

City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 22, 2016
AGENDA DATE: September 28, 2016
PROJECT ADDRESS: 1420 La Cima Road (MST2015-00167)
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

I. PROJECT DESCRIPTION

The 16,195 square-foot site is currently developed with a 1,400 square foot one-story single family dwelling, a detached 273 square foot art studio, the “as-built” conversion of a 496 square foot two-car carport to a garage, by adding a garage door, an “as-built” fountain, fire pit, a six and one-half foot high arbor with gate and an “as-built three and one half foot to five foot high fence. The proposed project includes permitting the “as-built” conversion of the carport to a garage, permitting the “as-built” fountain, fire pit, gate, arbor, and over height wall and fencing, and removal of a bar sink and refrigerator from the art studio. An Administrative Height Exception is required to allow the wall and fencing with entry arbor and gate to exceed three and one-half feet in height within 10 ft. of the front lot line. The project will address violations identified in Enforcement Case (ENF2014-00387) and in a Zoning Information Report (ZIR2014-00185).

The discretionary application required for this project is a Front Setback Modification to allow a fountain to encroach into the required 15-foot front setback for buildings and structures (SBMC § 28.15.060 and 28.92.110).

Date Application Accepted: July 28, 2016

Date Action Required: October 26, 2016

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Marck C. Bacino	Property Owner:	Mark C. Bacino Living Trust
Parcel Number:	041-022-004	Lot Area:	16,195 sq. ft.
General Plan:	Low Density Residential (Max. 3 du/acre)	Zoning:	R-1
Existing Use:	Single Family Residence	Topography:	34%

Adjacent Land Uses:

North – Residential	East - Residential
South - Residential	West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,400 sq. ft.	No Change.
Garage	496 sq. ft. (carport)	496 sq. ft. (garage).
Accessory Space	273 sq. ft.	No change

C. PROPOSED LOT AREA COVERAGE

Building: 1,650 sf 10% Hardscape: 4,696 sf 29% Landscape: 9,848 sf 61%

IV. DISCUSSION

The proposed project includes permitting the “as-built” conversion of the carport to a garage (by adding a garage door to the existing carport), and permitting the "as-built" fountain in the required front setback. The proposal also includes permitting the “as-built” fire pit, arbor with gate, and over height wall and fencing at the property and removal of a bar sink and refrigerator from the art studio. The “as-built” conversion of a carport to a garage in the front setback is allowed without a Modification.

The Modification request is to allow the “as-built” fountain in the required 15-foot front setback for one-story buildings or structures. The fountain is located approximately one and a half feet from the front lot line instead of the 15-feet required and therefore, requires Modification approval. Staff supports the fountain located in the required front setback, as the grade is significantly lower at the front of the property, the fountain is screened from view by a fence, it is not visible from the street and it is not anticipated to adversely impact the adjacent neighbors’ or the visual openness of the street frontage.

The proposal will address violations outlined in a Zoning Information Report (ZIR2014- 00185) and in an Enforcement Case (ENF2014-00387). Therefore, a condition has been included to address these items.

Transportation Review and Administrative Fence Height Exception

Transportation staff has reviewed the project and have stated that garage will function as proposed. However, the City's traffic engineer has reviewed the project and has stated that for traffic safety, it is recommend that the fence be lowered to a height of 42 inches from the arbor for a distance of 30 feet to the east, and from the eastern property line 20 feet to the west. Additionally, an Administrative Height Exception is required to allow the wall and fencing with entry arbor and gate to exceed 3 1/2 feet in height within 10 ft. of the front lot line. Therefore, staff has included a condition to address this item.

Design Review

The project was reviewed by the Single Family Design Board (SFDB) on May 11, 2016 and was forwarded to the Staff Hearing Officer (SHO) with comments.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification to allow the "as-built" fountain in the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvements on the lot. The "as-built" fountain is appropriate because the grade at the front of the property is significantly lower than the street, the fountain is screened by a fence and is not visible from the street, and it is not anticipated to adversely impact the adjacent neighbors' or the visual openness of the street frontage.

