



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** August 25, 2016  
**AGENDA DATE:** August 31, 2015  
**PROJECT ADDRESS:** 1127 Bath St. (MST2016-00070)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Andrew Perez, Planning Technician II *AKP*

### I. PROJECT DESCRIPTION

The 6,026 square-foot site is currently developed with 1,100 square foot single-family dwelling, a detached 298 square-foot, two-car garage and a rear dwelling of 560 square feet. The proposed project involves the demolition of the existing garage, and replacement with a 480 square foot, two-car garage, alterations to the existing rear deck, the infill of an exterior door out of the utility room, and permit the as-built full bathroom in the utility room. The discretionary application for this project is an Interior Setback Modification to allow the new garage to be located within the 6-foot interior setback (SBMC 28.21.060 and SBMC 28.92.110).

Date Application Accepted: August 2, 2016

Date Action Required: December 2, 2016

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the condition that the garage be redesigned to eliminate the 29 square feet of new floor area in the setback, and subject to the conditions outlined in the Staff Report.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Mark Morando, Morando Design	Property Owner:	Bruce Bivens & Leslie Brueckner
Parcel Number:	039-212-010	Lot Area:	6,026 square feet
General Plan:	High Density Residential (28-36 du/acre)	Zoning:	R-4
Existing Use:	Residential	Topography:	2 % slope

Adjacent Land Uses:

North – Single-Family Residential (1-story)      East - Bath Street  
South – Single-Family Residential (1-story)      West – Curley Avenue

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,664 sq. ft.	1,664 sq. ft.
Garage	269 sq. ft.	451 sq. ft.

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,115 sf 35%      Hardscape: 1,157 sf 19%      Landscape: 2,728 sf 46%

**IV. DISCUSSION**

This project was reviewed by the ABR on May 9, 2016, and the board found that the interior setback Modification would be aesthetically appropriate and would not pose negative visual impacts to the neighborhood. The project was continued indefinitely to the Staff Hearing Officer, and requested to return to the ABR with comments.

The existing development on this property is two, single-family dwellings and a detached two-car garage. The garage is undersized by today's standards at only 298 square feet, and is non-conforming to the required interior setback. The proposed project involves the demolition of the existing garage and the unpermitted loft above. The loft was the subject of an enforcement case in 1975, however the loft was never removed and remains there today.

A very slight portion of the existing garage is located on the adjacent property, however the new garage would be constructed one inch from the property line instead of the required six feet. No new windows are proposed for the façade directly facing the neighboring property at 1123 Bath Street to preserve privacy.

The new garage has a proposed depth of 24 feet, rather than the standard 20-foot depth for a two-car garage. The additional square footage will be used to accommodate laundry facilities, a laundry tray, water heater and water softener. The laundry facilities will serve both units on the property. The extra depth of the garage will result in 29 square feet of new floor area located in the interior setback. A set of exterior double doors are proposed in the area of the encroachment to allow the property owner to move large items from the driveway through the garage and into the backyard and front house. Due to the configuration of the privacy fence and gate for 1128 Curley maneuvering large items through the 4-foot wide gate and into the backyard is difficult, and a path of travel through the proposed double doors would alleviate that difficulty.

Staff is supportive of the setback encroachment by the garage, albeit with a redesign that eliminates the 29 square feet of new floor area proposed to be located in the setback, which is proposed for storage, and is not necessary to achieve the goal of providing two parking spaces and laundry facilities for both units. However, the area of the new garage that is proposed to be

built in nearly the same footprint of the existing, non-conforming structure is not anticipated to have any detrimental effect on the privacy of the neighboring property. In addition to using a similar footprint, the new garage will not include the second story loft, and will be built entirely on the subject property, further enhancing the privacy of the adjacent property.

The proposed project is beneficial because the additional interior clearance of the garage will create two, functional parking spaces and amenities to serve both units. Additionally, the demolition of the existing garage will remove the existing loft, thus abating an outstanding zoning violation, and will result in greater openness for the neighboring property.

#### Transportation Review

Transportation staff has reviewed the project and is supportive of the garage width waiver given the constraints with the existing buildings and property. However, staff is not supportive of the sliding garage doors, which should be replaced with a standard one-piece or roll-up door.

