



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 7, 2013
AGENDA DATE: March 14, 2013
PROJECT ADDRESS: 1210 Olive Street (MST2012-00468)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 2687
 Danny Kato, Senior Planner
 Suzanne Riegler, Assistant Planner

I. BACKGROUND

On February 6, 2013, the Staff Hearing Officer (SHO) considered a proposal for additions and alterations to an existing residence located at 1210 Olive Street. Please refer to SHO Staff Report dated February 6, 2013 for details (Exhibit A).

The SHO approved a Modification to allow additions and alterations including an "as-built" 126 square foot first floor addition and an "as-built" deck expansion within the required ten-foot front setback. The following "as-built" improvements in the front setback were not approved: an "as-built" 43 square-foot storage/utility room addition and an "as-built" covered entry door, which is part of an "as-built" eight-foot wall. In addition, the modification to allow walls within ten feet of the front property line to exceed the maximum allowable height of 3.5 feet was conditionally approved with the wall moved back to the front wall of the house and reduced to seven feet in height, as detailed in SHO Resolution No. 006-13 (Exhibit B). On February 8, 2013, the property owner appealed the SHO decision to deny the "as-built" storage/utility room and covered entry door, and to conditionally approve the wall improvements. The appeal letter (Exhibit C) states the property owner's concerns regarding the partial denial of the modifications to allow the storage/utility room and the front wall to remain in its "as-built" location at the front property line.

II. PROJECT DESCRIPTION

The 3,266 square-foot site is currently developed with 1,257 square foot, two-story, single-family residence. The house is built such that the second story is at the same level as the sidewalk on Olive Street. The proposed project involves "as-built" additions and alterations to the residence, including a 126 square-foot, first-story addition, a 107 square-foot second-story addition, an "as-built" deck expansion, an "as-built" 43 square foot storage/utility room, and an "as-built" 8-foot high wall, which includes a covered entry door, along the front property line. The proposal includes the demolition of a 64 square-foot 'as-built' storage shed. The proposal will address violations identified in ZIR2012-00486, ENF2012-00824, and ENF2012-00954.

III. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Modification to allow additions to the residence and a covered entry gate to encroach into the required ten-foot front setback (SBMC § 28.21.060 and SBMC § 28.92.110); and
- B. A Modification to allow the wall to exceed the maximum allowable 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet from the front property line. (SBMC § 28.87.170 and SBMC § 28.92.110).

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Catharine Dunbar, Designer		
Property Owner:	Geoffrey E. Rockwell		
Site Information			
Parcel Number:	029-141-016	Lot Area:	3,266 sq. ft.
General Plan:	Medium-High Density Residential	Zoning:	R-3
Existing Use:	Residential	Topography:	19% slope
Adjacent Land Uses : All Residential			

B. PROJECT STATISTICS

	Existing	Proposed ("as-built")
Living Area	1,257	+154 = 1,411
Garage	0	0
Accessory Space	0	+25 = 25
Floor Area Ratio	0.39 = 58% of Maximum Guideline FAR	0.44 = 66% of Maximum Guideline FAR

V. ISSUES

Staff recommends that the Planning Commission focus on the issue of the location of the "as-built" wall, covered entry door, and the "as-built" utility/storage room that are all built at the front property line, and the findings necessary to support the encroachment of these improvements into the required front setback, which are described in detail in this Staff Report. Staff has identified these as important issues because the Staff Hearing Officer stated that the encroachment was inconsistent with the purpose and intent of the ordinance and was unable to make the findings to grant the modifications for these "as-built" improvements.

VI. DISCUSSION

With the approval of the requested Modifications described below, the project would meet the ordinance requirements of the R-3 Multiple-Family Residence Zone. The Single Family Design Board reviewed this project on December 17, 2012, and the Board found the "as-built" alterations to be aesthetically acceptable.

A. FRONT SETBACK MODIFICATION

The first requested modification is to allow “as-built” additions and alterations to the residence and the deck within the required ten-foot front setback at both the upper and lower levels of the residence. The supportability of these improvements is mixed. Staff supports the encroachment that occurs on the lower level, which consists of a 110 square-foot bedroom addition located approximately four feet from the front property line and below the street grade. The addition at the lower level is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors.

The encroachments that occur on the upper level include the construction of additional deck area between the front property line and the existing improvements, a covered entry door on the deck expansion, and an unpermitted, 43 square foot, storage/utility room addition between the permitted residence and the front property line on the deck expansion. The covered entry door provides access to the deck and the relocated front door (formerly located on the south side of the front of the house, see Google Street View of the property). The storage room encloses meter panels, plumbing lines, vent shafts, water heater and a trash area, and is accessed via a door that opens onto the sidewalk. Staff recommended denial of all upper level encroachments, with the replacement of the deck with a pedestrian bridge to the deck.

The SHO approved the lower level improvements and the “as-built” deck expansion, with a condition to restrict the use of the additional deck within four feet of the front property line to be used for potted plantings that must be shown on the approved Single Family Design Board plans. The SHO did not find the location of either the storage/utility room or the covered entry acceptable, and denied those requests.

B. WALL HEIGHT MODIFICATION

The second requested modification is to allow an “as-built” wall located at the front property line to exceed the maximum allowable height of 3.5 feet. The applicant is proposing to retain the approximately eight-foot tall, capped wall along the deck’s edge at the front property line and on the west side of the deck, within the required ten-foot front setback, to screen the deck from both the street and neighbors’ view. The SHO felt that some level of privacy for the deck is appropriate, so she approved a Modification for a seven foot tall wall, located 4’-2” from the front property line, to be in line with the front of the house in this location. The relocation of the wall would minimize the impacts to the street frontage.

With the relocation of the front wall, a 3’-6” guardrail would be required at the north edge of the deck near the sidewalk, due to an abrupt change in topography. The SHO approved a modification to allow the cumulative height of walls and fences to exceed the allowable height, as necessary to provide the guardrail.

C. MODIFICATION FINDINGS

Santa Barbara Municipal Code Section 28.92.110 allows the Planning Commission or Staff Hearing Officer to approve setback modifications where the modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to (1) secure an appropriate improvement on a lot, (2) prevent unreasonable hardship, (3) promote uniformity of improvement, or (4) the modification is necessary to construct a housing development containing affordable dwelling units.

