



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 1, 2010
AGENDA DATE: September 8, 2010
PROJECT ADDRESS: 3077 Calle Fresno (MST2010-00240)
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 6,550 square foot project site is currently developed with a single family residence and detached garage. The proposed project involves demolition of 306 square feet of illegal additions and "as-built" approval of 320 square feet added by a previous property owner without benefit of permits. The discretionary application required for this project is a Modification to permit approximately seven square feet of the "as-built" floor area to be located within the required six-foot interior setback (SBMC §28.15.060).

Date Application Accepted: August 9, 2010

Date Action Required: November 9, 2010

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Jacob Niksto	Property Owner:	Jacob & Katherine Niksto
Parcel Number:	053-183-004	Lot Area:	6,550 sf
General Plan:	5 Units Per Acre	Zoning:	E-3/SD-2
Existing Use:	One-Family Residence	Topography:	6% Slope

Adjacent Land Uses:

North – Calle Fresno

East - One-Family Residence

South – One-Family Residence

West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	942 sf legal 626 sf "as-built"	+ 320 sf = 1,262 sf 306 sf of "as-built" addition to be removed
Garage	338 sf	338 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,721 sf 26% Hardscape: 1,131 sf 17% Landscape: 3,698 sf 57%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.43 Proposed FAR: 0.24 = 56.4% of Max. Allowed FAR

IV. DISCUSSION

In July 2010 a Zoning Information Report was prepared for the subject property. The report revealed that approximately 626 square feet of the residence had been built without benefit of building permits. The new property owners are proposing to remove 306 square feet of the illegal addition and obtain permits for the remaining 320 square feet. A building permit was issued on August 18, 2010 to demolish the 306 square-foot illegal addition and raised concrete patio and CMU walls that encroach into the interior setback and open yard.

The existing residence is non-conforming to the required 6' interior setback. In order to construct a uniform addition, the property owners are requesting that approximately seven square feet of floor area be allowed within the setback at the existing 5' distance from the property line. It is Staff's position that the amount of encroachment is minor, allows for a uniform improvement, and allows expansion of the existing floor plan without impact to the adjacent property owner.

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. The proposed encroachment of approximately seven square feet will allow for a uniform improvement without impacts to the immediate neighbor.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated August 9, 2010
- C. Zoning Information Report

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

Jacob & Katherine Niksto
3077 Calle Fresno
Santa Barbara, CA 93105
(805) 252-6067

August 9, 2010

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

Re: Modification Request for 3077 Calle Fresno; APN 053-183-004; Zone E-3/SD-2

1. There is an existing house (1692 sq ft) and an existing detached two-car garage (370 sq ft) on the property. The house currently encroaches 1'-0" into the required 6'-0" interior setback on the east side of the property, and small corners of the house encroach approximately 1'-8" into the required 20'-0" front setback on the north side of the property. The garage currently encroaches 4'-7" into the required 6'-0" interior setback on the westerly side of the property. According to the City files, there is a building permit for a 1000 sq ft house and a 370 sq ft garage. The previous owners added 692 sq ft to the house without building permits, built a raised concrete patio that encroaches into the interior setback, and also built a wooden loft that obstructs parking within the garage. When we purchased the property, these violations were discovered and enforcement case #ENF2010-00539 was created. To abate these violations, the proposal is to permit 351 sq ft of the non-permitted addition. Concurrently, permit #BLD2010-01675 has been submitted to demolish 341 sq ft of the non-permitted addition, and to demolish the non-permitted patio and wooden garage loft.

2. The modification being requested is to allow a portion of the kitchen to encroach 1'-0" into the required 6'-0" interior setback. The encroachment of 1'-0" extends for a length of 6'-9" along the easterly side of the property, resulting in the minor request of only 6.75 sq ft of total floor area for the modification. This small encroachment allows for the uniform expansion of the kitchen in line with the existing permitted house. It also allows for the addition that contains the kitchen, and master bedroom/bathroom/closet to remain without having to do a major structural reconfiguration, which will accommodate our modern family in a 1940's house that otherwise would have only two small bedrooms and one small bath.

3. The major benefits of having the kitchen encroach into the required setback are: That it allows a clean, simple, and uniform extension of the wall and roof lines, befitting of the California Cottage style of architecture; it provides for a complete floor-plan of reasonable size; and it clears outstanding zoning violations.

Sincerely,



Jacob Niksto



Katherine Niksto

**The Fine Print was
changed on 7/6/09.
Please read it.**



AMENDED
Zoning Information Report
3077 CALLE FRESNO

Date: 7/7/2010
To: Property Owners and Prospective Buyers of Residential Property
From: Planning and Zoning Staff
Subject: ZIR2010-00035

Thank you for ordering a City of Santa Barbara Zoning Information Report. The purpose of this report is to identify zoning and building violations; inform the buyer as to the nature of the violations as part of the State's full disclosure laws, and to document the violations for immediate or future enforcement by City Staff. The contents of this report are based on a review of the City's files on the property, a physical inspection, and a review of the City's archive plans and other historical data that may be available, if necessary.

