges along the front lot line facing Panchita that did not comply with the conditions of approval of the November 17, 1959 modification, an over height hedge along the driveway exceeding the legal nonconforming height of seven feet (7'), play equipment and stored items in the setback and stored items inside the garage that encroach into the required parking area. The Zoning report also identified building code violations for work without the required permits for an addition of a bedroom and bathroom, conversion of the rear patio to an enclosed service porch with laundry, a trellis and for altering fences to stucco walls. The applicant is proposing to correct the violations outlined in the ZIR as part of this project.

The existing 7 foot hedge along the driveway and along the Panchita Street frontage of the property up to the 9 foot high gate with hedge above have been determined to be legally non-conforming to height.

VI. DISCUSSION

The existing development on site is non-conforming to the required 1,250 square foot open yard area, and the project involves alterations, an addition, permitting "as-built" site walls and abating violations outlined in the 2002 ZIR.

Modifications are requested to allow additions and alterations to the existing residence that include a 219 square foot addition, a new 120 square foot trellis and relocation of the water heater in the required open yard area. In addition, the project includes permitting a wall that exceeds 3 ½ feet in height to be located within ten feet of the front lot line and within fifty feet of a street corner.

Open Yard Modification

The first requested modification is to allow reconstruction and minor expansion of an "as-built" addition totaling 219 square feet, and removing a trellis and replacing it with a new 120 square foot trellis in the required open yard area. The property is currently non-conforming to open yard requirements. The Zoning Ordinance requires 1,250 square feet of open yard area, which may be provided in multiple areas with minimum dimensions of 20 feet by 20 feet. The Ordinance does not permit any portion of the front setback to be used as open yard area, but does allow for up to 850 square feet of the open yard to be provided in the remaining front yard. The property is significantly undersized for the R-2 Zone, and has site constraints due to the two front yards. The proposal will reduce the size of the open yard by 219 square feet, and the resulting area would provide 945 square feet of open yard area that is set back ten feet from the Panchita Street secondary frontage and located behind the dwelling. Staff is in support of the open yard modification because of the site constraints associated with the small size of the R-2 lot and the two front yards. In addition, the open yard fulfills the intent of the requirements and allows for a minor expansion of the small residence while maintaining the existing neighborhood character.

Wall Height Modification

The second modification request is to allow an "as-built" wall to exceed 3½ feet in height within ten feet of the front lot line and within fifty feet of a street corner. SBMC §28.87.170.B.2 limits the height of fences, screens, walls and hedges to 3 ½ feet when located within ten feet of a front lot line. Additionally, SBMC Section 28.87.170.C limits fences, hedges, screens and walls within fifty feet (measured from the edge of the vehicular travelled way) of street corners to a maximum height of 3 ½ feet. . Transportation Operations Staff has reviewed the project and has determined that there are no traffic visibility issues regarding the "as-built" 5 foot wall. As stated previously, the Panchita Street frontage is the secondary

frontage, and Staff supports the "as-built" wall to allow the occupants to have a private yard with no anticipated adverse impacts to traffic visibility or the adjacent neighbors.

The project was reviewed by the Historic Landmarks Commission (HLC) on September 25, 2013, and forwarded the project to the Staff Hearing Officer with positive comments; meeting minutes are attached as Exhibit C.

VII. FINDINGS

The Staff Hearing Officer finds that the Modification to allow a reduction in the required open yard area is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The lot constrained by its small size and two front setbacks, the proposed addition is not anticipated to adversely impact the adjacent neighbors, and the resulting open yard area is useable by the residents.

The Staff Hearing Officer finds that the Modification to allow an over height wall within ten feet of a front lot line and within fifty feet of a street corner is consistent with the purposes and intent of the Zoning Ordinance, as it helps to provide a private outdoor living space for the residents of this corner lot, and it is not anticipated to adversely impact the adjacent neighbors or the visual openness of the public street frontage.

