



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 5, 2015
AGENDA DATE: May 11, 2015
PROJECT ADDRESS: 1428 Manitou Road (MST2016-00040)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner
 Jessica W. Grant, Project Planner

I. PROJECT DESCRIPTION

The 10,942 square foot site is currently developed with a 1,887 square foot residence with a 438 square foot, two-car garage. The proposed project involves an “as-built” second story balcony on the east side of the residence and an “as-built” deck in the backyard (Exhibits 1-2: Applicant Letter and Site Plan). This project will address violations identified in the most recent Zoning Information Report (ZIR2015-00407). The discretionary application for this project is an Interior Setback Modification to allow the balcony and deck to be located within the required 10-foot east interior setback (SBMC §28.15.060 and §28.92.110).

Date Application Accepted: April 18, 2016 Date Action Required: August 18, 2016

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the as-built balcony encroachment and deny for the as-built deck encroachment, subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Vanguard Planning LLC	Property Owner:	James Turner
Parcel Number:	049-222-012	Lot Area:	10,942 sq. ft.
General Plan:	Low Density Residential (Max 3 du/ac)	Zoning:	E-1, Single Family Residential
Existing Use:	Residential	Topography:	24 percent
Adjacent Land Uses:			
	North - Residential (one-story)		East - Residential (one-story)
	South - Residential (one-story)		West - Residential (one-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,887 sq. ft.	No Change
Garage	438 sq. ft.	No Change
Accessory Space	0 sq. ft.	No Change

C. PROPOSED LOT AREA COVERAGE

Building: 2,500 sf 23% Hardscape: 2,200 sf 20% Landscape: 6,241 sf 57%

IV. DISCUSSION

This project was reviewed by the Single Family Design Board (SFDB) on February 22, 2016. The SFDB continued to Staff Hearing Officer, to return to Consent Agenda with positive comments for the as-built improvements. The adjacent property owner at 1420 Manitou Road, directly east of 1428 Manitou Road, also submitted a letter to the City stating their support for the as-built deck and balcony encroachments.

A Zoning Information Report (ZIR2015-00407) for the property noted the as-built balcony and as-built rear deck as being constructed within the east interior yard setback and without benefit of building permits. There was also a portable tarp located within the interior yard setback. A site inspection on April 15, 2016, confirmed that the tarp is no longer present.

East Interior Setback Modification

The existing residence is legally non-conforming to the front setback and the east and west interior setbacks. According to the Residential Building Record from the County's Assessor's Office, the location of the as-built 18 square-foot balcony was originally developed with a staircase and landing leading to the kitchen. The staircase, which was located two feet from the property line, was removed in 2004 when the property owner installed a pool. There was no other alternative for the pool contractor to get the pool construction equipment to the property other than through the east side yard entrance. Instead of reconstructing the staircase, the property owner constructed a small balcony instead.

The as-built balcony looks downward at its easterly neighboring residence's driveway and garage at 1420 Manitou Road since the residence's base elevation at 1428 Manitou Road is approximately six feet higher in grade. The as-built balcony is approximately three feet from the property line and about thirteen feet away from the neighbor's driveway and garage. Staff is supportive of the encroachment since the conversion of staircase and landing to a small balcony is a negligible change and there is no habitable space immediately adjacent to the balcony from the neighboring property that may result in privacy issues.

The as-built deck was constructed without benefit of City building permits sometime after the 2001 Zoning Information Report. The Zoning Information Report indicated a 288 square foot deck. The as-built deck is approximately 887 square feet, and approximately 35 square feet encroaches into the east interior yard setback. Because of the site's topography, the deck varies in height from seven inches to three feet, nine inches. The deck's encroachment into the required

10 foot setback is at an angle ranging from a one and half to three feet. The height of the deck within the encroachment varies from 18 inches to three feet, nine inches.