The Staff Hearing Officer approved the Modifications for the first level improvements, the deck expansion, and the relocated and shorter wall, finding that they are consistent with the intent of the Zoning Ordinance, and are necessary to secure appropriate improvements.

The Staff Hearing Officer denied the remaining Modification requests, finding that they neither met the intent of the Zoning Ordinance nor were necessary to secure an appropriate improvement. Planning Staff concurs with the Staff Hearing Officer's findings.

VII. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the Staff Hearing Officer's decision to partially approve the subject application making the findings and subject to the conditions of approval contained in SHO Resolution No. 006-13.

Exhibits:

- A. Staff Hearing Officer Staff Report, dated February 6, 2013
- B. Staff Hearing Officer Resolution No. 006-13
- C. Appellant (Geoffrey E. Rockwell) letter with attachments, dated February 6, 2013.
- D. SHO Minutes, dated February 6, 2013
- E. Site Plan (under separate cover)



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 31, 2013
AGENDA DATE: February 6, 2013
PROJECT ADDRESS: 1210 Olive Street (MST2012-00468)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Renee Brooke, AICP, Senior Planner *RUB*
Suzanne Riegle, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The 3,266 square-foot site is currently developed with 1,257 square foot, two-story, single-family residence. The proposed project involves 'as-built' additions and alterations to the residence including a 126 square-foot, one-story addition and a 107 square-foot second-story addition, 'as-built' deck expansion, and an 'as-built' 8-foot high wall along the front property line. The proposal includes the demolition of a 64 square-foot 'as-built' storage shed. The proposal will address violations identified in ZIR2012-00486, ENF2012-00824, and ENF2012-00954.

The discretionary applications required for this project are:

1. A Modification to allow additions to the residence and a covered entry gate to encroach into the required ten-foot front setback (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. A Modification to allow the wall to exceed the maximum allowable 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet from the front property line. (SBMC § 28.86.170 and SBMC § 28.92.110).

Date Application Accepted: 1/17/13

Date Action Required: 4/17/13

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Catharine Dunbar, Designer

Property Owner: Geoffrey Rockwell

Parcel Number: 029-141-016	Lot Area: 3,262 sq. ft.
General Plan: Medium-High Density Residential	Zoning: R-3
Existing Use: Residential	Topography: 19 % avg. slope
Adjacent Land Uses: Residential	

IV. BACKGROUND

Staff used various sources to determine the legality of the residence and the "as-built" alterations and additions including archive plans, street files, photographic documentation, Sanborn maps, and the County of Santa Barbara Assessor's Building Record for the subject property.

The original residence was constructed prior to 1949 as a part of a larger property with multiple residential buildings. Due to a number of alterations, corrections, and additions it is difficult to put together a concise timeline for permits; however, by the end of 1949 the single-family residence consisted of a two story residence roughly 24' x 24' at the upper level and 24' x 22' at the lower level, with a single exterior staircase at the east side of the property providing access to the rear yard. The residence was constructed 3'-2" from the front property line with an approved wooden walkway spanning from the public right-of-way to the building face, for the entire width of the building. A number of additions and alterations occurred between 1949 and 1979, which resulted in a two-story residence totaling 1,352 gross square feet (696 gross square feet on the upper level and 656 gross square feet on the lower level) with an attached deck totaling 240 square feet. The permitted deck was constructed approximately 4'-2" from the front property line and was 12 feet wide and 18 feet deep and wrapped around the north-west corner of the building.

The information provided as a part of this application shows the net square footage for the legal portions of the residence to be approximately 1,257 square feet. The existing residence is legal non-conforming to the front setback and parking requirements, with zero parking spaces provided for the residence. Staff reviewed the County Assessor's building construction detail, which confirms the square footage described above and states that the property had been used as a duplex for a number of years; however, it also disclosed that the legality of the basement unit was in question.

On November 28, 2012, staff conducted a site visit with a building inspector and determined the extent of the as-built alterations. The as-built expansion of the deck includes: the construction of a 21' x 4'-2" deck addition at the front property line, expansion of the width of the existing permitted deck by one foot, and a 5' by 12' deck addition towards the rear property line, resulting in a 387 square foot deck. The as-built changes to the residence include an interior remodel, door and window changes, a new door, a 43 square-foot storage/utility room addition at the front property line, a 64 square-foot entry addition at the upper level, and a 126 square-foot bedroom addition on the lower level.

V. **DISCUSSION**

As described above, the two-story residence is located within the required ten-foot front setback. The project site is significantly undersized for the R-3 Zone and has an average slope of 19%, largely because of the abrupt change in topography from the street elevation to the finished grade of the site. The proposed project involves legalizing the "as-built" additions and alterations described above and will result in a net addition of 233 square feet, partially located within the required ten-foot front setback. The property will remain legal non-conforming to parking, as allowed by SBMC § 28.90.001.(B), with zero parking spaces provided for residence.

The first requested modification is to allow as-built additions and alterations to the residence and the deck, and to create the covered entry within the required ten-foot front setback at both the upper and lower levels of the residence. The supportability of these improvements is mixed. The encroachment that occurs on the lower level is supported by Staff and includes a 110 square-foot bedroom addition located approximately four feet from the front property line and below the street grade. The addition at the lower level is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors.

The encroachments that occur on the upper level include the construction of additional deck area between the front property line and the existing improvements, and the expansion of the width of the existing deck by one-foot within the required front setback. A 43 square-foot, storage/utility room addition was also constructed without a permit between the permitted residence and the front property line, on the top of the deck expansion, within the front setback. This storage room encloses meter panels, plumbing lines, vent shafts, water heater, and a trash area and is accessed via a door that opens onto the sidewalk. At the November 28, 2012 site visit the property owner and applicant were advised that the building inspector had concerns about the improvements within the storage area complying with current building code (plumbing, electrical and ventilation) requirements. If the storage room is to remain, the access door must meet the requirements of SBMC§22.64 and either swing inward towards the private property or be self-closing so that the door would not obstruct the use of the public right-of-way. The permitted main entrance to the residence was previously located on the front façade and accessed from the sidewalk. The main entrance was relocated to the rear of the residence at the north-east corner when the house was recently remodeled without a permit. As a result, the previously permitted deck (12' x 18') that was located 4'-2" from the front property line was expanded to allow pedestrian access from the public sidewalk to the new main entrance. The "as-built" deck expansion infilled the area (4'-2" x 21') between the sidewalk and the permitted residence, and increased the deck by one-foot to the north within the required 10-foot front setback. The property owner also constructed a roofed entry door at the property line on the expanded deck to provide privacy to the deck area. Staff advised the applicant that the "as-built" improvements at the upper level do not meet the purpose and intent of the ordinance and are inconsistent with the pattern of development in the neighborhood. Staff suggested that the applicant consider a pedestrian bridge (minimum width required by code) between the permitted deck area and the sidewalk (a distance of 4'-2") to allow access to the new front door

from the sidewalk, and that the covered entry be eliminated and the unpermitted storage/utility room be demolished.

