



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 6, 2010  
**AGENDA DATE:** January 13, 2010  
**PROJECT ADDRESS:** 1924 Emerson Avenue (MST2009-00475)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RB*  
 Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 11,309 square foot project site is currently developed with a duplex and detached two-car garage. The proposed project involves conversion of the existing duplex to a single family residence, which will be remodeled and expanded by 484 square feet. The project also includes construction of a detached 593 square foot one-story residence, reconstruction and expansion of the existing two-car garage with a new roof deck, a new 119 square-foot shed, and the addition of one uncovered parking space.

The discretionary applications required for this project are:

1. A Modification to allow alterations to a portion of the existing residence located within the required six-foot northerly interior setback (SBMC §28.18.060);
2. Two Modifications to allow the existing garage to be expanded in size and height, and to construct a new roof deck above the garage, within the required twenty-foot front and six-foot interior setbacks (SBMC §28.18.060);
3. A Modification to allow retaining walls to exceed the maximum allowable height of 3 ½ feet when located within ten feet of the front lot line or within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line (SBMC §28.87.170);
4. A Modification to allow an uncovered parking space to be located within the required twenty-foot front setback (SBMC §28.18.060 and SBMC §28.90.001); and
5. A Modification to allow alterations to the residence to exceed the solar access height limitations (SBMC §28.11).

Date Application Accepted: November 10, 2009      Date Action Required: February 10, 2010

**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:	Cearnal Andrulaitis LLP	Property Owner:	Troy Jacobsen
Parcel Number:	025-401-014	Lot Area:	11,309
General Plan:	12 Units Per Acre	Zoning:	R-2
Existing Use:	Duplex	Topography:	15% Slope

Adjacent Land Uses:

North – One-Family Residence	East - One-Family Residence
South – Emerson Avenue	West – One-Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2225 sf Duplex	2,709 sf – Unit A 593 sf – Unit B
Garage	377 sf	389 sf
Accessory Space	70 sf	116 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,593 sf 23%      Hardscape: 7,017 sf 62%      Landscape: 1,711 sf 15%

**IV. DISCUSSION**

This project site is currently developed with a two-story Craftsman duplex. The proposed project involves conversion of the existing structure to a single family residence. The entire structure will then be remodeled and expanded by 484 square feet. A second detached unit is proposed for the rear of the lot. Several Modifications are required to complete this project.

An existing “side porch” is in need of repair. The applicant is proposing to rebuild the area with window changes and an increase in the existing 5’9” plate height with one that is more compatible with the existing architecture. Because this portion of the existing building is non-conforming to the current 6’ setback, a Modification is required for the alterations.

Parking is currently non-conforming for the duplex with one parking space being provided for each unit. The proposed project allows for the existing unit to maintain its one parking space but requires that the new unit provides two. The applicant is satisfying the parking requirement by providing three spaces. Two of the spaces will be located in a garage and one will be uncovered. The existing garage on site will be demolished and its width slightly expanded to more easily accommodate vehicles. Although Staff typically encourages that new garages be

expanded to meet the current 20' X 20' minimum interior dimensions, a mature oak tree at the rear of the garage prevents the expansion of the garage's depth. The new garage is designed with a roof top deck. Because of its location within front and interior setbacks, both the garage and its roof deck require Modification approval. Staff does not support Modification requests that result in outdoor amenities that encourage congregation within required yards, particularly on sites where conforming options exist. The purpose and intent of a setback is to provide a buffer zone between residential neighbors. A deck would encourage the opposite.

To satisfy the parking requirement, an uncovered parking space is being provided at the front lot line to the north of the new garage. Due to the grade change between the lot and the sidewalk (approximately 8'), a retaining wall will be constructed to accommodate the parking space. The wall requires Modification approval to exceed the maximum allowable height of 3 ½' when located within 10' of a front lot line. An additional Modification request is necessary to allow the location of the new parking space within the front setback.

The final Modification request is related to solar access height limitations. If the side porch roof is rebuilt as proposed, its increased height will exceed the limitations allowed by SBMC §28.11.020. In order to grant a Modification, a determination of unreasonable restriction must be made. Documentation was provided to Staff, indicating that the criteria for unreasonable restriction can be met and that this project qualifies for Modification approval.

#### V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification being requested for alterations to the portion of the residence located within the setback is necessary to secure appropriate improvement to the existing structure and will allow for improved function and design, and meets the purpose and intent of the Ordinance by maintaining the encroachment that currently exists.

