



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** May 26, 2010  
**AGENDA DATE:** June 2, 2010  
**PROJECT ADDRESS:** 885 Mountain Drive (MST2009-00467)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Roxanne Milazzo, Associate Planner

### I. PROJECT DESCRIPTION

The 3.38 acre lot was previously developed with a single family residence and detached two-car garage that was destroyed in the Tea Fire. The proposed project involves the construction of a new 2,508 square foot residence and a detached two-car garage with storage. The discretionary applications required for this project are Modifications to permit a raised patio within the required 15' interior yard setback, a wall to exceed the maximum allowable height of 8' within a required yard, and an accessory building to be located within the front yard (SBMC § 28.15.060, 28.87.160, & 28.87.170).

Date Application Accepted: April 27, 2010

Date Action Required: July 27, 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: SEPPS, Inc.	Property Owner: Forbes Perkins
Parcel Number: 021-050-034	Lot Area: 3.38 Acre
General Plan: Major Hillside	Zoning: A-1
Existing Use: Vacant – Tea fire	Topography: 41% Slope

#### Adjacent Land Uses:

North – One Family Residence  
 South – Vacant – Tea Fire

East - Mountain Drive  
 West – Gibraltar Road

**B. PROJECT STATISTICS**

	<b>Previously Existing</b>	<b>Proposed</b>
Living Area	2,512 sf	2,508 sf
Garage	400 sf	400 sf
Accessory Space	200 sf	300 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 1,472 sf 1%      Hardscape: 19,140 sf 13%      Landscape: 126,620 sf 86%

**IV. DISCUSSION**

This proposed project involves replacement of structures destroyed in the Tea Fire. Although the location of the previous residence and garage are being used for the new construction, three Modifications are being requested accommodate changes in the new design.

An enclosed patio, off the rear of the residence, is proposed to provide private outdoor living space for the property. Due to slope constraints, a retaining wall is required to support the patio area. Although the patio will be at the first floor level of the residence, the raised surface exceeds the maximum allowable height of 10' within a setback. The 8' high privacy wall that will enclose the patio, sits on top of the retaining wall. At one point, the cumulative height of the retaining walls and privacy walls will measure 12', which exceeds the maximum allowable height of 8'. The purpose and intent of a setback is to provide a buffer zone between residential neighbors. Although the patio is proposed within the setback, a landscape easement and proximity to the nearest neighbor assures Staff that no impacts will result from its location.

The applicant is also requesting that a detached accessory building be provided on site. Due to the residence's location at the rear of the lot, limited flat areas due to slopes, and the large amounts of front yard, few options for a conforming accessory building are available. The property has historically enjoyed a small detached accessory structure in the area between the garage and residence. The existing accessory building that actually survived the fire is not permissible due to its construction materials. The applicant would like to secure approval of a location for a fire rated 100 square foot accessory building to be constructed in the future. Staff's supports this request, which will allow a similar type building to be legally located in an area that has been used in the past. Due to the topography of the site, distance from the roads, and vegetation, the accessory building's location within a front yard will not be visible from the right-of-way.

Project is subject to design review due to its location within the Hillside Design District and the overall slope. The Single Family Design Board has reviewed the proposed residence and commented that the request for a patio within the setback is supportable and relates well to the architecture.

V. **FINDINGS AND CONDITIONS**

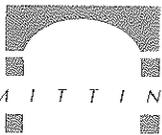
The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the, because the proposed patio, wall height, and accessory structure will allow for amenities on this property that are in appropriate locations, and that will not result in impacts to adjacent neighbors.

Said approval is subject to the condition that the existing accessory building be removed.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated May 10, 2010
- C. SFDB Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
([rmilazzo@SantaBarbaraCA.gov](mailto:rmilazzo@SantaBarbaraCA.gov))  
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Phone: (805) 564-5470

S U Z A N N E  E L L E D G E  
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS  
SUZANNE ELLEDGE • LAUREL F. PEREZ

10 May 2010

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**RE: 885 W. Mountain Drive, APN: 021-050-034 – MST2009-00467  
Modification Requests**

Dear Staff Hearing Officer,

On behalf of the property owner, Forbes Perkins, we are requesting three zoning modifications to allow a garden/patio area to encroach into the interior yard setback, for the patio wall to exceed the maximum allowed height of eight (8) feet and for an accessory structure (gazebo) to be located in the front yard for the subject property. The parcel is 3.38 acres, is zoned A-1 and has a general plan designation of Residential/1 unit per acre. The residence and the detached garage were destroyed in the Tea Fire. The project proposes a new two-story single family residence with a floor area of 2,508 SF, a new detached 608 SF garage (which includes approximately 200 SF of storage area), and a new fire stair access from Gibraltar Road as an alternative to constructing a wider driveway. The new residence and garage are proposed in the same footprint as the destroyed structures; the retaining walls would continue to exist in their current location.

The zoning modification requests involve a proposed garden patio area on the north side of the residence and a proposed accessory structure (gazebo). The patio area includes a plaster wall enclosure ranging from approximately eight (8) feet on the west side and twelve (12) feet on the east side proposed in the required 15 foot interior yard setback. The modification requests for the garden patio area, gazebo and the wall height are technical in nature. This is due to the site topography, and the desire to use the existing foundation slab which is raised and retained four feet above the grade on the west side. The patio elevation is proposed on the same grade as the finished floor elevation of the residence. Because the site slopes toward the east, a portion of the patio would be above the adjacent grade creating a structure above grade in the

interior yard setback. A patio located on grade would otherwise be allowed in the interior yard setback.

The proposed enclosed garden patio area is located 300 feet away from the adjacent residence and would be at a lower elevation. In fact, the patio is located adjacent to a landscape easement granted by the neighbor located at 2220 Gibraltar Road to benefit the subject property. The purpose of creating the garden patio area is to create a private view area conducive to contemplation. The proposed gazebo is approximately 100 square feet and is proposed in the front yard setback as measured from Gibraltar Road. Given the unique lot configuration (two front yards) and site topography, the gazebo is proposed in the front yard. It will be non-habitable and used as an accessory structure only. The requested zoning modification is consistent with the purposes and intent of the zoning ordinance and does not negatively affect the neighboring property.

The proposal was reviewed at the Single Family Design Board (SFDB) consent calendar on April 26, 2010. The SFDB made positive comments regarding the zoning modification request for the enclosed garden/patio area, stating that the wall enclosure mitigates the mass of the proposed residence.

We appreciate your time in considering these modification requests. Should you have any questions or require additional information, please do not hesitate to contact me at 966-2758 x 16. Thank you.

Sincerely,

**SUZANNE ELLEDGE**  
**PLANNING & PERMITTING SERVICES, INC.**

*Heidi Jones for:*

Trish Allen, AICP  
Senior Planner

## **885 MOUNTAIN DRIVE – SINGLE FAMILY DESIGN BOARD REVIEW**

**April 26, 2010**

Continued to the Staff Hearing officer with comments: 1) Study the garage to be compatible in style with the house. 2) The stair case is reasonable and poses no detrimental visual impact. 3) The request for a patio within the setback is supportable and relates well to the architecture.