The second requested modification is to allow an "as-built" wall located at the front property line to exceed the maximum allowable height of 3.5 feet. The applicant is proposing to retain the approximately eight foot tall capped wall along the deck's edge at the front property line and to the west side of the deck, within the required ten-foot front setback, to screen the deck from both the street and neighbors' view. Although staff believes that some level of privacy for the deck is appropriate, it could be accomplished by constructing a similar sized wall or fence that observes the required 10-foot setback and not create impacts to the street frontage. Due to the abrupt change in topography, a code compliant guardrail would be required at the front property line if the "as-built" deck improvements are removed. In this instance, Staff could support a modification to allow the cumulative height of walls and fences to exceed the allowable height, as necessary to provide the safety of a guardrail.

This project was reviewed by the Single Family Design Board on December 17, 2012, and the Board found the "as-built" alterations to be aesthetically acceptable.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification to allow the additions and alterations to the existing residence at the lower level within the required ten-foot front setback is consistent with the purposes and intent of the Zoning Ordinance, creates a uniform improvement, and is necessary to secure an appropriate improvement on the lot. The proposed lower level addition is appropriate because it is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors. However, the Staff Hearing Officer finds that the Modification to allow the 43 square-foot storage/utility room addition, the deck expansion, and the covered entry element, as proposed at the street level and within the required ten-foot front setback, is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot. Conforming options exist for similar amenities elsewhere on the lot that would not impact the public realm and encroach so significantly into the required ten-foot front setback.

The Staff Hearing Officer finds that the Modification to allow the "as-built" eight-foot tall wall within the ten-foot front setback as proposed is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot. As proposed, the wall is inconsistent with the pattern of development in the neighborhood and impacts the public street frontage and should be reduced to the maximum height of a guardrail. Therefore, the Staff Hearing Officer finds that a Modification to allow the combined height of guard rail and retaining wall to exceed the allowable height when located within the ten feet of the front property line is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed increase in height of the guardrails is appropriate because it is necessary to meet safety requirements outlined in the building code.

Said approval is subject to the following conditions:

1. The "as-built" deck expansion located in the front setback shall be reduced to the minimum width necessary to allow pedestrian access within four feet of the front property line.
2. The "as-built" site wall at the front property line shall be replaced with a code compliant guardrail or wall.
3. Any proposed doors or gates built at the front property line will be required to swing inward or having self-closing hardware to comply with SBMC§22.64.
4. The detached storage shed located in the front setback shall be demolished.
5. The abatement of all violations listed in ZIR2012-00486, ENF2012-00824, and ENF2012-00954 shall be clearly documented on the plans submitted for a building permit.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated January 17, 2013
- C. SFDB Minutes

Contact/Case Planner: Suzanne Riegle, Assistant Planner
(SRiegle@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 2687

MODIFICATION REQUEST
1210 OLIVE STREET, SANTA BARBARA, CA 93101

PROJECT DATA

ADDRESS; 1210 OLIVE STREET, SANTA BARBARA, CA 93101

APN;	029-141-016
ZONE	R-3
OCCUPANCY	R-3
LOT SIZE;	46' X 71' = 3266 S.F.
EXISTING RESIDENCE 1	352 S.F GROSS 1257 S.F NET
SECOND FLOOR (STREET LEVEL)	696 GROSS 657 NET
FIRST FLOOR (GROUND LEVEL)	656 GROSS 600 NET
PARKING	NO ON SITE PARKING PROVIDED
LOT SLOPE	19%
GRADING	NONE PROPOSED
HIGH FIRE	NA
OWNER;	GEOFF ROCKWELL 805-637-6966
AGENT/DESIGNER;	DUNBAR DESIGN CONSULTANTS
DUNBAR <u>DESIGN@COX.NET</u>	805-886-1018

PROPOSAL FOR MODIFICATION REQUEST

THIS IS A REQUEST FOR A FRONT YARD MODIFICATION FOR THE STREET FRONT YARD 10' SETBACK ENCROACHMENT ALONG THE SOUTH PROPERTY LINE.

THE MODIFICATION WILL PERMIT;

- A 24' LONG-8' HIGH WALL/FENCE WITH ENTRY DOOR, UTILITY CLOSET AND DECK AREA (99S.F.)
- AN AS BUILT ADDITION BEDROOM BUILT PARTLY INTO THE FRONT YARD SETBACK (30S.F.).

THIS MODIFICATION REQUEST IS CONSISTENT WITH THE PURPOSES AND INTENT OF SANTA BARBARA MUNICIPAL CODE 28.92.110. THE MODIFICATION IS NECESSARY TO SECURE AN (I) APPROPRIATE IMPROVEMENT ON AN UNDERSIZED LOT, (II) PREVENT UNREASONABLE HARDSHIP BY PROVIDING PROTECTION FROM FLOOD WATERS AND A NOISE BARRIER, (III) PROMOTE UNIFORMITY OF IMPROVEMENT BY PROVIDING SECURITY TO THE UTILITY ROOM AND PRIVACY TO THE FRONT ENTRANCE AND DECK. THIS EXISTING WALL FEATURE IS CHARACTERISTIC OF THIS OLDER NEIGHBORHOOD.