The Staff Hearing Officer finds that the Modifications related to the expansion of the existing garage footprint within required setbacks, the addition of one uncovered parking space within the front setback, the over height retaining walls within the first 10' of the front lot line, are necessary to secure an appropriate improvement of providing three (3) usable, off-street parking spaces for the property. The location within required yards meets the purpose and intent of the ordinance by maintaining and improving the historic location which is typical of many of the properties in the immediate neighborhood.

The Staff Hearing Officer finds that the Modification of building height limitations to protect and enhance solar access is necessary to prevent an unreasonable restriction.

Said approval is subject to a condition that the plans submitted for the rebuild of the garage do not include construction related to the use of its roof as an outdoor living deck and that the arborists recommendations related to the protection of the oak tree be documented on the plan for observation during construction of the garage.

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Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letters dated November 10 & December 10, 2009
- C. ABR Minutes
- D. Solar Access Criteria For Determination Of Unreasonable Restriction
- E. Neighbor's Letters from ABR file dated October 30, 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



CEARNAL ANDRULAITIS LLP  
ARCHITECTURE & INTERIOR DESIGN

November 10, 2009

City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101  
Attn: Planning Division

Re: 1924 Emerson Avenue  
Santa Barbara, CA 93103  
APN #025-401-014

Dear Roxanne,

Enclosed for your review is our 1924 Emerson Avenue modification application. We have included the following:

- o Check #1451 in the amount of \$2,795 for the modification fees
- o Four sets of folded plans, which include:
  - o Proposed Site Plan, including site section
  - o Existing floor plans
  - o Proposed floor plans and elevations

The project site is a 0.26 acres (11,309 square feet) parcel in the R-2 zone. We are proposing to convert the existing 2,225 SF 2 story duplex into one residential unit. This will include demolition of 44 SF of the existing duplex and a 548 SF addition, resulting in a 2,709 SF two story single-family residence. A new detached one story 593 SF unit is proposed. Other improvements include the demolition of an existing 69 SF shed and reconstruction of a new 119 SF shed in the existing location. The existing 377 SF 2 car garage will be rebuilt and expanded to the extent feasible, resulting in a new 389 SF garage. A mature oak tree prevents us from complying fully with current garage standards. Required parking will be provided in the garage and one adjacent new uncovered space.



Because of the unique hillside constraints of this neighborhood and site, the only feasible location for the new required parking is in the front yard (see section). The first two modifications we are requesting are to allow this new uncovered parking space in the 20' front yard setback (ORD. 28.90.001.1) and the requisite retaining walls over 42" in height in the front yard setback (ORD. 28.87.170). Our justifications for these two modifications are as follows:

1. Parking in the front yard is completely consistent with the pattern of this historic neighborhood and particularly Emerson Ave.
2. The walls necessary to create the new parking space will be constructed of native sandstone to match the existing wall and the character of the neighborhood.

The 3<sup>rd</sup> and 4<sup>th</sup> modifications we are requesting are to allow a roof deck over the reconstructed garage to encroach into the front yard and interior yard setback (ORD. 28.15.060). In addition, the 4<sup>th</sup> modification also allows us to slightly expand the garage into the interior yard. Our justification for this modification is as follows:

1. Roof decks over garages are very common in this neighborhood and on the Riviera in general. The owner has contacted the immediate adjacent neighbors regarding this request and all are supportive.
2. The garage roof is currently being used as a deck space and has been for many years. Given the sloping nature of this site and the location of the garage, it is only reasonable and sensible to utilize the roof of the garage as a natural extension of the usable open space.

The 5<sup>th</sup> and final modification that we are requesting is to increase the roof height of the existing "side porch" that is being reconstructed within its existing footprint that encroaches into the interior yard setback (ORD. 28.15.060). Our justification for this modification is as follows:

1. The existing "side porch" was poorly constructed and has settled massively over the years. In addition, the plate height at the second floor is extremely low (5'-9"). We have designed the reconstruction of this "side porch" to be more compatible with the historic architecture, which results in a more desirable plate height at the 2<sup>nd</sup> floor.
2. We have reviewed this proposed reconstruction with the immediate adjacent neighbors and they are very supportive. In addition, we have been sensitive to their privacy through the careful placement of windows along this property line.



