



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 20, 2006  
**AGENDA DATE:** September 27, 2006  
**PROJECT ADDRESS:** 935 Carrillo Road (MST2006-00387)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DJK*  
 Brenda Beltz, Planning Technician *BBB*

### I. PROJECT DESCRIPTION

The 8,620 square foot project site is currently developed with a 1,600 square foot two-story single family residence, a detached one car garage and an unpermitted 175 square foot detached accessory structure. The proposed project is a request to allow the accessory structure to be located in the required interior and rear yard setbacks (SBMC 28.15.060).

Date Application Accepted: June 20, 2006      Date Action Required: September 20, 2006

### II. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Thomas Moran	Property Owner: Thomas Moran
Parcel Number: 029-262-013	Lot Area: 8618 s.f.
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: Residential	Topography: 16%
Adjacent Land Uses:	
North - Residential	East - Residential
South - Residential	West - Residential

#### B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1600 s.f.	No change
Garage	270 s.f.	No change
Accessory Space	175 s.f. (unpermitted)	No change

**C. LOT AREA COVERAGE**

	<b>Amount</b>	<b>Percentage</b>
Building	1330 s.f.	15%
Paving/Driveway	648 s.f.	8%
Landscaping	6640 s.f.	77%
Total Lot Area	8618 s.f.	100%

**III. DISCUSSION**

This application is a proposal to legalize an existing unpermitted detached accessory structure, currently under building code enforcement. The structure is built within the required interior and rear yard setbacks. The purpose and intent of a setback is to provide a buffer zone between residential properties. The unpermitted structure does not meet the purpose or intent of the zoning ordinance in that it is intended to be used for child care. Staff discourages the use of the modification process for the legalization of unpermitted construction. It is Staff's position that a conforming option was not explored and could be accomplished on this site.

**IV. RECOMMENDATION/FINDING**

- Staff recommends that the Staff Hearing Officer deny the project on the basis that the project does not meet the purpose and intent of the ordinance, does not provide a buffer zone, and did not explore the possibility of other areas on site that could accommodate an accessory structure.
- Said action is subject to the condition that all hedges on site are brought into compliance with zoning ordinance height regulations, and that the illegal spa be relocated out of the setback and permitted.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated August 23, 2006

Contact/Case Planner: Brenda Beltz, Planning Technician  
(bbeltz@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

## Gazebo Permit Explanation

Housing is ever-changing and is in part a response to the demands placed upon us by our culture and society. The Canalino-Chumash Culture (100 AD) constructed dome-shaped thatched dwellings, while the Pomo Indians (900 AD) of central California lived in pithouses (circular and excavated 3 feet into the earth with low walls and a dome roof constructed of branches and leaves and covered with mud). A roof hole accommodated the smoke from the center-placed hearth. Through time a square design was adopted over the round for both function and storage need.

My 1930 vintage home also has square corners along with myriad technical advances over the native Indian cultures, but is substantially different than 2006 homes that are being built today in Santa Barbara. My home design has two 9x11 bedrooms, two 2½ x 4½ bedroom closets, a 5 x 7 bathroom, and one hall closet measuring 2 x 2½ feet. My 28 x 40 footprint could easily fit into a single wing of a 2006 Santa Barbara home, so space especially for children becomes not only desirable but necessary.

Prior to building the gazebo, the garage functioned as a family child center, but the responsibilities of children in such close proximity to the street is too dangerous, not to mention altering the intended use of the garage. The location of the gazebo is now 130 feet from the street in a safe and secure environment for a child's craft center.

There are 12 nature trees on my property, and the location of the gazebo was chosen primarily because of these trees especially the 100 year old oak tree and its canopy that occupies three quarters of the backyard.

My lot is over 9000 sq.ft. and theoretically with a 30 ft. street setback and 1250 sq.ft. open space in the back, and with proper permits I could build a 2000 sq.ft. addition onto the back of the house. This would destroy 4 trees (including the oak tree), block neighbors views, and destroy the historically identified sandstone stairway, arches and other stonework on the street, along with eroding the character of the neighborhood.

I love the neighborhood the way it is, the trees the way they are, and the open space in the yard ... and a small aesthetically beautiful dual function gazebo is all that's necessary.

Thank you.