THIS DECK IS THE ONLY STREET LEVEL ACCESS (4.5'X12'-54S.F.) TO THE HOME AND IS ALSO THE FLOOR FOR THE UTILITY ROOM (45S.F.) AS WELL AS THE ROOF FOR A FIRST FLOOR BEDROOM. THIS FENCE OFFERS PRIVACY, SECURITY AND A NOISE BARRIER FROM THE OLIVE STREET AUTOMOBILE AND PEDESTRIAN TRAFFIC. THIS STREET LEVEL DECK W/ ITS 8' FENCE OFFERS THE ONLY PRIVATE SPACE AS THE PROPERTY IS SURROUNDED BY 2 STORY APARTMENT BUILDINGS WHICH LOOK DOWN INTO THE YARD AND WINDOWS. ALSO, IMPORTANTLY, IT IS A BARRIER IN PROTECTING THE BOTTOM STORY OF THE HOME AND LOWER YARD FROM FLOODING.

EXHIBIT B

PROJECT HISTORY

THE HOUSE WAS BUILT IN 1949, 3'-2" FROM THE SOUTH PROPERTY LINE. THE LAST PERMITTED REMODEL WAS DONE IN 1979.

THE HOUSE IS A TWO STORY BUNGALOW WITH STUCCO WALLS, PART MISSION TILE ROOFING OVER A GABLE ROOF AND HOT MOP OVER THE LOWER SLOPES OF THE ROOF. THE 2ND STORY IS STREET LEVEL AND THE 1ST STORY IS THE LEVEL OF THE LAND IN THE BACK. THERE IS ABOUT A 6-8' DROP OFF THE SIDEWALK.

THIS IS AN OLD ESTABLISHED NEIGHBORHOOD W/ MATURE LANDSCAPING. THERE ARE MANY STRUCTURES AND FENCES LIKE 1210 OLIVE THAT ARE BUILT TO THE FRONT PROPERTY LINE ON THIS BLOCK AS WELL AS THE SURROUNDING STREETS. THIS FEATURE IS CHARACTERISTIC OF THIS OLDER NEIGHBORHOOD.

THIS HOUSE AT 1210 OLIVE IS NOT CONSIDERED HISTORICALLY SIGNIFICANT UNDER THE GUIDELINES SET FORTH TO MEET A SIGNIFICANT HISTORIC RECOURSE. THIS HOME RETAINS INTEGRITY OF SETTING AS ONE OF A NUMBER OF HOUSES OF SIMILAR AGE AND SETBACK PROVIDING A NEIGHBORHOOD STREETScape.

PROPERTY DESCRIPTION

ALONG THE 71 FOOT OLIVE STREET PROPERTY LINE, STARTING AT THE EAST PROPERTY LINE ARE STAIRS LEADING DOWN TO THE BACK YARD. THE HOUSE WAS BUILT 3'-2" FROM THE FRONT PROPERTY LINE AND STARTS 7.5 AWAY, EXTENDING ALONG OLIVE ST. 42 FEET. THE 8' WALL/FENCE (MOD REQUEST) STARTS 21' FROM THE EAST END OF THE HOUSE AND EXTENDS 24 FEET. THIS FENCE, THEN DROPS DOWN TO A 42" HIGH FENCE, 18.5' LONG, RUNNING TO THE WEST PROPERTY LINE. THIS 8' WALL PROVIDES SECURITY, PRIVACY AND A NOISE BARRIER TO THE FRONT ENTRANCE AND DECK. 11 FEET OF THIS 8' WALL W/ ROOF AREA HOUSES THE WATER HEATER AND ELECTRIC PANEL LOCATED ON STREET LEVEL, NEXT TO THE SIDEWALK. THIS PROPERTY, AS KNOWN BY THE CITY, HAS A HISTORY OF FLOODING. THERE ARE FLOODING CONCERNS THAT THIS DECK BLOCKS. THIS NON PERMEABLE DECK KEEPS WATER FROM FLOODING THE UNDERNEATH OF THE HOUSE. THE WEST PROPERTY LINE HAS A DRIVEWAY RUNNING ALONG IT W/ 2 STORY APARTMENT BUILDINGS BEHIND IT. THE NORTH PROPERTY LINE BORDERS PARKING LOTS FOR THE 2 STORY APARTMENT BUILDINGS. THE WEST SIDE HAS STAIRS AND BORDERS ANOTHER MULTI UNIT BUILDING.

SUMMARY

WE ASK THAT PERMISSION FOR A MODIFICATION TO BE GRANTED TO KEEP THE EXISTING, 24 FOOT LONG, 8 FOOT HIGH FENCE/WALL WITH THE DECK (99SF PORTION) ATTACHED ALONG THE FRONT PROPERTY LINE. THE 30SF OF BEDROOM ON THE FIRST LEVEL IS ALSO PART OF THIS REQUEST.

THIS WOOD FENCE WAS PLASTERED BY THE CURRENT OWNER. THE ENTRY 4' X 6' INDENTATION HAS A SMALL EXISTING ROOF TO KEEP RAIN AND ELEMENTS OFF THE ENTRY. THE OTHER ROOF AREA PROTECTS THE UTILITIES AND WATER HEATER. THIS FENCE OFFERS PRIVACY, SECURITY AND A NOISE BARRIER FROM THE OLIVE STREET AUTOMOBILE AND PEDESTRIAN TRAFFIC. THIS STREET LEVEL DECK W/ ITS 8' FENCE OFFERS THE ONLY PRIVATE SPACE AS THE PROPERTY IS SURROUNDED BY 2 STORY APARTMENT BUILDINGS WHICH LOOK DOWN INTO THE YARD AND WINDOWS. ALSO, IMPORTANTLY, IT IS A BARRIER IN PROTECTING THE BOTTOM STORY OF THE HOME AND LOWER YARD FROM FLOODING.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

3. 1210 OLIVE ST

R-3 Zone

(4:05) Assessor's Parcel Number: 029-141-016
Application Number: MST2012-00468
Owner: Geoffrey Rockwell
Applicant: Catherine Dunbar

(Concept review for proposed 'as-built' additions and alterations to an existing 1,257 square foot, two-story, single-family residence located on a 3,266 square foot parcel. The proposed alterations include an approximate 126 square foot first level addition and 107 square feet of second level additions. Site alterations include 'as-built' deck additions and alterations, an 'as-built' 8-foot high wall along the front property line, and the demolition of an 'as-built' 64 square foot storage shed. The proposal includes Staff Hearing Officer review for requested zoning modifications. The project is 68% of the guideline floor-to-lot area ratio (FAR). The proposal will address violations identified in ENF2012-00824 and ENF2012-00954.)