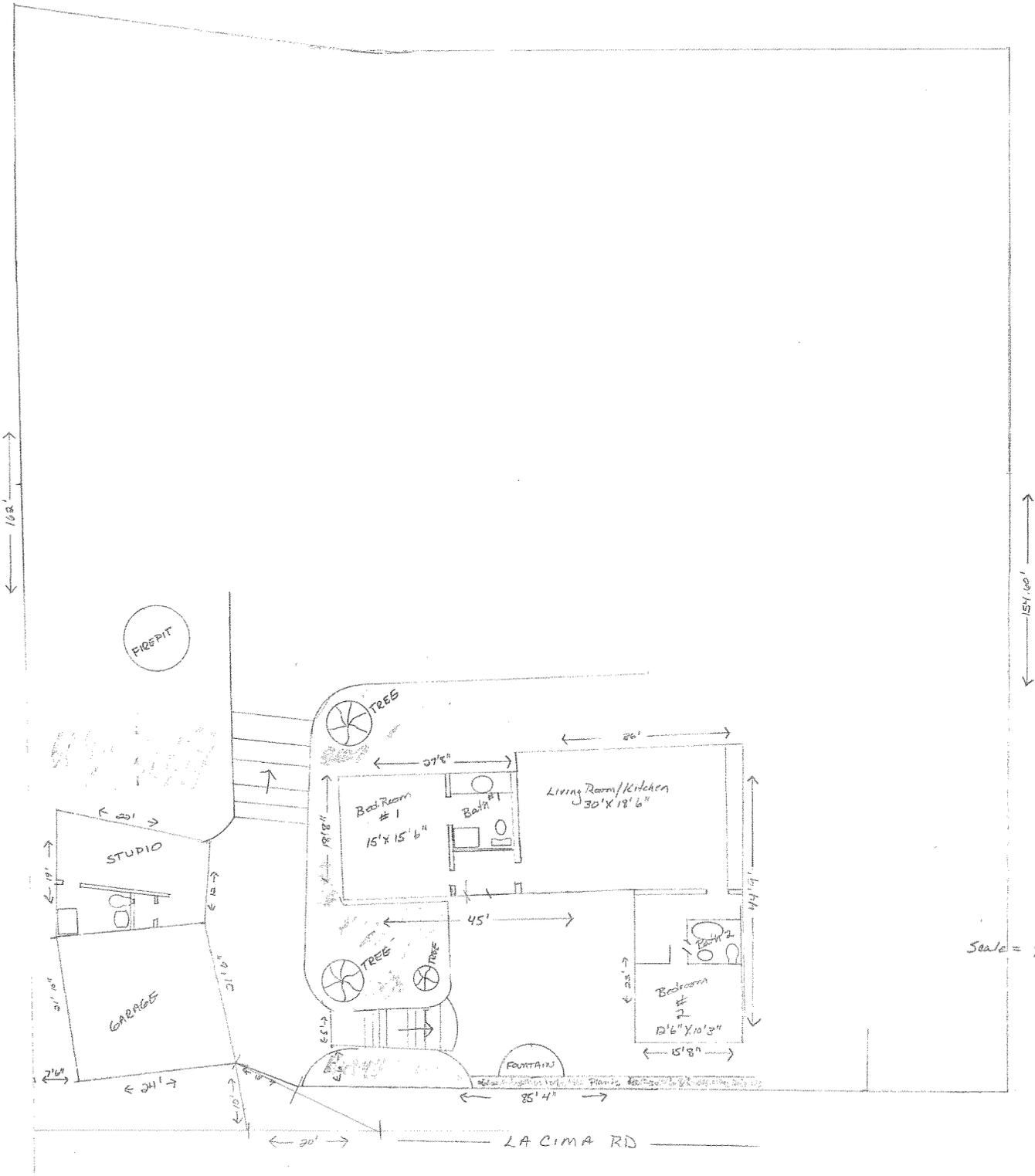
Said approval is subject to the following conditions:

1. The violations outlined in ZIR2014-00185 and ENF2014-00387 shall be abated and included in the Scope of Work for the project.
2. Either an Administrative Height Exception shall be obtained for the over height wall, fence, arbor and gate at the property, or the wall, fence, arbor and gate shall be shown on the plans submitted for SFDB Final Approval to comply with the Zoning Ordinance and subject to review and approval by the Public Works Department for traffic safety.

