



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** July 2, 2014  
**AGENDA DATE:** July 9, 2014  
**PROJECT ADDRESS:** 3431 Los Pinos Drive (MST2014-00276)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Suzanne Riegle, Associate Planner *(SR)*

### I. PROJECT DESCRIPTION

The 8,900 square-foot site is currently developed with 2,677 square foot two-story residence and attached garage. The proposed project involves the conversion of the existing second story to a Secondary Dwelling Unit, and the installation of a new spiral staircase and an uncovered parking space.

The discretionary application required for this project is a Modification to allow the spiral staircase to be located within the forty-foot SD-1 front setbacks on Los Pinos Drive and Toyon Drive (SBMC § 28.45.007 and 28.92.110).

Date Application Accepted: 6/5/2014

Date Action Required: 9/3/2014

### 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:	Amy Von Protz	Property Owner:	Arie and Jaime Dejong
Parcel Number:	053-321-001	Lot Area:	8,900 square feet
General Plan:	Low Density Residential	Zoning:	E-3 /SD-1
Existing Use:	Residence	Topography:	4% slope

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,151 sq. ft.	
Garage	360 sq. ft.	No Change
Attached Accessory Space	166 sq. ft.	

**IV. DISCUSSION**

The property is located on a corner lot in the San Roque Park Subdivision, with a base zoning of E-3 and a Special Design District Overlay of SD-1. The E-3 zone requires a 20-foot front setback and a six-foot interior setback. The SD-1 overlay zone has a more restrictive 40-foot front setback. In the event that a property has dual zoning, the more restrictive setback is applied.

The 8,900 square foot lot is approximately 70 feet wide along its primary street frontage at Los Pinos Drive, and approximately 130 feet long at the secondary frontage along Toyon Drive. Approximately 68%, or 6,065 square feet, of the lot is located within required 40-foot front setbacks along Los Pinos and Toyon Drives. Additionally, 693 square feet (approximately 8%) of the remaining lot area is in the required interior setback. The development area outside the setbacks is 25 feet wide by 84 feet long. The current residence observes the required 40-foot setback along the Los Pinos Drive frontage but encroaches 30 feet into the required 40-foot setback along the Toyon Drive frontage and is consistent with the pattern of development within the neighborhood. A 2,090 square foot open yard area is located to the rear of the residence.

The existing residence was constructed in 1947; an accessory space addition was completed in 1951; and a second-story addition was completed in 1987. The second story required a Zoning Modification to encroach 30 feet into the required 40-foot front setback, and the conditions of approval of the 1987 Modification prohibited the second story improvement from being used as an additional dwelling unit. The applicant has requested approval of improvements, including a new uncovered parking space and a spiral staircase, in order to permit a secondary dwelling unit. State law requires local agencies to permit secondary dwelling unit as a ministerial approval, as long as all requirements are met, without a public hearing.

The applicant has requested a Front Setback Modification to allow installation of a spiral staircase at the rear of the existing residence within the required 40-foot, SD-1 front setback. The staircase is located at the rear corner of the residence, approximately fifteen feet from the interior property line, and is not visible from the street. State Government Code 65852.2(e) requires that the City allow parking for secondary dwelling units to be in required setbacks, unless specific findings regarding feasibility can be made. Since the findings cannot be made, the proposed parking space is allowed where it is proposed.

Staff supports the requested Modification. The proposed spiral staircase is an appropriate improvement to the residence that is not anticipated to adversely impact the adjacent neighbor to the south.

The proposed "as-built" driveway for the uncovered parking space is located on Toyon Drive; which is listed on the City's sidewalk in-fill list. The existing garage and gate are located only 10 feet from the front lot line. In addition, the existing hedges are located in the right-of-way, and obstruct visibility along Toyon Drive because they exceed the maximum allowable height. Staff recommends two conditions of approval related to hedges. The existing hedge should be removed from the public right-of-way (it may be relocated onto private property). The hedges that are located within 10 feet of the front property line and 20 feet of the sides of the combined driveways must be reduced to provide enhance visibility in compliance with SBMC §28.87.170.

## V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed spiral staircase is an appropriate improvement that is not anticipated to adversely impact the adjacent neighbor to the south or the visual openness of the public street frontage, and is consistent with the pattern of development in the neighborhood.

Said approval is subject to the following conditions:

1. Remove the existing hedge within the public right-of-way. All hedges must comply with SBMC §28.87.170, including the hedges that are located within 10' feet of the front lot line and 20 feet of the edge of the driveways, which must be reduced in height and maintained at 3½ feet in height, to increase visibility to and from the driveway.
2. An application shall be submitted to Public Works to permit the "as-built" installation of the expanded driveway and any additional work within the right-of-way.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated June 5, 2014

Contact/Case Planner: Suzanne Riegle, Associate Planner  
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630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x 2687

Arie Dejong  
3431 Los Pinos  
Santa Barbara, CA 93105  
805-450-5728

June 5, 2014

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

Re: Modification Request for 3431 Los Pinos, APN 053-321-01,  
Land Use Zone E3/SD1/SD2

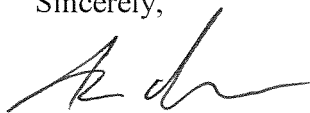
Dear Staff Hearing Officer,

There is an existing house (2,677 net sq. ft.) with a two car garage (336 net sq. ft.) on an approximately 8,900 SF property. All of the buildings have permits according to the City building files. The proposal is to convert an existing second story space to a secondary dwelling complete with an external stairs, a dedicated parking space, full kitchen and a dedicated water meter. The unit is 598 SF and is four rooms. No square ft. to be added to the existing residence.

The modification is being requested because the home is on a corner lot and the 40 foot easements from each side cover the vast majority of the property and the entire side of the home affected by the requested changes.

Thank you for your consideration and time,

Sincerely,



Arie Dejong

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JUN 05 2014  
CITY OF SANTA BARBARA  
PLANNING DIVISION

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**EXHIBIT B**