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

Actual time: 4:08 p.m.

Present: Catherine Dunbar, Applicant; and Geoffrey Rockwell, Owner; and Suzanne Riegler, Assistant Planner.

Public comment opened at 4:15 p.m. As no one wished to speak, public comment was closed.

Petition letters of support were submitted from Haley Boots, Mark DePledge, Angel Puente and Brandon Hughes, and Jill Scala.

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

- 1) Recommendation to provide a higher quality door at the street elevation.
- 2) Add mortar in the tiles on the ridge of the wall to give it a more authentic tile experience and to match the existing tile roof on the residence.
- 3) The Board finds the proposed 'as-built' alterations acceptable and made positive comments regarding the project's consistency and appearance, neighborhood compatibility, quality of architecture and materials, and good neighbor guidelines.
- 4) Study opportunities to provide additional site landscaping and parkway landscaping. Suggestions include adding additional agave plantings.
- 5) The Board finds the proposed modification is aesthetically appropriate and does not pose consistency issues with the Single Family Residence Design Guidelines.

Action: Miller/Zimmerman, 6/0/0. Motion carried. (Woolery absent).



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 006-13
1210 OLIVE STREET
MODIFICATIONS
FEBRUARY 6, 2013

**APPLICATION OF CATHERINE DUNBAR, AGENT FOR GEOFFREY ROCKWELL,
1210 OLIVE STREET, APN 029-141-016, R-3 LIMITED MULTIPLE-FAMILY RESIDENCE
ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL
(MST2012-00468)**

The 3,266 square-foot site is currently developed with a 1,257 square-foot, two-story, single-family residence. The proposed project involves 'as-built' additions and alterations to the residence, including a 110 square-foot, one-story addition, a 79 square-foot, second-story addition, and upper level deck expansion, and an 'as-built' 8-foot high wall/fence along the front property line. The proposal includes the demolition of a 64 square-foot 'as-built' storage shed. The proposal will address violations identified in ZIR2012-00486, ENF2012-00824, and ENF2012-00954.

The discretionary applications required for this project are:

1. A Modification to allow additions and alterations to the existing residence and a freestanding covered entry door to encroach into the required ten-foot front setback (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. A Modification to allow the "as-built" wall/fence to exceed the maximum allowable height of 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet back from the front property line. (SBMC § 28.87.170 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities) and 15305 (Minor Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 31, 2013.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Haley Boot, Santa Barbara, CA.
 - b. Mark DePledge, Santa Barbara, CA.
 - c. Jill Scala, Santa Barbara, CA.
 - d. Angel Puente and Brandon Hughes, Santa Barbara, CA.

EXHIBIT B

4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA.
 - b. Leslie McGeoy, Santa Barbara, CA.

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

The Modification to allow the additions and alterations to the existing residence at the lower level within the required ten-foot front setback is consistent with the purposes and intent of the Zoning Ordinance, creates a uniform improvement, and is necessary to secure an appropriate improvement on the lot. The proposed lower level addition is appropriate because it is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors.

The Modification to allow the 43 square-foot storage/utility room addition and the covered entry element, as proposed at the front property line, is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot.

The Modification to allow the "as-built" eight-foot tall wall along the front property line is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot. As proposed, the wall is inconsistent with the pattern of development in the neighborhood and impacts the public street frontage.

The Modification to allow a seven foot tall wall in line with the existing residence to exceed the allowable height when located within the ten feet of the front property line is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed wall will allow for privacy for the deck area while not significantly impacting the public street frontage.

II. Said approval is subject to the following conditions:

- A. A planter(s) or planting pots shall be placed on the "as-built" deck expansion located within four and one-half feet of the front property line. The planter/planting pots shall be shown on the landscape/site plan reviewed and approved by the Single Family Design Review Board.
- B. Any proposed doors or gates built at the front property line will be required to swing inward or having self-closing hardware to comply with SBMC§22.64.
- C. The detached storage shed and the 43 sq. ft. utility/storage room located in the front setback shall be demolished.
- D. If it is determined by the Building and Safety Division that some of the utilities cannot be relocated from the front of the house in the area of the existing 43 sq. ft. utility/storage room, they shall be screened from public view as determined to be necessary by the Single Family Design Review Board. If the Single Family Design Review Board determines that a structure is necessary to screen the utilities, it shall be the minimum size necessary.
- E. The abatement of all violations listed in ZIR2012-00486, ENF2012-00824, and ENF2012-00954 shall be clearly documented on the plans submitted for a building permit.

This motion was passed and adopted on the 6th day of February, 2013 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo _____ Date 2/11/13
Kathleen Goo, Staff Hearing Officer Secretary

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Single Family Design Board (SFDB) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

From: Geoffrey E. Rockwell
1210 Olive St.
Santa Barbara, CA 93103
Ph 805-886-9451
Grock333@hotmail.com

2/6/2013

To: Planning Division
Community Development Department.
630 Garden Street
Santa Barbara, CA

RECEIVED
FEB 08 2013
CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 1210 Olive St. Entrance wall modification.

To Members of the City Planning Commission,

Our property was reviewed on February 6th for a modification of the front entry wall and entrance and we were subsequently denied. We previously went in front of the city architectural review board who had unanimously supported the entry façade.

The decision made by Staff was to demolish the existing wall and move it back four feet from the sidewalk edge. We feel this decision to be wrongful for the following reasons.

1. This preexisting fence (photo 1) that was covering this area was not moved or altered in height. It was plastered to blend it in with the house and to solve the below related problems (photo 2).
2. The home was built in the early 40's and all of the utility plumbing, panels... were installed onto the house at the sidewalk edge (photo 3). These are accessed by the utility/meter door (photo 4). It is apparent by viewing the concrete underneath these utilities that they had been enclosed by a fence for a long period of time. By moving the wall back four feet as suggested by the modification hearing it would create an unsightly prominent view for the neighbors and passers by along with safety concerns and exposing all the various meters, plumbing, venting and conduit exposed at sidewalk edge (photos 3 and 4)
3. As the lot is 3260 sq ft and is surrounded on all sides by 2 story apartment buildings (photos 5 and 6). Due to this privacy for the home is severely impeded. By moving this wall four feet back as suggested by Staff would encroach into the only private area (photo 5) afforded this home

We feel that the plastering of the existing fence and implementing the coved entry door has solved not only the safety concerns but has most definitely improved the aesthetic appearance and integrating the home better into the neighborhood as fully supported by the City ABR and the surrounding neighbors (see support letters attached).

