



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 13, 2009  
**AGENDA DATE:** May 20, 2009  
**PROJECT ADDRESS:** 1596 Oramas Road (MST2009-00035)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RUB*  
 Roxanne Milazzo, Associate Planner *Rox*

### I. PROJECT DESCRIPTION

The 8,712 square foot project site is currently developed with a single family residence and detached "as-built" carport. The proposed project involves changes to the existing architectural style, addition of a parapet roof, a 415 square foot first floor addition and a 60 square foot second floor addition to the residence, and a permit for the existing 356 square foot two-car carport. The discretionary applications required for this project are Modifications to permit alterations and an increase in the roof height to portions of the residence currently located within the required ten-foot interior setbacks (SBMC §28.15.060).

Date Application Accepted: March 9, 2009

Date Action Required: June 9, 2009

### II. RECOMMENDATION

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

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Banyan Architects	Property Owner: Clemencion & Charles
Parcel Number: 029-060-022	Lot Area: 8,712 sf
General Plan: 3 Units Per Acre	Zoning: E-1
Existing Use: One-Family Residence	Topography: 24% Slope

#### Adjacent Land Uses:

North – One-Family Residence  
 South – Oramas Road

East - One-Family Residence  
 West – One-Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,778 sf	475 sf addition = 2,253 sf
Carport	356 sf	356 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,182 sf 25%      Hardscape: 2,162 sf 25%      Landscape: 4,368 sf 50%

**D. FLOOR-AREA RATIO (FAR)**

Max. Allowed FAR: 0.39      Proposed FAR: 0.30      = 77.2% of Max. Allowed FAR

**IV. ZONING ORDINANCE CONSISTENCY**

The existing residence is non-conforming to the required ten-foot interior setbacks. The proposed project involves architectural changes to the residence which will result in changes within those setbacks. The existing roof will be removed and replaced with a parapet design and an existing window on the east elevation will be replaced with three smaller ones. These changes require Modification approval for alterations to the non-conforming portions of the building pursuant to SBMC §28.87.030.

**V. DISCUSSION**

Due to the project site's location within the Hillside Design District and an overall slope in excess of 20%, the project requires review and approval by the Single Family Design Board (SFDB). The SFDB reviewed the project on May 11, 2009. The draft minutes read as follows: A letter in opposition from Paula Westbury was acknowledged.

As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to the Staff hearing Officer and return on Consent Calendar with the comment that the encroachments are insignificant, and the two-story architecture is acceptable.

The proposed project involves changes in the architectural style to an existing 1957 residence. The changes requiring Modification approval are part of the design change and do not add additional floor area within the required setback. The change to the roof design actually results in a lower overall height from what currently exists. The window change on the east elevation replaces a 2 ½' X 4' casement window with three smaller windows and raises the sill height to 5' which will increase the privacy to the neighbor to the east.

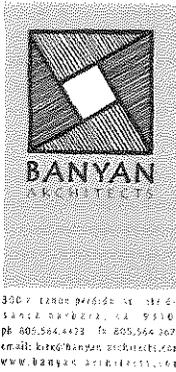
**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alterations within the interior setbacks allow for a remodel of the existing residence without additional floor area or impacts to the adjacent neighbors. Said approval is subject to a condition that any outstanding building or zoning violations existing on this property be included in any plan submitted in conjunction with this Modification approval.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated April 13, 2009

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470



City of Santa Barbara  
Planning and Development  
630 Garden Street  
SB, CA 93101

4/13/09

Attn: Staff Hearing Officer  
Re: SHO Hearing for Modification application for  
The Clemencon Residence  
1596 Oramas Road  
Santa Barbara, CA  
A.P.N.: 029-060-022

To whom it May Concern--

The site at 1596 Oramas Road is in an E-1 zone, is located on the Riviera and is 8,712 square feet with an average slope that exceeds 20%. It is a single-family residence of 1,709 square feet with a two-car carport. The proposed project involves a 475 sq. ft. addition and remodel of the existing residence. Because portions of the existing second floor of the residence that are being remodeled are in the setback, two modifications are required. None of the proposed new square footage is in the setback.

Several ZIR's indicate multiple "as-built" violations on the property. In August of 2007, a SHO Resolution (#066-07) involving 3 modifications was approved that allowed for the "as-built" carport to remain. This application also involved mitigation of all violations. However, this SHO resolution was appealed to the City of Santa Barbara Planning Commission because it included a requirement to cut 3' off of the "as-built" carport. On January 17, 2008, the Planning Commission past a resolution (No.002-08) that reduced this requirement.

The property owner who submitted these previous applications has foreclosed on the property. Some of the violations, including removal of the second kitchen and the storage shed in the sideyard setback have been mitigated. The new owners are Mr. Raymond Clemencon and Maria Charles.

The new modifications being requested occur at the second floor in the sideyard setbacks. One of the modifications is on the east and the other is on the west side. In these areas, existing square footage that is in the setback is being remodeled. On the west side, portions of the existing 24" roof overhang are being cut back, although the portions that are remaining are being raised by 12". An existing operable window that is in the setback will be replaced with a new one of the exact same type and size.

Exhibit B

On the east side modification there are also changes to both the roof-line and to the window areas. The existing 24" deep eave for this entire side is being cut back to the building wall and replaced with a plaster parapet. The roof is being remodeled in this way to conform to the architectural style chosen.

Changes to existing window areas within the easterly setback area are illustrated on the East Elevation, sheet A3:

- a) a small existing bathroom window at the first floor is being removed because the bathroom is being removed.
- b) A 2'-6" x 4' high casement window is being removed at the second floor breakfast nook area. This is being done to mitigate the current impacts on the neighbor's privacy. The new windows being shown installed around the existing door to this area have the following features: The lowest sill height is at 5'. This window is not operable. The other two windows have sills at 7'. They are operable and essential for provide light and ventilation to this dining/kitchen area. The neighbors to the east (William and Harriette Cook) have been consulted and agree with these changes.
- c) The existing door is a 2'-6" x 6'-8" high glass door. It is being replaced with a door that is solid wood to 5'-0" to mitigate the impact on the neighbor.
- d) An existing 18" high x 4' wide operable window at the northeast Bedroom #2 is being replaced with a new window of the same size and type. Because this 2' high window has a sill at 4', we believe the neighbor's privacy is not impacted.

It is important to note that because of the smaller lot sizes and steepness of the hillside on Oramas, almost all of the residential development on this street has severe encroachments into both front and side yard setbacks. We have submitted an aerial photo of the neighborhood that illustrates this. For this and for the reasons stated above, we believe the current modifications being requested constitute part of an appropriate improvement and aesthetic enhancement of the residence without any adverse impacts to the neighbors.

Thank you for your careful consideration of this proposal.



Kirk B. Gradin  
Principle  
Banyan Architects