CEARNAL ANDRULAITIS LLP  
ARCHITECTURE & INTERIOR DESIGN

The ABR reviewed this project on November 2, 2009 and provided positive comments on all 5 modifications. We believe these modifications are appropriate to and consistent with the neighborhood and demonstrate the importance of the modification process to allow reasonable improvements to historic properties such as this.

Thank you for your consideration.

Respectfully,

Brian Cearnal, AIA, LEED AP

Partner

Cearnal Andrulaitis LLP

Encl: 4 sets of plans

Cc: Ken Jacobsen, Troy Jacobsen







CEARNAL ANDRULAITIS LLP  
ARCHITECTURE & INTERIOR DESIGN

December 10, 2009

City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101  
Attn: Planning Division

Re: 1924 Emerson Avenue  
Santa Barbara, CA 93103  
APN #025-401-014

Dear Roxanne,

We are requesting a modification of the solar access height limitations (Ord. 28.11) for the property at 1924 Emerson Avenue.

We believe this modification is justified because, as shown in the shadow diagrams, the amount of additional shadow cast by the new construction is miniscule as compared to the shadow cast by the existing structure. The additional shadow has no negative impact on the neighboring building.

Enclosed is check #1462 in the amount of \$475 for the modification fee & the Shadow Diagrams.

Thank you for your consideration.

Respectfully,

Brian Cearnal, AIA, LEED AP

Cearnal Andrulaitis LLP

Encl: Shadow Diagrams

Cc: Ken Jacobsen, Troy Jacobsen



1924 EMERSON AVENUE – ARCHITECTURAL BOARD OF REVIEW MINUTES

November 2, 2009

Present: Ken Jacobsen, Owner, and Brian Cearnal, Architect.

Public comment opened at 6:55 p.m.

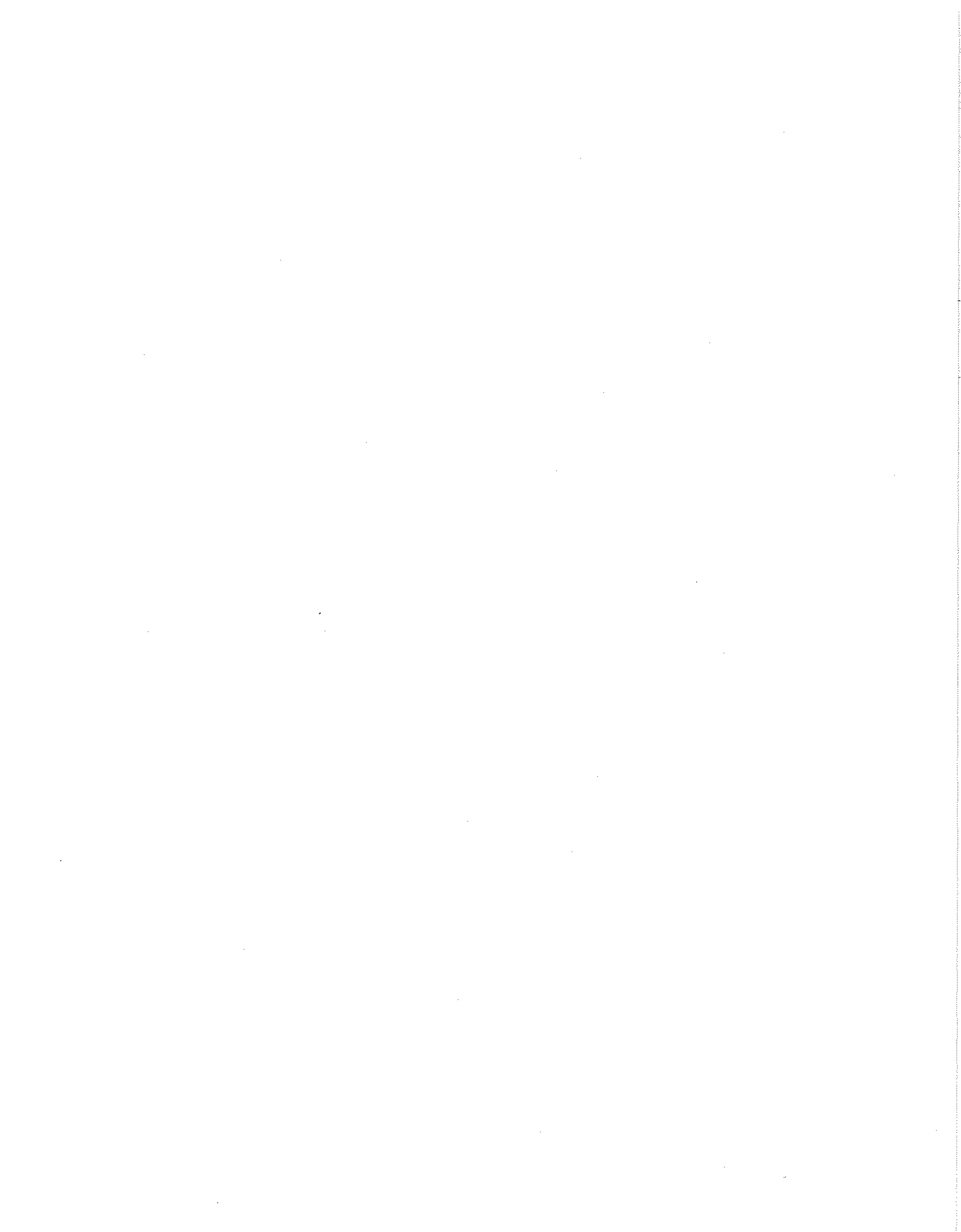
Staff read comments from Steve Kiss (unable to stay) that project should include story poles, and that the plans were unclear if the building heights would change.