I look forward to the site visit and an opportunity to show you the improvements.

Sincerely, Geoffrey Rockwell

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

Actual time: 4:08 p.m.

Present: Catherine Dunbar, Applicant; and Geoffrey Rockwell, Owner; and Suzanne Riegle, Assistant Planner.

Public comment opened at 4:15 p.m. As no one wished to speak, public comment was closed.

Petition letters of support were submitted from Haley Boots, Mark DePledge, Angel Puente and Brandon Hughes, and Jill Scala.

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

- 1) Recommendation to provide a higher quality door at the street elevation.
- 2) Add mortar in the tiles on the ridge of the wall to give it a more authentic tile experience and to match the existing tile roof on the residence.
- 3) The Board finds the proposed 'as-built' alterations acceptable and made positive comments regarding the project's consistency and appearance, neighborhood compatibility, quality of architecture and materials, and good neighbor guidelines.
- 4) Study opportunities to provide additional site landscaping and parkway landscaping. Suggestions include adding additional agave plantings.
- 5) The Board finds the proposed modification is aesthetically appropriate and does not pose consistency issues with the Single Family Residence Design Guidelines.

Action: Miller/Zimmerman, 6/0/0. Motion carried. (Woolery absent).

Google

Address 1218 Olive Street

Address is approximate

PHOTO 1



PHOTO 2

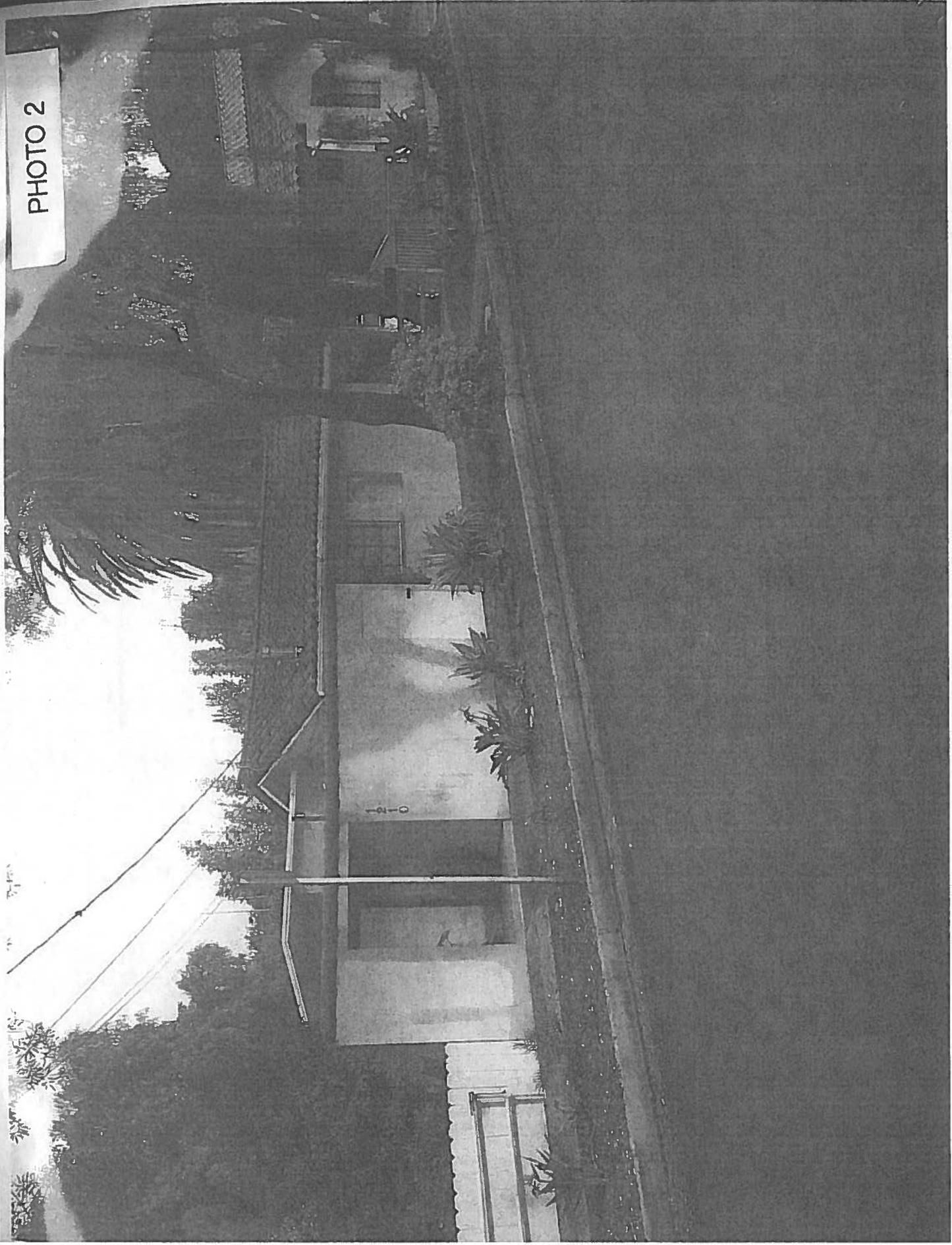


PHOTO 3

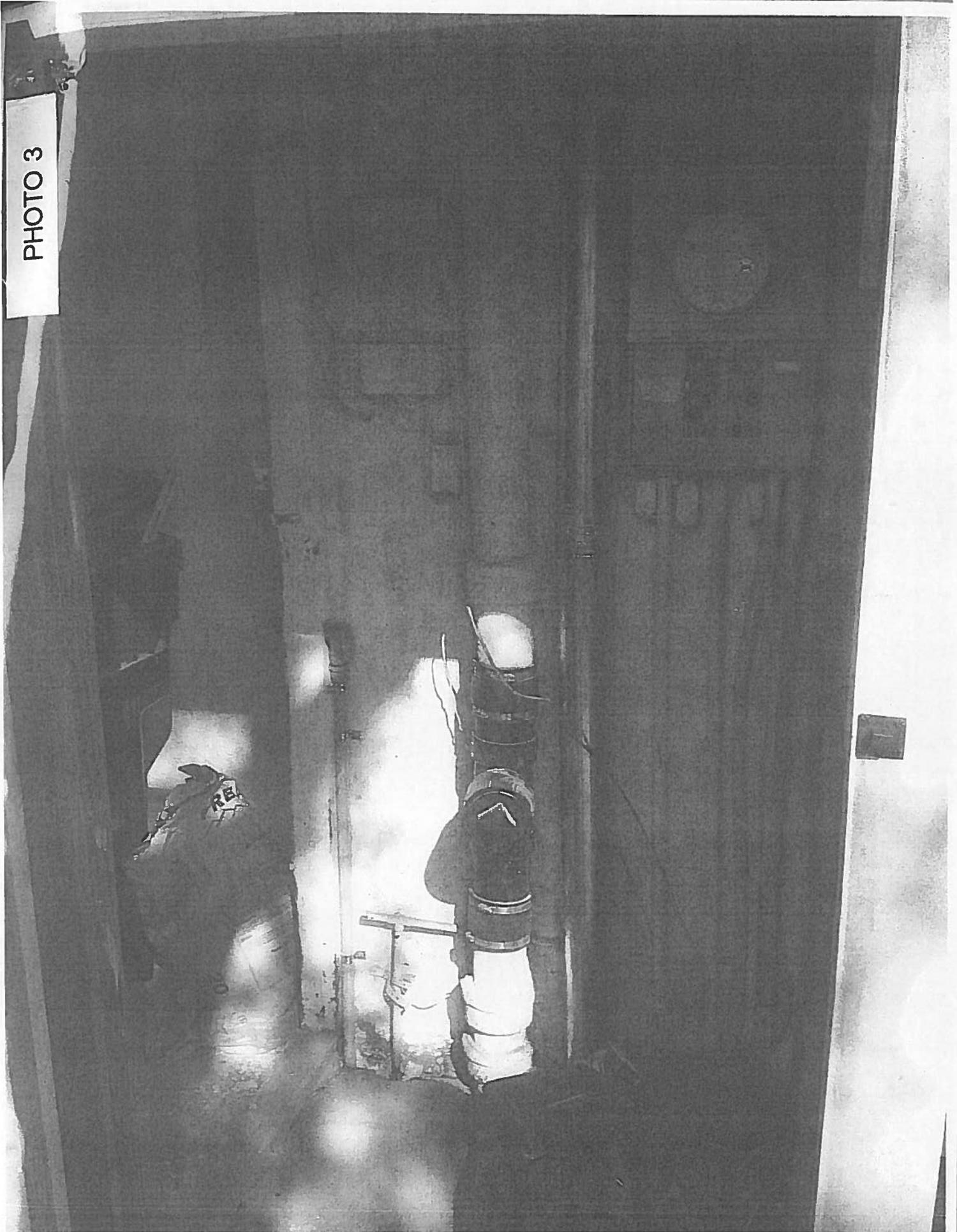


PHOTO 4



PHOTO 5



From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name: Haley Boots
Address: 1222 Olive St Apt A SB, CA 93101

Haley Boots
Signature

12/6/12
Date

DISTRIBUTION DATE: 12/17/12
SFDB MEMBERS (7) TECH W
SR. PLANNER ASST CITY ATTY.
APPLICANT'S AGENT(S)
ENTERED AS INT PARTY
ON DATE: 12/17 BY: VRK

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name:

Mark Depledge

Address:

1208 Olive St #13
Santa Barbara CA 93101



Signature

12/5/12