#### Environmental Review

The project is located within an area mapped as Spanish/Mexican, Hispanic- American Transition Period, American Period, and Early 20<sup>th</sup> Century Archaeological Sensitive Resource Zones, as depicted on the City of Santa Barbara's Archaeological Resources Sensitivity Map. An Archaeological Letter Report, prepared by A. George Toren, of Compass Rose Archaeological, Incorporated, dated April 21, 2016 was accepted by Planning Staff on June 27, 2016. The report concludes that the demolition of the existing garage and construction of the proposed garage will not have an adverse impact on any known prehistoric or archaeological resources since no evidence of any artifacts or features were identified on the subject property. Also, it was found that no further archaeological investigations are recommended and there is no need for a full Phase I archaeological report. There was also a recommendation for inclusion of the standard discovery condition. Staff has included the recommended conditions for the Archaeological Letter Report to be reproduced on the plans prior to submittal for the building permit.

### **V. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the 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 garage is appropriate because it allows a desired improvement and is not anticipated to adversely impact the adjacent neighboring property because the proposed garage does not have any windows facing the closest neighboring property, and the double doors in the setback are anticipated to only be seldom used. The project is anticipated to have a beneficial impact to the adjacent neighboring property because the garage will be built on the subject property, rather than crossing onto the adjacent property, and it will have less mass than the existing two-story garage/ accessory building.

Said approval is subject to the following conditions:

1. The garage shall be designed to not encroach into the setback more than what is required to provide a conforming parking space, as approved by Transportation staff and to eliminate the 29 square feet of new floor area proposed to be located in the setback.

2. The garage door shall be either a single, standard one-piece or roll-up door.
3. Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

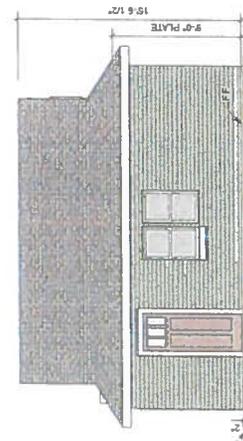
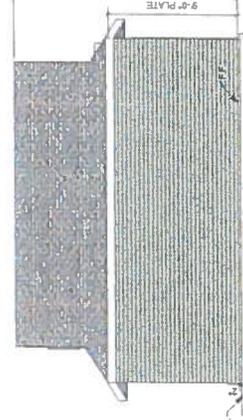
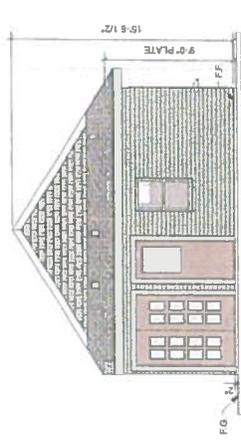
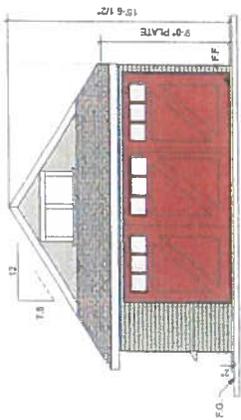
Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated May 23, 2016
- C. ABR Minutes

Contact/Case Planner: Andrew Perez, Planning Technician II  
(ACPerez@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x4559

BATH STREET

BATH STREET



NEW GARAGE ROOF PITCH, WINDOW STYLE & MATERIALS  
 BODY & TRIM COLOR, ASPHALT SHINGLES AND DUTCH  
 GABLE END SHINGLES TO MATCH (E) FRONT VICTORIAN