An opposition letter from Paula Westbury, and a support email from Jonathan Leech, was acknowledged by the Board.

Motion: Continued indefinitely to Staff Hearing Officer with the following Compatibility Analysis, and continued indefinitely to Full Board with comments:

- 1) The Board appreciates the preservation of the existing house and finds no negative aesthetic impacts with the modification at the side yard setback.
- 2) The Board finds no negative aesthetic impacts for the additional uncovered parking space, located within the front yard, as it is compatible with the existing neighborhood, with the condition for the applicant to provide additional landscaping screening.
- 3) The Board finds the garage roof deck to be compatible with the neighborhood.
- 4) The Board finds no negative aesthetic impacts of the over height wall in the front yard setback, with the condition for additional landscaping and the use of natural stone.
- 5) The Board finds that the remodel and the addition is compatible with architectural character of the existing home, and is an appropriate enhancement for the neighborhood.

Action: Zink/Mosel, 5/0/0. Motion carried. (Aurell/Gross/Sherry absent).





## City of Santa Barbara

### SANTA BARBARA MUNICIPAL CODE SECTIONS CREATED OR AMENDED BY THE SOLAR ACCESS ORDINANCE: ORDINANCE #4426, ADOPTED 10/7/86

#### Chapter 28.11 PROTECTION AND ENHANCEMENT OF SOLAR ACCESS

##### 28.11.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. **BASE ELEVATION.** The elevation of the highest point of contact of a structure with the adjacent ground. For the purposes of this determination, all fences, covered and uncovered walkways, driveways, patio covers and other similar elements shall be considered separate structures.

B. **NORTHERLY LOT LINE.** Any lot line, of which there may be more than one per lot, that forms a generally north facing boundary of a lot and has a bearing greater than or equal to forty degrees from either true north or true south. For curved lot lines, the bearing of the lot line at any point shall be the bearing of the tangent to the curve at that point.

C. **PLAN VIEW.** A plot plan of the parcel which shows the horizontal dimensions of a parcel and each structure on the parcel.

D. **RESIDENTIAL ZONE.** An A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3 or R-4 zone as defined in Title 28 of the Santa Barbara Municipal Code.

E. **SHADOW PLAN.** A plot plan which shows the extent of shading caused by a proposed structure and is in compliance with the Rules and Regulations approved pursuant to Section 28.11.040 of this Chapter.

F. **SOLAR ACCESS.** The ability of a location to receive direct sunlight as provided by the height limitations of Section 28.11.020 of this Chapter. (Ord. 4426, 1986.)

##### 28.11.020 Height Limitation.

The maximum elevation of each point on a structure in a residential zone as measured from the base elevation shall not exceed the sum of (i) eighteen (18) feet in an R-3 or R-4 zone or twelve (12) feet in all other residential zones and (ii) fifty-eight percent (58%) of the shortest distance from that point to the nearest northerly lot line as measured horizontally on the plan view of the structure. Any height limitation imposed by this Section shall be in addition to any other height limitation imposed in the Charter or this Code, such that the more restrictive height limitation shall apply. (Ord. 4426, 1986.)