Due to the six foot grade differential between the residence and neighboring residence, the top of the deck railing is higher than the interior six foot fence separating the residences at 1428 and 1420 Manitou Road. The deck is about twenty to twenty-five feet from the adjacent neighbor's habitable space (kitchen and bedroom). Currently there is vegetation obstructing most views to the adjacent residence from the deck. If the vegetation were removed, privacy issues could be a concern. Staff is not supportive of the encroachment because the deck can be re-constructed to observe the interior yard setback. The residence's adjacent sliding glass door to the deck would not be impacted if the portion of the deck within the setback is removed. Staff is supportive for the remaining wooden deck to remain as long as a building permit is obtained.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the as-built balcony is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. The as-built balcony replaced the legal nonconforming staircase and landing and does not impact privacy issues to the neighboring property.

The as-built deck's encroachment is not an appropriate improvement to the property, and does not meet the purposes and intent of the Zoning Ordinance.

Said approval is subject to a condition that as-built balcony and as-built deck comply with the building code requirements for railing spacing, and that the portion of the deck that encroaches into the eastern interior setback be removed.

Exhibits:

1. Applicant's letter, dated March 10, 2006 (Attachments A-E included)
 - a. ZIR2015-00407 dated August 21, 2015
 - b. County Assessor's Official Building Record
 - c. ZIR2001-00707 dated September 25, 2001
 - d. SFDB Concept Review Minutes from February 22, 2016
 - e. Letter from Laurel Smith
2. Site Plan

Contact/Case Planner: Jessica W. Grant, Project Planner
(jgrant@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4550



March 10, 2016

RECEIVED

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Ms. Susan Reardon, Staff Hearing Officer
 City of Santa Barbara
 PO Box 1990
 Santa Barbara, CA 93102-1990

MAR 10 2016

CITY OF SANTA BARBARA
 PLANNING DIVISION

Hand Delivered

RE: Modification Request for 1428 Manitou Road, APN 049-222-012, E-1 Zone

Dear Ms. Reardon:

Vanguard Planning Inc. represents James Turner (the "Owner") the owner of the above referenced property (the "Subject Property"). We are requesting a modification to the City of Santa Babrara (the "City") Municipal Code (the "SBMC") standards in association with a proposed project to permit an as-built balcony and as-built rear yard deck to encroach within a 10 foot interior yard setback. This modification is part of Owner's effort to abate zoning violations identified in the ZIR2015-00407 and included in **ATTACHMENT A**. These violations all occurred prior to the time Owner acquired the Subject Property.

1.0 BACKGROUND AND PROJECT DESCRIPTION

The existing residence was built in 1964 and is approximately 2,325 square feet. The Subject Property has an average slope of 24%, with the lowest grade at the street. The garage is located at the street grade, and the attached house is approximately half a story above the garage grade. The original house configuration included a staircase and landing on the East elevation. This allowed access to an existing door, which is depicted on the County Assessor's sketch of the original house footprint in **ATTACHMENT B**. The original exterior stairwell and landing on the East elevation are also described in a previous zoning information report, ZIR2001-00707 which is included as **ATTACHMENT C**. This staircase and landing was removed and replaced by a small as-built balcony in 2004, to allow access to the rear yard for the construction of a pool (pool permit is BLD2004-01556). The as-built balcony encroaches one foot less into the interior setback than the original staircase and landing.

The rear yard is developed with a deck, approximately 887 square foot in size, that partially encroaches into the interior (side yard) setback. The deck encroachment varies from 1'6" to 3' feet within the setback. The height of the deck on the East side of the property varies from 1'10" to 3'9". The height of the deck on the west side of the property is only seven (7) inches above grade thus does not require a permit or any modifications.

The City Single Family Design Review Board (the "SFDB") considered the Proposed Residence at its February 22, 2016 hearing and determined that the requested modification is aesthetically appropriate, as shown in the minutes in **ATTACHMENT D**, and continued the proposal for Staff Hearing Officer consideration.

2.0 REQUESTED MODIFICATION TO INTERIOR YARD SETBACK (SBMC Sec. 28.87.062)

2.1 *Proposed Modification is Necessary to due to Unique Physical Conditions of the Subject Property*

The modification to the interior setback to allow for the as-built balcony, is necessary due to the location of the existing residence on the property. The existing residence was constructed prior to the application of current E-1 setbacks. As a result, the house itself already encroaches well into the front and interior setbacks. As discussed above in Section 1.0, the as-built balcony encroaches less into the setback than the original staircase and landing on the East elevation. The rear deck serves the sliding doors on the rear elevation of the house and aligns with the edge of the existing structure. As noted above in Section 1.0, the SFDB reviewed the as-built improvements and has determined these to be aesthetically appropriate.