Exhibits:

- A. Site Plan
- B. Applicant's letter, received on July 28, 2016
- C. Letter dated May 6, 2015 from Chris J. Brown
- D. Email dated May 5, 2015 from Scott & Katrina McCosker
- E. Email dated May 3, 2015 from Roberta & Christopher Tracy
- F. SFDB Minutes dated May 11, 2016

Contact/Case Planner: Danny Kato, Senior Planner
(DKato@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x2567



Scale = 1/8" = 1'

EXHIBIT A

RECEIVED

JUL 28 2016

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

CITY OF SANTA BARBARA
PLANNING DIVISION

RE: Modification Request for 1420 La Cima Road – Parcel # 041-022-004, Zone R-1

I am submitting a proposal to permit the “as-build” installation of a garage door and enclosure of a carport at my existing single family home. In addition, this proposal includes permitting an “as built” fountain, fire pit, gate, arbor, and site fencing. Please note that the mini refrigerator, sink and plumbing have been removed from the Art Studio.

The reasons I am applying for the modification request are outlined below:

- The proposed garage door is consistent with all the other properties on the street, including ones that have been recently permitted – 1464 La Cima Road.
- The fountain is an appropriate improvement for a single family home and is located below the street grade (see photos) so as not to adversely impact the neighbors. (See case #MST2014-00118, 125 N Ontare). The fire Pit is within the side setback, and also does not impact neighbors. Further, it has been tested by a licensed plumber and passed, holding the appropriate pressure for 24 hours.
- Gate & Arbor – is intended to provide a welcoming entry feature to the property and does not obstruct sight lines. The sightline is current with the sightline triangle guidelines. The 5’ fence – is within the setback, however there is an abrupt difference in elevation on the backside of the fence by about 12 feet (see photos). The fence provides much needed safety and privacy. The fence also sits above the retaining wall.

All of the items listed above have been built to enhance the property and neighborhood while taking into consideration the proper aesthetics, safety and privacy issues associated with each.

Thank you.

Sincerely,



Mark Bacino

EXHIBIT B

STAFF HEARING OFFICER STAFF REPORT
1420 LA CIMA ROAD (MST2015-00167)
SEPTEMBER 22, 2016
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- C. Letter dated May 6, 2015 from Chris J. Brown
- D. Email dated May 5, 2015 from Scott & Katrina McCosker
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- F. SFDB Minutes dated May 11, 2016

Contact/Case Planner: Danny Kato, Senior Planner
(DKato@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x**2567**

May 6, 2015

Re: MST2015-00167, 1420 La Cima Road

To whom it may concern,

My name is Chris Brown and I am a neighbor of Mr. Bacino. My home is located at 1409 La Cima Road and there are only two other homes between mine and Mr. Bacino's.

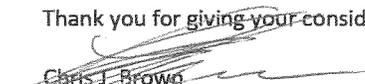
While my home was built in 1949 and is the oldest in the neighborhood, Mr. Bacino's was only the second home built with his dating to 1955. Mr. Bacino's home is built with beautiful adobe and is situated some 10 to 20 feet below the street level. The roof is nearly even with the level of the street. As can be imagined, back in the 1950's when our homes were built, the same guidelines did not exist regarding proximity to the street; setbacks were much closer then than they are now. Our entire upper street (where both Mr. Bacino and my homes are located) consists of homes within just a few feet of the paving from the street. Front setbacks are a non-existing term here on our street and Mr. Bacino's home is no exception.

