



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 16, 2009
AGENDA DATE: September 23, 2009
PROJECT ADDRESS: 10 Ealand Place (MST2009-00361)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 10,019 square foot project site was previously developed with a single-family residence and attached two-car garage, which were destroyed in the Tea Fire. The proposed project consists of the construction of a 2,930 square foot 2-story residence with a two-car garage below. The discretionary application required for this project is a Modification to permit new construction within the required 15' interior setback (SBMC §28.15.060).

Date Application Accepted: August 25, 2009 Date Action Required: November 25, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the first floor encroachment and deny the second story portion of the requested Modification.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

| | | | |
|----------------|----------------|-----------------|-----------------|
| Applicant: | Bill Isaman | Property Owner: | Jeremy Lindaman |
| Parcel Number: | 019-061-026 | Lot Area: | 10,019 sf |
| General Plan: | Major Hillside | Zoning: | A-1 |
| Existing Use: | Vacant | Topography: | 38% slope |

Adjacent Land Uses:

| | |
|----------------|-----------------------------|
| North - Vacant | East - Ealand Place |
| South - Vacant | West - One-Family Residence |

B. PROJECT STATISTICS

| | Previously Existing | Proposed |
|-------------|----------------------------|-----------------|
| Living Area | 1,633 sf | 2,930 sf |
| Garage | N/A | 620 sf |

C. PROPOSED LOT AREA COVERAGE

Building: 1,918 sf 19% Hardscape: 780 sf 8% Landscape: 7,321 sf 73%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.37 Proposed FAR: 0.35 = 94.6% of Max. Allowed FAR

IV. DISCUSSION

The proposed project involves a new two-story residence and garage for a property previously developed with a single-story residence. The previous development was non-conforming to both 15' interior setbacks. The proposed project reduces the amount of encroachments previously existing on the first floor but adds 32 square feet within setback for the new 2nd story.

The General Provisions Section of the Municipal Code allows for the reconstruction of non-conforming buildings. When changes are proposed to the non-conforming portions, a Modification approval is required. In order to approve a Modification, the Staff Hearing Officer (SHO) must make the findings that the Modification secures an appropriate improvement and does not violate the intent of the Ordinance. During the recent increase in rebuilds associated with the Tea Fire sites, Staff has seen many requests for minor alterations during the rebuilding of non-conforming buildings. When those changes result in an improved product, with no risk of impacts to an immediate neighbor, the SHO has approved those requests.

Archive plans show that approximately 340 square feet of single-story encroachment previously existed within the southern interior yard setback. This amount has been reduced to 178 square feet on the proposed building. A new window is being installed where one previously did not exist and therefore requires a Modification approval. Staff supports this request because the previously existing elevation also contained a window, and sees this as a relocation of what previously existed. The new window is proposed to be fixed, which reduces impacts to the immediate neighbor. Staff does not support the 32 square feet of proposed second story that has been designed within the required 15' interior setback. It is the applicant's position that the cumulative amount of floor area proposed within the setback for this project is still less than what previously existed, the immediate neighbor supports the encroachment, and the Single Family Design Board (SFDB) has given positive comments to the second floor encroachments. It is Staff's position that the SFDB was primarily looking at the design, the previous residence did not contain a second floor, and therefore there is no

justification to consider allowing that area to be located within the setback when conforming options exist in a complete rebuild.

V. **FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modification to allow the proposed first floor to encroach into the southern interior setback is consistent with the purpose and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed floor area maintains the non-conforming setback, which is allowed by the code and only the window change triggers the need for a Modification. Because the window will be fixed, noise and odors associated with kitchen activities will be mitigated.

The Staff Hearing Officer finds that the Modification to allow the second story to encroach into the southern interior setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. A conforming option is feasible with this re-build and the design of the second floor, which did not previously exist, should be relocated to comply with current setback requirements.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated August 24, 2009
- C. SFDB Minutes
- D. Neighbor's Letter of Support dated August 25, 2009

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

Jeremy Lindaman
10 Ealand Place, Santa Barbara, CA 93103
805.705.5333

August 24, 2009

Roxanne Milazzo
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Modification Request for 10 Ealand Place; 019-061-026; A-1

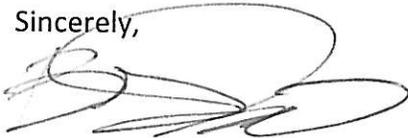
Dear Roxanne Milazzo:

The proposal is to rebuild a house and garage destroyed in the 2008 Tea Fire. This proposal includes the construction of a new 2,750 square foot two-story, single-family residence, with a 550 square foot two-car garage (subterranean), retaining walls, and decks.

The modification being requested is to allow for an encroachment into the Southern interior setback. The previous residence destroyed in the Tea Fire encroached 10' into the setback for a distance of 31' (310 S.F.). The new residence is proposing to remain in the setback 10' for a distance of 16' (160 S.F.). This encroachment will allow adequate floor area for the kitchen and will substantially improve the circulation on the main floor level. The encroachment will also create visual articulation to the building massing. Also included in this modification request is the relocation of a window. The previous house had a large window (4' x 5') on the South elevation. The proposed design relocates this non operable window to a more appropriate location in the kitchen.

The major benefit to allowing this portion of the kitchen to encroach into this side yard setback are: It allows for adequate circulation space in the kitchen, improves the design and overall function of the kitchen, and the window captures distant ocean views from the kitchen.

Sincerely,



Bill Isaman

(Applicant Representative)

10 EALAND PLACE – SINGLE FAMILY DESIGN BOARD MINUTES

August 17, 2009

Continued to the Staff Hearing Officer with the following comments: 1) the encroachment of the main level is supportable and the prior building footprint encroached more. 2) the encroachment of the second floor is minimal and acceptable. 3) the style and size are appropriate. 4) study breaking up the main volume of the mass. 5) provide a landscape plan.

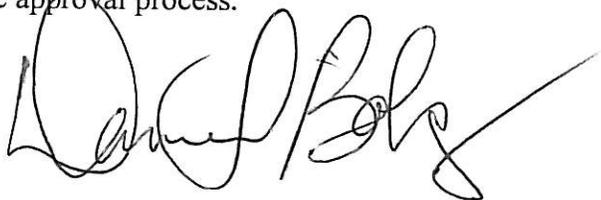
8.25.09

City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

To Whom It May Concern:

My Name is Dan Bolger I own 16 Ealand Place the residence immediately to the south 10 Ealand Place, which is owned by Jeremy Lindaman. Both Jeremy and I lost our homes in the 2008 Tea Fire. Jeremy shared his plans to rebuild with me and after reviewing the plans I fully support his project. The new home proposed will be a benefit to the entire neighborhood. Please facilitate his request and allow him to make efficient headway through the approval process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Bolger", with a long horizontal stroke extending to the right.

Dan Bolger
16 Ealand Place
Santa Barbara, CA 93103