2.2 *Proposed Modification is Necessary to: 1) secure an appropriate improvement on a lot; 2) prevent unreasonable hardship; and 3) promote uniformity of improvement*

The as-built balcony and rear deck are appropriate improvements for the Subject Property. The requested modification to the interior setback will allow for the as-built balcony to accommodate the original door on the East elevation, which is approximately five feet, four inches (5'4") above the grade below. The rear deck serves both sliding doors on the North elevation. The height of the deck varies from 7" to 3'9" in height to follow the topography of the rear yard, and maintain functionality of serving the doors from the house. Only a small portion of the deck encroaches into the side yard setback. The balcony encroaches one (1) foot less than the original staircase and landing that encroached within the same setback, and maintains a function for the door to the kitchen, which was part of the original design of the house. The balcony is also necessary to ensure the safety of occupants, as the existing doorway opening is over five feet above the adjacent grade on the East side of the residence.

The location of the balcony and rear deck does not pose generate privacy issues affecting the neighboring property. The balcony faces the adjacent neighbor's driveway leading up to their garage, and the deck is adjacent to the garage. As shown in the project photographs, dense landscaping screens the balcony from the neighboring property. The resident of that property, at 1420 Manitou Road, wrote a letter included in ATTACHMENT E, stating that she finds the existing balcony and rear deck, appropriate improvements on the Subject Property.

Due to location of the existing residence within the interior setback, the requested modification is necessary to allow for the as-built balcony. Removal of the balcony would represent an unreasonable hardship to the Owner, because this would generate a need to Modify the East elevation of the structure and eliminate a door which was part of the original house when constructed in 1964. To require the removal of the balcony, the East elevation of the house would require a substantial construction alteration to remove the door and function of door, thus impose an unreasonable hardship for the Owner.

The dwelling on the Subject Property, and many homes within the Bel Air Knolls development, were built in the 1960's prior to the application of the current E-1 zoning interior setback standards. Thus, many homes are legal nonconforming. The original doorway and as-built balcony, and the proposed setback to the as-built balcony and rear yard deck, are similar to improvements present on residential structures throughout the surrounding neighborhood. These improvements promote uniformity of improvement in the neighborhood.

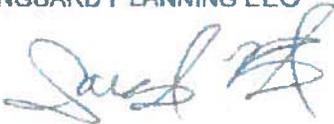
3.0 BENEFITS OF THE PROJECT

The project will abate zoning violations identified in ZIR2015-00407 and permit as-built improvements constructed over 10 years ago. The as-built improvements do not impose on the privacy of the neighboring property, and no neighbors have expressed any other concerns about these improvements since they have been in place. The as-built balcony encroaches one foot less than the original staircase and landing that served the existing doorway on the East elevation. While this improvement does not conform to current interior setback standards (no improvement on the East side of the legal non-conforming structure can), it is closer to conformance than the original configuration that it replaces. Only a small portion of the rear yard deck encroaches within the East interior setback as a result of its aesthetic alignment with the edge of the existing structure.

Thank you for taking the time to review this. If you have any questions, feel free to contact me via E-mail at sarah.bronstad@vanguardplanning.com or at (805) 679-3137. I look forward to presenting our proposal in person at our hearing.

Sincerely,

VANGUARD PLANNING LLC



Sarah Bronstad
Associate

ATTACHMENTS

- A. ZIR2015-00407 dated August 21, 2015
- B. County Assessor's Official Building Record
- C. ZIR2001-00707 dated September 25, 2001
- D. SFDB Concept Review Minutes from February 22, 2016
- E. Letter from Laurel Smith

cc: James Turner (via E-mail)

ATTACHMENT A

ZIR2015-00407 dated August 21, 2015

The Fine Print was
 changed on 7/6/09.
 Please read it.



Zoning Information Report
1428 MANITOU RD

Date: 8/21/2015
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2015-00407

Thank you for ordering a City of Santa Barbara Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on August 19, 2015.
 This Zoning Information Report expires on August 21, 2016.