There is a list of items that have been called out in the city letter I received regarding Mr. Bacino's home:

1. Fountain: Where we live, we contend with listening to a variety of noises. Trickling water is NOT a noise. Helicopters landing in the city on top of the newly expanded (and MASSIVE) cottage hospital is noise. Distant freeway sounds of trucks compression braking and motorcycles racing is noise. Garbage trucks processing our waste is noise. But one of the most natural sounds in the world is that of a gentle stream or brook. This is what a fountain is for. To mask all our manmade horrors with the gentle sound of nature at its best. Please allow Mr. Bacino to keep his fountain.
2. Fence: Above I mentioned how the original builders of Mr. Bacino's home built without foresight of future restrictions that would come with time. A home built with its roof level to the street may have seemed like a good idea at the time, but maybe the advantages it brings (such as wind isolation) seem trivial now that more homes have been built and more cars pass by everyday. When I was renovating my 1949 home last year, Mr. Bacino graciously invited me to park my cars next to his fence until I completed my driveway. I've noticed that without it, Mr. Bacino would have no privacy whatsoever. I noticed that it's a relatively short privacy fence and that it's not intrusive at all. His 1950's home REQUIRES this fence based on the way the home was permitted to be built back then.
3. Arbor: Mr. Bacino's arbor is built of beautiful stone. It was built with attention to detail and it goes very well with the aesthetics of the adobe home.
4. Gate: The gate adds privacy and beauty to the home.
5. Garage Door: Not having a garage door is simply dangerous and not in keeping with safety standards. To have a garage door as nice as Mr. Bacino's is, of course, much better than having some painted sheet metal monster simply there to function. The garage door that was installed is tastefully done. There is not ONE home on our street without a garage door. Every house should have an enclosed garage.

I can understand if the city requires fees in order to allow residents to document their improvements. Please help guide Mr. Bacino through the permit process and allow him to keep all his improvements as they are.

Thank you for giving your consideration to my letter,


Chris J. Brown
Home Owner and Neighbor
1409 La Cima Road

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PLANNING DIVISION

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EXHIBIT C



Mark Bacino <mcbacino@gmail.com>

Application Number MST2015-00167

C Scott McCosker <scott@scottmccosker.com>

Tue, May 5, 2015 at 9:28 AM

To: "sfdbsecretary@santabarbaraca.gov" <sfdbsecretary@santabarbaraca.gov>

We fully support all the improvements that Mark Bacino made on his property (permitted or unpermitted). The house, the fence , landscaping look absolutely beautiful & totally appropriate for the neighborhood. Please recommend his application for the complete approval.

Sincerely,

Scott & Katrina McCosker

1464 La Cima Rd

Santa Barbara CA 93101

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CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT D



Mark Bacino <mcbacino@gmail.com>

Application Number MST2015-00167

ctracysb@netzero.net <ctracysb@netzero.net>
To: sfdbsecretary@santabarbaraca.gov
Cc: rugger35@cox.net, ctracysb@netzero.net

Sun, May 3, 2015 at 8:11 PM

SFDB,

My wife and I own and live in the house next door to the property at 1420 La Cima Road. We are in full support of all the unpermitted improvements that have been made to this property.

Sincerely,
Roberta and Christopher Tracy
1460 La Cima Road
(805) 896-6265, cell

Old School Yearbook Pics
View Class Yearbooks Online Free. Search by School & Year. Look Now!
<http://thirdpartyoffers.netzero.net/TGL3231/5546e3b67bca463b65409st01duc>

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JUL 28 2016

**CITY OF SANTA BARBARA
PLANNING DIVISION**

EXHIBIT E

NEW ITEM**C. 1420 LA CIMA RD****R-1 Zone**

Assessor's Parcel Number: 041-022-004
Application Number: MST2015-00167
Owner: Mark C. Bacino, Living Trust

(Proposal to permit the "as-built" installation of a garage door and enclosure of a carport at an existing single family home in the Hillside Design District. The project includes permitting an "as-built" fountain, fire pit, gate, arbor, and site fencing, and removal of a bar sink and refrigerator in the art studio. The project includes Staff Hearing Officer review for alterations within the front setback. This project will address violations identified in Enforcement Case ENF2014-00387 and Zoning Information Report ZIR2014-00185.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for requested zoning modifications.)

Continued indefinitely to Staff Hearing Officer to return to Consent with comments:

- 1) The requested modification is aesthetically appropriate and does not pose consistency issues with the Design Guidelines.
- 2) The proposed fences are appropriate as there are similar fences on the street.

EXHIBIT F