##### 28.11.030 Exemptions.

The following shall be exempt from the height limitations of Section 28.11.020:

A. Any portion of a structure in existence, or for which a valid building permit was issued, prior to the effective date of the ordinance first enacting this Chapter.

B. Any portion of a structure which received Preliminary Approval by the Architectural Board of Review prior to the effective date of the ordinance first enacting this Chapter.

C. Any flagpole, antenna, ornamental spire, chimney, or other building element less than four (4) feet along each horizontal dimension.

D. A utility pole and line.

E. Any portion of a structure for which a shadow plan is prepared and submitted by the applicant demonstrating that shadows cast by that portion of the structure at 9:00 a.m., noon, and 3:00 p.m., Pacific Standard Time on December 21 will:

1. Not exceed the boundaries of a simultaneous shadow cast by a legally existing structure, or by a hill or other topographical feature other than trees or other vegetation; or
2. Not shade that portion of any adjacent residentially zoned lot which is occupied by a dwelling or which could legally and without modification of required yards be occupied in the future by a dwelling; or
3. Fall entirely within the boundaries of an existing covered or uncovered paved off street parking area, or paved driveway leading thereto. (Ord. 4426, 1986.)

**28.11.040 Rules and Regulations.**

The Community Development Director may promulgate and administer rules and regulations necessary for the administration and interpretation of this Chapter, subject to approval by the City Council. (Ord. 4426, 1986.)

**Chapter 28.15 A-1, A-2, E-1, E-2, E-3 and R-1 One-Family Residence Zones**

**28.15.050 Building Height.**

No building in these zones shall exceed a height of thirty feet (30') nor exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 3540, 1972.)

**Chapter 28.18 R-2 TWO-FAMILY RESIDENCE ZONE**

**28.18.050 Building Height.**

No building in the R-2 Zone shall exceed a height of thirty feet (30') nor exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 3587, 1973.)

**Chapter 28.21 R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE**

**28.21.050 Building Height.**

Three (3) stories, which three (3) stories combined shall not exceed (i) forty-five feet (45') nor (ii) exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 2585, 1957.)

**Chapter 28.92 VARIANCES, MODIFICATIONS AND ZONE CHANGES**

**28.92.110 Modifications.**

Modifications may be granted by the Planning Commission or Staff Hearing Officer as follows:

A. **BY THE PLANNING COMMISSION.** The Planning Commission may permit the following:

1. **Parking.** A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this Title and will not cause an increase in the demand for parking space or loading space in the immediate area.

2. **Yards, Lot Area, and Floor Area.** A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

3. **Fences, Screens, Walls, and Hedges.** A modification of fence, screen, wall and hedge regulations where the modification is necessary to secure an appropriate improvement on a lot and is consistent with the purposes and intent of this Title.

4. **Solar Access.** A modification of height limitations imposed by Section 28.11.020 to protect and enhance solar access where the modification is necessary to prevent an unreasonable restriction. The Rules and Regulations approved pursuant to Section 28.11.040 shall contain criteria for use in making a finding of unreasonable restriction.

5. **Building Height.** A modification of building height limitations for existing buildings or structures that exceed the current building height limit, to allow the exterior of the portion of the building or structure that exceeds the building height limit to be improved or upgraded, provided that the improvements increase neither the height nor the floor area of any portion of the building or structure that exceeds the building height limit, except as otherwise allowed in the Code.

6. **Net Floor Area (Floor to Lot Area Ratio).** A modification of the net floor area standard imposed by Section 28.15.083 to allow a development that would otherwise be precluded by operation of Subsection 28.15.083.D where the Planning Commission makes all of the following findings:

a. Not less than five (5) members of the Single Family Design Board or six (6) members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 22.69.030) have voted in support of the modification following a concept review of the project;

b. The subject lot has a physical condition (such as the location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and

c. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

**B. BY THE STAFF HEARING OFFICER.** The Staff Hearing Officer may permit modifications in accordance with subsections 1., 2., 3., 4., and 5. above, if the Staff Hearing Officer finds that:

1. The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission; and

2. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice. (Ord. 5416, 2007; Ord. 5380, 2005.)