The property's City Zoning Designation is E-1. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.

Zone:	E-1
Front Setback	30 feet
Interior Setback	10 feet
Rear Setback	10 feet
Required Open Yard Area	1,250 sq. ft. (20 foot minimum dimensions)
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	15,000 sq. ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	90 feet

If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.

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 1428 MANITOU RD
 APN 049-222-012

ZIR2015-00407
 Zoning: E-1
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Hillside Design District

GMP Development Area

Mesa

PROPERTY DESCRIPTION

One story single family dwelling with front covered entry, front uncovered patio, side uncovered balcony (approximately 5 feet by 2 feet) and two rear wooden uncovered decks (approx 15' x 18 and 15' x 12"). Portable tarp on rear deck

Laundry hookups in hallway closet (2 sets of hookups).

Pool and spa.

Pool equipment

Lot Size (From County Assessor Records): 0.25 Acres

Unit #: **This is a legal dwelling unit.**

	Legal	Illegal
Bedrooms	3	0
Full Baths	2	0
Half Baths	0	0
Sinks	0	0

Smoke Detectors in: All Bedrooms? **No** All Hallways? **Yes**

Smoke detectors are required in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more except when equipped throughout with an approved automatic fire sprinkler system. For more information regarding fire alarm system requirements, please call the City's Fire Prevention office at (805) 564-5702.

The property contains 2 parking spaces in garages, 0 parking spaces in carports and 0 uncovered parking spaces.

If this box is checked, the items stored within the required parking or maneuvering areas must be removed.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Coastal Development Permits, or Variances (If none, this area will be blank).

Any exterior change which requires a building permit, also requires design review approval because the property is located in the Hillside Design District and is over 20% slope. This includes new window and door openings, new garage door and balconies and decks over 19 inches in height. Archive plans show some variations in the locations of some of the current door and window locations.

The property is legally nonconforming with respect to either density, setbacks, yards and/or wall, fences and hedges. Details regarding the property's nonconformity are provided below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, setbacks, yards or walls, fences and hedges exist legally; however, there are restrictions on alterations, additions, or replacement of nonconforming structures. For the purposes of this report, the interior or rear property lines are assumed to coincide with any interior or rear fence.

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The property contains structures that are located in the required front setback. Therefore, the front setback is nonconforming. The structures that encroach into the required front setback are:
Garage.

The property contains structures that are located in the required interior (side or rear) setbacks. Therefore, the interior setbacks are nonconforming. The structures that encroach into the required interior setbacks are:
Dwelling and garage.

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

ZONING VIOLATIONS:

1. The portable tarp, the rear deck and the side balcony encroach into the required interior setbacks.

BUILDING VIOLATIONS:

1. There is no permit on record for the rear deck (over 19 inches in height) or for the side balcony. The archive plans show a front and side wraparound sun deck.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 364-3378. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 364-5485.