Date

8057053303

DISTRIBUTION DATE: 12/12/12
SFDB MEMBERS (7) TECH Duty
SR. PLANNER ASST CITY ATTY.
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/12 BY: kb

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name: Jill Scala
Address: 1218 Olive St. Apt B

Jill Scala 12-8-2012
Signature Date

DISTRIBUTION DATE: 12/7/12
SFDB MEMBERS (7) TECH Dmdg
SR. PLANNER ASST CITY ATTY.
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/7 BY: JR

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

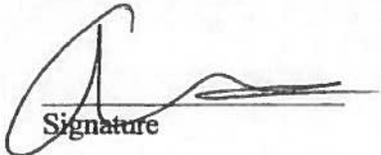
The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name: Angel Puent & Brandon Hughes
Address: 1208 OLIVE ST APT A SB CA, 93101


Signature _____
Date: 12/9/12

DISTRIBUTION DATE: 12/17/12
SFDB MEMBERS (7) _____ TECH _____
SR. PLANNER _____ ASST CITY ATTY. _____
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/17 BY: res

Dear Single Family Design Board
 Bewell, news should have
 touched this so-called wonderful
 place - it is done. The 8'
 wall is gone. It was there
 20 yrs. News should have had
 the place. Same the 64 sq' shed.

This old growth Redwood, 12000 yrs old,
 keep it always, never demolish it,
 but 25000 yrs old Redwood tree in
 an ocean of sand. People didn't know

presignate for the map / Treasures - protect
 onto Natural Resources - National Register, label
 cream - in 1/15
 This is a very small lot, news about news
 Leave all as is B.1

12-14-12
 P.O. Box 120
 Santa Barbara
 Calif 93102

Box B, 1200 First St
 Public Hearing
 Please recollect
 the hearing sets

12-17-12
 Thank
 Bewell
 Bewell
 Bewell

Sincerely
 Paula Westbury
 Paula Westbury
 Thank
 Bewell
 Bewell

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

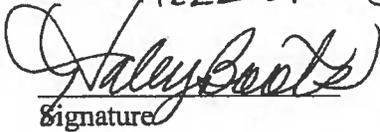
The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name: Haley Boots
Address: 1222 Olive St Apt A SB, CA 93101


Signature

12/6/12
Date

DISTRIBUTION DATE: 12/19/12
SFDB MEMBERS (7) _____ TECH _____
SR. PLANNER _____ ASST CITY ATTY. _____
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/19 BY: vrc