Said approval is subject to conditions that:

1. The existing hedges along Panchita Street shall not exceed 3 ½ feet in height for a distance from the former porch (now an enclosed room) southerly to the West Victoria Street corner.
2. The height of the non-conforming hedges and pedestrian entry gate shall not exceed their legal non-conforming height as shown on the approved site plan.
3. The existing, unpermitted, over-height gate along the driveway shall be removed from the property.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated November 19, 2013
- C. HLC Minutes dated 9-25-13

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(jlaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 3320

SHERRY AND ASSOCIATES, ARCHITECTS

513 SANTA BARBARA STREET
SANTA BARBARA, CA 93101
(805) 963-0986

RECEIVED
NOV 19 2013

CITY OF SANTA BARBARA
PLANNING DIVISION

DATE: November 19, 2013

TO: City of Santa Barbara
Planning Dept
Staff Hearing Officer
PO Box 1990
Santa Barbara, CA 93102

FROM: Dawn Sherry Sherry and Associates, Architects
PO Box 23634 Santa Barbara, CA 93101
(805) 963-0986
dawn@dawnsherry.com

RE: **Modification Request for:**
613 E. Victoria Street
Santa Barbara, CA
APN: 029-093-015
R-2 Zone

Dear Staff Hearing Officer,

As Architect and Agent for the Owners I am requesting a Modification to the property located at 613 E. Victoria Street, Santa Barbara, CA.

Currently on the Site is an existing legal single family residence of 965 sf (net). There is one legal, non-conforming one car garage on the property of 251 sf (net). An addition on the west side of the house was previously constructed with a Modification for an encroachment into the required front yard setback along Panchita Lane (Current residence square footage reflects this previous addition). An illegal addition and trellis at the rear of the property was constructed prior to the current Owners purchase of the property. The purpose of this Modification request and project is for demolishing and reconstructing this rear addition and trellis legally.

Modifications Requested:

1. **Modification to allow construction of a new addition at the rear of the existing residence to encroach into the required private open yard space.**
2. **Modification to allow new stucco over existing 5' high fence near corner of Victoria Street and Panchita at west side of property.**

EXHIBIT B

We feel that this request is reasonable due to the existing site constraint of two front yards on the property. The only private yard for this property is behind the residence and along Panchita Lane. There is a tall eugenia hedge along Panchita that has been allowed to grow higher than the max. 42" allowed by Zoning Ordinance. Permits for this high hedge have been obtained. The house is very small and the only location on the property for an addition is in this rear yard area. Construction of this addition will still give the property owners access to 1287 sf of "useable" private yard due to the high hedge along Panchita. The actual yard that can be legally counted outside of the required setbacks is 945 sf. (Panchita Lane is a "secondary" front yard, thereby allowing a setback of 10'-0").

Thank you for your consideration of this Modification and please feel free to call if you have any questions.

Sincerely,

Dawn Sherry

RECEIVED
MAY 18 2012
CIVIL ENGINEERING
PLANNING & ZONING DEPARTMENT

CONSENT CALENDAR (11:00)

NEW ITEM: PUBLIC HEARING

A. 613 E VICTORIA ST

R-2 Zone

Assessor's Parcel Number: 029-093-015
Application Number: MST2013-00338
Owner: Giegerich-Polchin Family Trust
Architect: Dawn Sherry

(Proposal to permit an as-built 219 square foot ground floor addition to the rear of an existing 1,216 square foot, one story single-family residence with detached one-car garage. Other alterations will address violations called out in Zoning Information Report ZIR2002-00154 to lower the hedge height, demolish an unpermitted service porch and relocate the water heater, remove a trellis and storage from the required setbacks and garage, and permit site walls which range in height from 3'-6" to 5'-8". Also proposed is to construct a new trellis. Staff Hearing Officer review is requested for a zoning modification. This is a *contributing historic resource to the potential Bungalow Haven Historic District.*)

(Comments only; requires Staff Hearing Officer Review.)

Continued indefinitely to the Staff Hearing Officer with the positive comment that the addition matches the existing architecture.