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The Fine Print

1) Disclosures

- a) The ZIR is a good faith effort at full disclosure to a potential buyer of authorized uses and occupancy, including zoning violations, and improvements constructed without City permits or approvals.
- b) Improvements without permits are illegal. Previous plans showing these improvements as "existing", previous ZIRs describing improvements as legal, previous ZIRs that omit an improvement, or previous ZIRs that describe an improvement as nonconforming do not legalize illegal improvements, including structures. Only City approvals and permits legalize improvements previously constructed without permits.
- c) The current ZIR is based on the most recent information, and supersedes previous ZIRs. Improvements that existed at the time of a previous ZIR, but which were not listed on the previous ZIR or were shown as nonconforming, but which are in fact unpermitted and therefore illegal, will be subject to current standards. For example, if a 1987 ZIR did not list an accessory building in a setback, and the current ZIR shows it as a violation, the current determination supersedes the previous determination.
- d) Zoning inspectors are not building inspectors, and are not versed in the requirements of the Uniform Codes. Therefore, this ZIR does not document violations of the Uniform Codes (e.g., illegal wiring, illegal plumbing, substandard structural assemblies). ZIRs identify zoning violations and unpermitted construction.
- e) Fences, Screens, Walls and Hedges (See SBMC §28.87.170)
 - i) The zoning regulations for fence, screen, wall and hedge height became effective in 1957. Fences, screens, walls and hedges permitted prior to 1957 may be nonconforming as to height.
 - ii) Permits are required for fences, screens and walls over 3.5 feet tall from the ground to the highest point of the structure. If such permits do not exist in City records, they are considered illegal, and must be permitted and may require other City approvals. If such fences, screens, walls and hedges are taller than allowed by the Zoning Ordinance, they must be reduced in height when required by the City. Plans in City records that show such items as "existing" do not legalize such items.
 - iii) Permits are required for retaining walls that are more than four feet tall, measured from the bottom of the footing to the highest point on the retaining wall (permits can be required for shorter retaining walls). Contact the Building and Safety Division Counter at (805) 564-5485 for more information.
 - iv) Over-height hedges that existed prior to 1957 are nonconforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is nonconforming.
- f) This ZIR does not include an analysis of the Solar Access Ordinance (Santa Barbara Municipal Code Chapter 28.11) as it applies to this property. Questions concerning the impact of the Solar Access Ordinance on specific structures should be directed to the Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578.
- g) If you are selling a home, you must disclose to the buyer any known earthquake weaknesses of your house. The State's Seismic Safety Commission has published a booklet "The Homeowner's Guide to Environmental Hazards and Earthquake Safety," which includes detailed information regarding earthquake hazard disclosure. This booklet should be available from your real estate agent/broker.
- h) Please be advised that any alterations, additions, construction, improvements or new development may be subject to the review of the Single Family Design Board, the Architectural Board of Review, the Historic Landmarks Commission, the Staff Hearing Officer, or the Planning Commission, depending on a number of factors. If review by one of the bodies is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding the environmental review process.

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 1428 MANITOU RD
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- 2) The enforcement process, as of April 19, 2004.
- a) The following major violations will be referred to enforcement staff immediately:
 - i) Illegal dwelling units.
 - ii) Illegal conversion of non-habitable space to habitable space.
 - iii) Unpermitted construction of new floor area (habitable or nonhabitable).
 - iv) Elimination of required parking.
 - v) Improvements on or near a coastal bluff.
 - b) Minor violations are kept on file and are required to be abated prior to, or simultaneously with, the first building permit that is obtained by the new property owner. HOWEVER, please be advised that all minor violations will be required to be abated in conjunction with any major violations on the property. City Staff will also require that overheight fences, walls, screens and hedges be reduced in height at that time.
- 3) Validity Period and Extensions
- a) This ZIR is valid for a period of twelve months after the date of issuance or until a transfer of title occurs, whichever is sooner.
 - b) A ZIR may be extended for a period of one year for half the price of a current ZIR, if the application for the extension is received while the ZIR is still valid. A re-inspection is required.
- 4) Disputes regarding the content of this ZIR.
- You have 10 days from receipt to dispute any items in this ZIR. To file a dispute, a written letter stating the grounds claimed for the dispute and supporting documentation on the content of the ZIR shall be submitted to the preparer of the ZIR. If you do not dispute any items, there is a rebuttable presumption that you agree with the content of the ZIR. Staff time to research and work to resolve any disputes after the 10-day period will be subject to the hourly rate fee as established by the City Council.
- 5) Tenant Displacement Assistance Ordinance
- Please be advised that any application to the City for a demolition, alteration, or change of use that will result in the elimination of a residential unit requires compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89). The Ordinance requires notice to the tenants about your intent to file an application 60 days prior to the actual filing, and provide monetary displacement assistance.

Zoning Information Report #ZIR2015-00407 was prepared by:

Betsy Teeter, Planning Technician

August 21, 2015

 Signature

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1428 MANITOU RD
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Receipt of Zoning Information Report

ZIR2015-00407

This is to certify that I/We Tony Sampson / Jim Turner
the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information Report. I/we understand that if violations exist on the property, there will be follow-up enforcement of these violations, and that such enforcement may take place at any time. Failure to abate these violations may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we am/are responsible for the abatement of the violations. If there is an attached Letter of Notice, an enforcement case will be created, and follow-up enforcement will begin immediately.