**LEGEND**

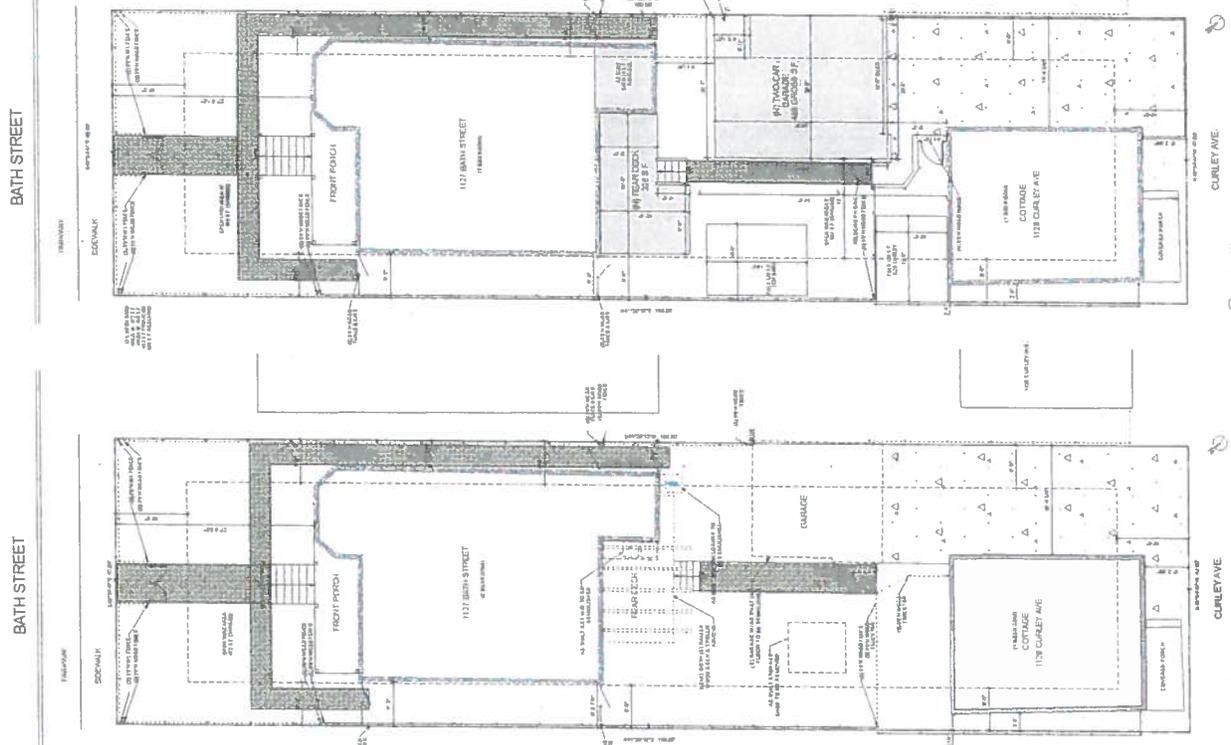
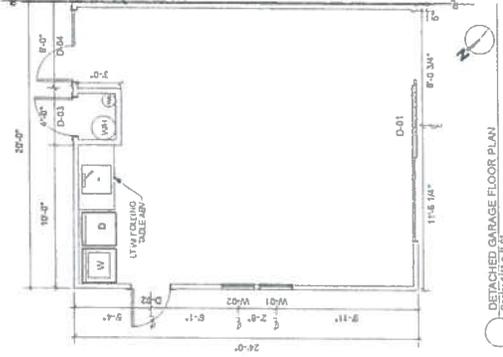
- Existing walls to remain
- Walls to be demolished
- New 2" x 4" Stud wall

**Window Schedule**

Mark	Height	Width	Operation
W1	8'-0"	3'-0"	Single Operation
W2	2'-4"	4'-0"	Double Hung
W3	2'-4"	4'-0"	Double Hung
W4	2'-0"	3'-0"	Single Hung
W5	1'-10"	2'-0"	Double Hung

**Door Schedule**

Mark	Height	Width	Thickness	Operation	Material
D1	2'-0"	2'-0"	1-3/4"	Door Operation	N/A
D2	7'-0"	5'-0"	1-3/4"	Swing Sliding	N/A
D3	7'-0"	5'-0"	1-3/4"	Swing Sliding	N/A
D4	7'-0"	5'-0"	1-3/4"	Swing Sliding	N/A
D5	7'-0"	5'-0"	1-3/4"	Swing Sliding	N/A



May 23, 2016

Staff Hearing Officer  
City of Santa Barbara  
Post Office Drawer 1990  
Santa Barbara, CA 93102

**RECEIVED**  
JUN 13 2016

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

Re: Bivans/Brueckner Residence  
1127 Bath Street  
Santa Barbara, CA 93101

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 1127 Bath Street, within the West Downtown neighborhood, in the City of Santa Barbara. The parcel (039-212-010) is zoned R-4 and has an approximate slope of 2%. The 6,000 square foot parcel is developed with: a 1,104 net square foot one-story dwelling, a detached 269 net square foot two-car garage and a rear 560 square foot dwelling.

The owner's of 1127 Bath Street request your consideration for an interior yard and front yard modification pursuant to SBMC 28.92.110.A.2.