The property was inspected on July 7, 2010.
This Zoning Inspection Report expires on July 7, 2011.

The property's City Zoning Designation is **E-3/SD-2**. Requirements of the property's primary zoning designation(s) are listed below. If there are multiple zones, the standards for the more restrictive zone shall apply.

Zone:	E-3
Front Setback	20 feet
Interior Setback	6 feet
Rear Setback	6 feet
Required Open Yard Area	1,250 sq. ft. + 20 foot minimum dimensions
Maximum Height Limit	30 feet
Required Off-street Parking Spaces	2 covered
Distance Between Main Buildings	20 feet
Minimum Lot Area for Newly Created Lots	7,500 sq. ft. x Slope Density Newly created lots must also conform to the General Plan density requirements.
Required Lot Frontage for Newly Created Lots	60 feet



Zone: SD-2 (Special District 2 - Outer State Street)

Maximum Building Height	Three stories, not to exceed 45 feet, and not exceeding the total floor area of a 2 story building (30 feet) which could be constructed on the lot in compliance with all applicable regulations. If the base zone has a lower maximum height limit, the lower height limit shall prevail.
Front Setback	1-story structures not exceeding 15 feet: 10 feet 2- and 3-story structures: 20 feet

If the property's zoning designation contains additional classifications that are not discussed above, please contact the Planning and Zoning Counter at (805) 564-5578 for more information on the requirements of that particular zoning designation.

PARCEL ATTRIBUTES

The following special districts or other attributes of the property are listed below. If there are no special districts or other attributes, this area will be blank.

Demolition Review Study Area All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

PROPERTY DESCRIPTION

One family dwelling with attached covered front porch, raised rear concrete patio (approx. 12' x 15') and a detached two car garage.

Lot Size (From County Assessor Records): 0.15 Acres

Unit #: **This is a legal dwelling unit with ILLEGALLY CONVERTED habitable space**

	Legal	Illegal
Bedrooms	2	1
Full Baths	1	1
Half Baths	0	1
Sinks	0	1

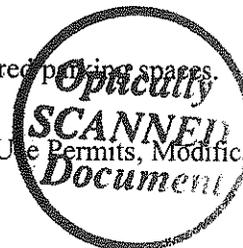
Smoke Detectors in: All Bedrooms? **Yes** All Hallways? **Yes**

Smoke detectors are required in each sleeping room and each hallway of each story of a dwelling unit. A fire alarm system is required in: 1) apartment houses three (3) or more stories in height or containing 16 or more dwelling units; 2) hotels three (3) or more stories in height or containing 20 or more guest rooms; and 3) congregate care residences three (3) or more stories in height or which have an occupant load of 20 or more. For more information regarding fire alarm system requirements, please call the City's Fire Prevention office at (805) 564-5702.

The property contains **2** parking spaces in garages, **0** parking spaces in carports and **0** uncovered parking spaces.

This property has received the following discretionary land use permits, such as Conditional Use Permits, Modifications, Variances (If none, this area will be blank).

None.



The property is legally nonconforming with respect to either density, setbacks, yards and/or wall, fences and hedges. Details regarding the property's nonconformity are provided below. A property is determined to be nonconforming if it conformed to the regulations in effect when it was permitted, but because of subsequent changes in the Zoning Ordinance or the Zoning Map, the structures do not conform to today's zoning standards. Properties with nonconforming density, setbacks, yards or walls, fences and hedges exist legally, and their uses may be continued; however, there are restrictions on alterations, additions, or replacement of nonconforming structures.

The property contains structures that are located in the required interior (side or rear) setbacks. Therefore, the interior setbacks are nonconforming. The structures that encroach into the required interior setbacks are:
Residence and Garage.

Zoning Ordinance or Building Code Violations (if none, this area will be blank):

ZONING:

- 1) **The expansion/remodel of the kitchen and addition of the master bedroom/closet/bath, family room, laundry room, and half-bath were completed without zoning approval.**
- 2) **The total floor area of the illegal addition is more than allowed without bringing the nonconforming garage size to current requirements of 20' x 20' interior dimensions (see SBMC Section 28.90.001).**
- 3) **The kitchen expansion, and laundry and half-bath addition, encroach into the required six-foot interior setback.**
- 4) **The raised rear concrete patio encroaches into the required 1,250 open yard area.**
- 5) **The wooden loft in the garage obstructs the required clear space for vehicle parking.**

BUILDING:

- 1) **The expansion/remodel of the kitchen and addition of the master bedroom/closet/bath, family room, laundry room, and half-bath were performed without required permits.**
- 2) **The raised rear concrete patio was constructed without the required permit.**

SEE ATTACHED NOTICE

All questions regarding zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building requirements, building permits or building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485.