Executed at Santa Barbara on 8/26/15
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name James Turner Tony Sampson
Print

James Turner Tony Sampson
Signature of Buyer or Authorized Agent

11 BRADFORD ACRE RD, HOLMESTOWN, CA 92057
Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above referenced Zoning Information Report must be delivered to the buyer of the property no later than three (3) days prior to the transfer of title to the property.

PRIOR TO THE DATE OF TRANSFER OF TITLE
THIS RECEIPT MUST BE SIGNED, DETACHED AND RETURNED TO:

City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 897-1904

ATTACHMENT B

County Assessor's Official Building Record

RESIDENTIAL BUILDING RECORD

ADDRESS 1428 MANITOWA RD.

Tract	UNIT 3, LAKE POSITAS ESTATES	SHEET	1	OF	2	SHEETS
Lot	78	Bk.				

DESCRIPTION OF BUILDING

CLASS & SHAPE		CONSTRUCTION	STRUCTURAL		EXTERIOR		ROOF		ELECTRICAL		AIR CONDITION		ROOM AND FINISH DETAIL							
77.5 B	Architecture	Light	x Frame 2x4/6	x Stucco	Flat	A Pitch	110V Wiring 220V	x Heat	Cool	Rooms	Floors	Floor Finish	Trim	Interior Finish						
		Sub-stand.												Sheathing	BW	Str. Tax	Gable	A	K.T.	x Cond.
	RANCH (MOD.)	Standard			Siding "x"	+ Hip	1/4	1/5	B.X.	Cable	M. btu.	All				CARP.	G	O.P.	PL-PT.	PC&U.PL.
	Stories	Above Stand.	Conc. Bk.			Shed	A		Fixtures		Central Furn.									
	TYPE	Special	Brick	Adobe	B&B	T&G	+ Cur Up	Few	Chp.	+ Forced	Grav.	Hall	1							
	Use	Design	FOUNDATION		Single Wall	Good	Avg.	Fair	Dormers	2-1 Avg.	x Med.	Refrg.	Evap.	Living	1					
	+ Single	x	Concrete	x	1st: 2"x6"-18"oc.	Shingles	Gr. stops & D. S.	Many	Spec.	Roof	Wind.	Dining	1							WD
	Double		Reinforced		2nd: "x"- "oc.	Brick	Gutters & D. S.			PLUMBING		Radiant	Bed	3						CAT
	Duplex		Brick	x	Sub floor 3/4" Pl.	Stone	Comp. Shingle	Fair	Avg.	Good	Hy-Boy Furn.	Bed								
	Apartment		Wood			WINDOWS		Shingle	x	Laundry	Wall Furn.									
	Flat		Piers	Walls	Conc. Floor	x Slid.	Fixed	+ Shake	M	Fixtures	Floor Furn.	Utility								
	Motel		Insulation		D.H.	x Alum.	Tile	Trim	Wt. Soft'ner	x	Thermostat	Kitchen	1			VIN.	G	BIRCH	PL-EN.	PL-EN
	Units		Lt. Avg.	Hvy.	Walls	Cig.	Csm.	Steel	Tar &	Wt. Htr. Gol.	x Fireplace	3				CONC-Floor	A	1 PL. UNFIN.	2 PL. UNFIN.	2 PL. UNFIN.
			Weatherstrip		x	Screens			Gas	Elect.	Inside B.B.Q.	Drain Bd. Material				IT. Corian		Lgth. 28 Ft.	Splash 8"	

CONSTRUCTION RECORD			
Permit No.	For	Amount	Date
11187-2	RES-GAP	24000	12-1-64
1215510	POOL	35,000	10/21/64

MISCELLANEOUS STRUCTURES							
Structure	Found.	Cons.	Ext.	Roof	Floor	Int.	Size, etc.
ATT D76A	CONC	FRM	STUCCO	CONC	CONC	UNIT	528'

BATH & LAVATORY DETAIL												
Fl.	No.	Finish			Fixtures			Shower				
		Floors	Walls	Wc/La	Tub	Type	Grade	St.	O.T.	G.D.	Finish	
1	1	STONE	PL-PP	1	1	1	STD	G	1			STONE
1	1	VTN	PL-PP	1	1	1						T.

TRANSACTION RECORD					
Date	Trans.	Hse.	Lot	Amount	Source

SPECIAL FEATURES			
x	Rnge & Ovn	x	Units
x	Dishwash.	x	Slid. Gl. Dr. 2 1/2 Ft.
x	Gerb. Disp.		Plate Glass Ft.
	Blt-in Ref.		Book Cases
			Planter
x	Ext. Fan W-N J.	x	Bath Vanity 2 COL 21013
			Counter Appliances
			Breakfast Bar
			West Bar in Entry Rm

RATING (E. G. A. F. P.)							
Date	Cond.	Arch. Attr.	Func. Plan	Con-form	Str. Cp'bd	Space Closet	Work-m'shp

Year Built	Effect. Year	Appr. Year	Normal % Good			
			Age	Remain Life	Table	%
1964	1964	1965	NEV	60	R. 60	100
64	1965	1970	5	-	00	76
64	85	15				

ATTACHMENT C

ZIR2001-00707 dated September 25, 2001



Zoning Information Report

1428 MANITOU RD

Date: 9/25/01

To: Property Owners and Prospective Buyers of Residential Property

From: Planning and Zoning Staff

Subject: ZIR2001-00707

Thank you for ordering a City Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations, for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on September 24, 2001.
This Zoning Inspection Report expires on September 24, 2002.

The property's City Zoning Designation is E-1. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.

Zone:	E-1
Front Yard Setback	30 feet
Interior Yard Setback	10 feet
Rear Yard Setback	10 feet
Required Open Yard Area	1,250 s.f. + 20 foot minimum dimensions
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	15,000 s.f. x Slope Density
	Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	90 feet



Zoning Information Report
 1428 MANITOU RD
 A.P.N.: 049-222-012

ZIR2001-00707
 Zoning: E-1
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If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular zoning designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.

Hillside Design District

PROPERTY DESCRIPTION

One family dwelling with attached:
 front covered porch, front wooden deck (approximately 10 feet by 10 feet), exterior side staircase,
 front upper deck (approximately 12 feet by 20 feet) and rear wooden deck (approximately 16 feet by 18 feet).

Lot Size (Approximate, if known): 10,942 s.f.

Unit #: **This is a legal dwelling unit.**

	Legal	Illegal
Bedrooms	3	0
Full Baths	2	0
Half Baths	0	0
Sinks	0	0

Smoke Detectors in: All Bedrooms? **No** All Hallways? **No**

Smoke detectors are required in each sleeping room and each hallway of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more. For more information regarding fire alarm system requirements, please call 564-5702.

The property contains 2 parking spaces in garages, 0 parking spaces in carports and 0 uncovered parking spaces.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Variances (If none, this area will be blank).

None.



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The property is legally nonconforming with respect to either density, yards or wall, fences and hedges. Details regarding the properties nonconformity are detailed below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, yards or walls, fences and hedges exist legally, and their uses may be continued; however, there are restrictions on alterations, additions, or replacement of nonconforming structures.

The property contains structures that are located in the required front yard. Therefore, the front yard is nonconforming. The structures that encroach into the required front yard are:

Garage.

The property contains structures that are located in the required interior (side or rear) yards. Therefore, the interior yards are nonconforming. The structures that encroach into the required interior yards are:

Dwelling and garage.

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

ZONING VIOLATION:

The two car garage was inaccessible for the parking of two vehicles due to the storage of items. By City Zoning Ordinance, two covered parking spaces are required and must be maintained at all times.

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter, located at 630 Garden Street (805) 564-5485.

The Fine Print:

This report does not include analysis of the Solar Access Ordinance (Santa Barbara Municipal Code Chapter 28.11) as it applies to this property. Questions concerning the impact of the Ordinance on specific structures should be addressed to the Planning and Zoning Counter, located at 630 Garden Street (805) 564-5578.

If you are selling a home, you must disclose any known earthquake weaknesses that your house has to the buyer. The State's Seismic Safety Commission has published a booklet "The Homeowner's Guide to Environmental Hazards and Earthquake Safety," which includes detailed information regarding earthquake hazard disclosure. This booklet should be available from your real estate agent/broker.