The proposal is to remove the dilapidated rear detached two-car garage (16'x18' circa 1925) within the interior yard setback and replace it with a new two-car garage. The new two-car garage will also be within the interior setback and have a larger more conforming footprint and designed in the same style to match the front Queen Anne Victorian. The existing driveway and rear dwelling will remain. Access to the garage is limited by the location of the existing rear dwelling which is 15'4 3/4" to the side property line. The driveway occupies this entire area and will not be changed. There is no fence encroaching into the driveway area, as the neighbor's fence is on his own property. The new two-car garage will have a 20'0" wide exterior dimension and a 19'2" wide interior dimension. The new garage depth will be 24'0" exterior and 23'2" interior. The existing front two-bedroom one bath Victorian has a typical floor plan and limited space. It also, has some changes that were made when the present owner's purchase the house in 2011, under ZIR2011-00332. An as-built full bath was added to the existing rear utility room. The rear raised wood deck with trellis and W/D hook-ups were added without a permit. A detached storage shed within the interior setback and the garages second floor storage loft. The rear bathroom will be permitted and the door out of the utility area will be removed, because that section of the raised rear deck will eliminated. The rear deck will be rebuilt without a trellis. The W/D, water heater and water softener

will be relocated to the extra depth of the new garage, since there isn't any room in the front dwelling. The laundry facility will serve both units, since the rear unit doesn't have a laundry hook-up. In 1975 an enforcement case was created to remove the room above the garage (second story). The second story was not removed and remains there today. (See attached photos.) The existing garage spans over the property line, per the survey. With the demolition of the garage the second story loft will be removed and the garage will be built within the property lines. The garage is designed to be one-inch off the property line to allow for siding and still maintain, as much room as possible for maneuvering access for a functional sixteen-foot door.

Transportation Division has reviewed the garage location and access and has approved the proposal.

A Staff Hearing Officer (SHO) pre-consultation meeting was held on March 30th, 2016. SHO Staff supports the new garage within the interior setback and the laundry area has been moved out of the six-foot setback. A double door is proposed at the rear of the garage to provide access to the front dwelling for large furniture and amenities such as a hot tub, since there is not way to maneuver large items through the privacy fences that separate the two units.

The Architectural Board of Review (ABR) reviewed the project on May 9th, 2016 on the consent agenda. The Board loved the fact that the projects design was matching the front Victorian and asked to add a window matching the front Victorians in the area of the Dutch gable facing the Curley Avenue by moving the gable wall further back and creating a smaller Dutch gable area. This has been achieved and is represented on the plans. The new garage does not affect the use and enjoyment of the neighbor's unit directly next door to the new garage on the southwest; as there are no windows on that side of the garage that would invade privacy, they have an existing six-foot fence along the driveway for separation and privacy and the height of the new structure will be similar to what is there now and has been for over forty years, but instead of a solid two-story wall on the property line it will have a nine-foot plate with a 7.5"/12" gable roof, to match the front Victorian providing additional relief and architectural function. It also provides a more conforming functional two-car garage, one space per unit and amenities serving both units.

The owner and I believe that the proposed garage is appropriately designed and creates an improvement that is architecturally correct and functionally utilitarian, in that it removes a hazardous structure and adds a better functioning garage with amenities serving both units. The project remedies all violations on the property. Build a better functioning rear deck for the Victorian and solves some floor plan issues. The interior yard modification for the additional minimal floor area of the garage building (29 gross s.f.) secures an appropriate and uniform

improvement by design. Thank you for your consideration in this matter. Please feel free to call 805-680-2703 if you have any questions or comments regarding this request.

Sincerely,

Mark Morando  
Morando Planning & Design  
May 23, 2016

**ABR - NEW ITEM****E. 1127 BATH ST****R-4 Zone**

Assessor's Parcel Number: 039-212-010  
Application Number: MST2016-00070  
Owner: Leslie Brueckner  
Applicant: Morando Design

(Proposal to demolish an existing 269 square foot detached garage and construct a new 451 square foot detached garage on a 6,000 square foot parcel developed with two single-family dwellings. A total of two covered parking spaces will be provided on site. Both dwelling units will remain unaltered with the exception of the relocation of an existing water heater from the front residence facing Bath Street to the rear of the new garage. Staff Hearing Officer review is requested for a zoning modification to allow the garage and laundry to encroach into the required interior setback.)

**(Comments only; requires Environmental Assessment and Staff Hearing Officer review. Requires a Transportation Waiver prior to issuance of Building Permit.)**

Present: Mark Morando, Applicant.

**Motion: Continued indefinitely to Staff Hearing Officer with positive comments:**

- 1) The Board finds the proposed rear and interior modification aesthetically appropriate, and does not pose negative visual impacts to the neighborhood or consistency issues with the Architectural Board of Review Guidelines.
- 2) In the new garage, add a fan vent or window under the gable.
- 3) Relocate the gable ends to allow the fan light or louver or a garage window.
- 4) The Board suggested using an alternate material to the proposed red wood deck.

Action: Wittausch/\_\_\_\_\_, 1/0/0. Motion carried.