October 30<sup>th</sup>, 2009

Rec'd 11/2/09

To Architectural Board of Review,

We are the neighbors to Ken & Troy Jacobsen. Our property is directly to the Southeast of their property with our driveway bordering their garage. We want the ABR to know that we fully support their plans for improvement at 1924 Emerson, including the continued restoration & remodel of the existing 100+ year old house, new guest cottage in the upper yard, and rebuild of existing garage with roof deck and retaining walls.

Ken & Troy have worked really hard on restoring the character of the old house of which we have a lot of fond memories with the former owners, the Theriots. The proposed addition & guest house would really complete the property and improve the neighborhood. The side yard in between our two houses contains a number of mature oaks which the guys have cleaned up and have been considerate of with their plans and terracing. Furthermore, we are really excited about their plans to renovate the garage and front of the property which has been in need of repair for years. Once done it will really improve the street appearance as well as the appearance from our driveway and front yard. By replacing the old garage they will be providing two functional covered spaces and create a new uncovered space next to it which will really help to improve parking on the street.

We support our neighbors in their project and hope you do to.

Regards, *Jesse Adams,*  
*Mindy Adams*  
Jesse & Mindy  
1918 Emerson Avenue, SB

1918 Emerson



DISTRIBUTION DATE: 11/12/2009  
ABR MEMBERS (8)  ABR TECH   
SR. PLANNER  ASST. CITY ATTY.   
APPLICANT'S AGENT(S)   
ENTERED AS INT PARTY   
ON DATE: N/A BY: klg

**Jonathan V. Leech**  
**Benedict F. Valdez**  
1930 Emerson Avenue  
Santa Barbara, CA 93101

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City of Santa Barbara  
Architectural Board of Review  
Post Office Box 1990  
Santa Barbara, CA 93102-1990

October 30, 2009

**SENT VIA EMAIL**

Subject: **1924 Emerson Avenue (MST2009-00475)**

Dear Members of the ABR:

Our property is immediately adjacent to 1924 Emerson Avenue. At the time we purchased our property, the owners/occupants of 1924 Emerson Avenue had lived there approximately 40 years. Being somewhat advanced in age, the owners had slowed down slightly with regard to upkeep of their structure in the years preceding their sale of the property. We were actually concerned when the property was sold that a new owner might propose a tear-down of this existing structure.

We were delighted to learn the new owners of the property had successfully restored/rehabilitated other homes, and intended the same for this property. Ken & Troy Jacobsen have now been our neighbors for the past three years. They have worked painstakingly to restore their house in that time and we would like to inform the ABR we are in full support of their efforts to enhance the existing residential structure and improve their property.

We have reviewed the plans prepared by Cearnal Andrulaitis for the addition to the main house, new guest cottage, rebuilt garage with roof deck, and off-street parking space. The remodel of the existing structure to a single-family residence as proposed appears to resolve some of the awkwardness currently affecting the second floor elements of the north and east building facades. We believe the placement of the new guest house structure at the rear of the lot is appropriate in order to preserve the appearance of the property as viewed from the street. The proposed guest house placement also avoids conflicts with mature oak trees, while at the same time being virtually invisible from our property.

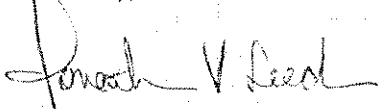
October 30, 2010

The reconstruction of the garage with adjacent off-street parking will benefit the neighborhood due to the scarcity of on-street parking, as well as maintaining the character and pattern of garage structures on our street. Most of the street level garages on our street have roof-top decks, which provide sweeping ocean views and a sense of vitality with regard to pedestrian activities on our quiet street. We feel the garage roof top deck is a wonderful component of this proposal that adds to the neighborliness of our street.

We very much support removal of the palm trees within the front-yard setback, as this non-native species is not in keeping with the oak-dominated landscaping on the remainder of the property. Native shrub species or a hedge to replace the row of palm trees would seem to be more in keeping with the style of the home, and other landscaping on the property.

The Jacobsens have demonstrated care for their property over the last three years, and consideration of their neighbors in the manner in which they have approached this proposal. We are pleased they have committed to further investment in the property, and to continued restoration of the existing structures. Ken & Troy have been great neighbors, and this proposal will enhance the visual quality of their property as well as increasing the value of our neighborhood.

Sincerely,



Jonathan V. Leech



Benedict Valdez