Please be advised that any alterations, additions or new development may be subject to the review of the Architectural Board of Review, the Historic Landmarks Commission, the Modification Hearing Officer or the Planning Commission, depending on a number of factors. If review by one of the bodies is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). Please contact the Planning and Zoning Counter at (805) 564-5578 for more information regarding the environmental review process.



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Zoning: E-1
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Zoning Information Report #ZIR2001-00707 was prepared by:

Ginny Howard, Zoning Enforcement Officer



Signature

September 25, 2001



SITE MAP ATTACHMENT



APN	Address	Parcel Area	Land Use	Zone
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049-222-012	1428 Manitou Rd	10941.627	E-1	
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PLEASE NOTE: This map is for representation purposes only. No determination is made or implied regarding the legality of structures outlined on this map (rooflines are shown), the location of those structures or the location of the parcel lines.

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Receipt of Zoning Information Report
1428 MANITOU RD
ZIR2001-00707

This is to certify that I/We Rey Castillo,
the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information
Report. I/we understand that if violations exist on the property, there will be follow-up
enforcement of these violations, and that such enforcement may take place at any time. If
there is an attached Letter of Notice, an enforcement case will be created, and follow-up
enforcement will begin immediately.

Executed at Santa Barbara on 1/17/02
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name Rey Castillo
Print

Reynaldo P. Castillo
Signature of Buyer or Authorized Agent

Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above
referenced Zoning Information Report must be delivered to the buyer of the property no
later than three (3) days prior to the transfer of title to the property.

THIS RECEIPT MUST BE DETACHED AND RETURNED TO

City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 897-1904



RECEIVED
FEB 28 2002

PRIOR TO THE DATE OF TRANSFER OF TITLE
CITY OF SANTA BARBARA
PLANNING DIVISION

ATTACHMENT D

SFDB Concept Review Minutes from February 22, 2016

- 3) The Board recommends adding an additional column to the three at the existing covered porch on the south elevation. It recommends aligning the two middle columns to either flank the center French door, or be arranged as pairs with the existing columns at each end of the porch.

Action: Pierce/Sweeney, 2/0/0. Motion carried.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

B. 1428 MANITOU RD

E-1 Zone

Assessor's Parcel Number: 049-222-012
 Application Number: MST2016-00040
 Owner: James Turner
 Applicant: Vanguard Planning LLC
 Designer: Amy Von Protz

(Proposal to permit an "as-built" Juliet balcony located within the interior setback, and an approximately 530 square foot "as built" deck located partially within the interior setback. The property is currently developed with a one-story, 2,325 square foot single-family residence with a two-car garage in the Hillside Design District. The proposal includes Staff Hearing Officer review for a requested zoning modification for encroachments into the interior setback. This project will address violations identified in Zoning Information Report ZIR2015-00407.)

(Comments only; project requires Staff Hearing Officer Review for a requested Zoning Modification.)

Present: Jaime Pierce and Fred Sweeney.

Motion: Continued to Staff Hearing Officer, to return to Consent Review with comments:

- 1) The Board finds that the requested modification is aesthetically appropriate and does not pose consistency issues with the Design Guidelines.
- 2) The "as-built" balcony will not pose significant privacy issues.
- 3) The applicant is advised to ensure compliance with building code requirements for railing spacing on the "as-built" balcony.
- 4) The Board finds the location of the "as-built" rear deck acceptable. As the deck is located only three feet above grade, the Board does not find it necessary to apply the guideline for upper-story decks and balconies to be located at least 15' from interior lot lines.

Action: Sweeney/Pierce, 2/0/0. Motion carried.

**** CONSENT REVIEW ADJOURNED AT 11:12 A.M. ****

ATTACHMENT E

Letter from Laurel Smith

To whom it may concern:

Re: 1428 Manitou Road, Santa Barbara

I am Laurel Smith, the owner of 1420 Manitou Road, directly east of 1428 Manitou Road. I am the original owner of my house since it was built in the 1960s.

The kitchen balcony at 1428 has always been there as it was originally the landing for the staircase down to ground level.

The deck location is fine with me and has been there for many years.

Sincerely , Laurel Smith

laurelsmith1@cox.net