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

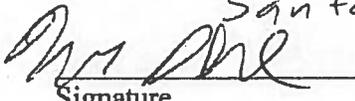
Name:

Mark Depledge

Address:

1208 Olive St #13

Santa Barbara CA 93101



Signature

12/5/12

Date

805 705 3303

DISTRIBUTION DATE: 12/12/12
SFDB MEMBERS (7) TECH Dudg
SR. PLANNER ASST CITY ATTY.
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/12 BY: kb

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name: Jill Scala
Address: 1218 Olive St. Apt B

Jill Scala
Signature

12-8-2012
Date

DISTRIBUTION DATE: 12/7/12
SFDB MEMBERS (7) TECH Dmk
SR. PLANNER ASST CITY ATTY.
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/7 BY: TR

From; Geoffrey Rockwell/Owner
1210 Olive St.
Santa Barbara, CA 93105

12/05/2012

Dear Neighbor,

The City Planning department has informed me that the new entry does not meet their current setback requirements. As you may have noticed we put a stucco coating on the existing older fence and created a new entry at this location.

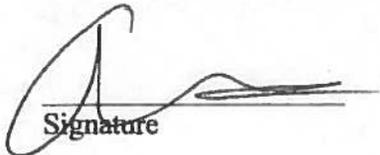
The city Planning Department is asking us to take the wall and entry out and move it 10 feet back from the sidewalk. This fence had been there for as long as anyone can remember so we were under the impression that by improving it would not create any issue.

I am asking for your support. If you feel the work we have done is an improvement and is consistent with the existing neighborhood setbacks and overall look could you please fill in your name and address along with a signature below. I have included a self addressed envelope or you can drop it off in my mailbox. Thank you.

Sincerely,

Geoffrey Rockwell

Name: Angel Puente & Brandon Hughes
Address: 1208 Olive St Apt. A SB CA, 93101


Signature _____
Date 12/9/12

DISTRIBUTION DATE: 12/17/12
SFDB MEMBERS (7) _____ TECH _____
SR. PLANNER _____ ASST CITY ATTY. _____
APPLICANT'S AGENT(S) _____
ENTERED AS INT PARTY _____
ON DATE: 12/17 BY: res

Dear Single Family Reside Board
 Bewell, news should have
 touched this so-called wonderful
 place - it is done. The 8'
 wall is gone. It was there
 20 yrs. News should have told
 the place. Same the 64 sq' shed.

It is Old Growth Redwood, 12,000 yrs old.
 Keep it always, never demolish it.
 Lost 25,000 sq ft Redwood Tree in 2002. 5 yrs ago
 in ocean of rain. I don't know

Resignate for the Nat'l Treasures - put it
 on the National Register - National Register, let all
 remain in place.
 This is a very small lot, news should have
 leave all as is 13.1

12-14-12
 P.O. Box 120
 Santa Barbara
 Calif 93102

Box B, 1268 Pine St
 Public Beach
 Please read it
 the Hearing sets

12-17-12
 Thank
 because
 killed
 Bewell
 Bewell

Sincerely
 Paula Westbury
 Paula Westbury
 Thank
 because
 killed
 Bewell

ACTUAL TIME: 9:20 A.M.

B. APPLICATION OF CATHERINE DUNBAR, AGENT FOR GEOFFREY ROCKWELL, 1210 OLIVE STREET, APN 029-141-016, R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MST2012-00468)

The 3,266 square-foot site is currently developed with a 1,257 square-foot, two-story, single-family residence. The proposed project involves 'as-built' additions and alterations to the residence, including a 110 square-foot, one-story addition, a 79 square-foot, second-story addition, and upper level deck expansion, and an 'as-built' 8-foot high wall/fence along the front property line. The proposal includes the demolition of a 64 square-foot 'as-built' storage shed. The proposal will address violations identified in ZIR2012-00486, ENF2012-00824, and ENF2012-00954.

The discretionary applications required for this project are:

1. A Modification to allow additions and alterations to the existing residence and a freestanding covered entry door to encroach into the required ten-foot front setback (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. A Modification to allow the "as-built" wall/fence to exceed the maximum allowable height of 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet back from the front property line. (SBMC § 28.87.170 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities) and 15305 (Minor Land Use Limitations).

Present: Catherine Dunbar, Agent; and Geoffrey Rockwell, Owner.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Suzanne Riegle, Assistant Planner, gave the Staff presentation and recommendations.

The Public Hearing was opened at 9:38 a.m.; and, with no one wishing to speak, the Public Hearing was closed.

An email expressing concerns regarding drainage from Leslie McGeoy, petition letters of support from Haley Boots, Mark DePledge, Jill Scala, Angel Puente and Brandon Hughes, and a letter expressing concern from Paula Westbury were acknowledged.

Ms. Reardon stated that the modification to allow the "as-built" additions and alterations to the existing residence at the lower level within the required ten-foot front setback is supportable. She also finds the "as-built" replacement of the former front door with a window to be an appropriate improvement.

Ms. Reardon also stated that she could support a higher privacy screening fence/wall for the second floor deck, but that wall is only supportable flush with the existing building façade. The existing eight-foot high "as-built" wall and covered entry element located directly on the property line and the "as-built" 43 square-foot storage/utility room addition between the existing residence and front property line is not consistent with the purposes and intent of the Zoning Ordinance nor an appropriate improvement.

ACTION: **Assigned Resolution No. 006-13**
Approved the Modification request for the additions and alterations to the existing residence at the lower level within the required ten-foot front setback, making the findings as outlined in the Staff Report dated January 31, 2013.

Denied the Modification request for an "as-built" eight-foot tall wall on the front property line, making the findings and conditions as outlined in the Staff Report dated January 31, 2013, and as revised at the hearing.

Denied the Modification request for the 43 square-foot storage/utility room addition, and the covered entry element, as proposed within the required ten-foot front setback, making the findings as outlined in the Staff Report dated January 31, 2013, and as revised at the hearing.

Approved a Modification to allow a seven-foot tall wall in line with the existing residence to exceed the allowable height when located within the ten feet of the front property line.

Said Actions are subject to the conditions as outlined in the Staff Report dated January 31, 2013, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:00 a.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary