



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 27, 2011
AGENDA DATE: May 4, 2011
PROJECT ADDRESS: 221 Oliver Road (MST2011-00035)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RB*
 Daniel Gullett, Associate Planner *DG*

I. PROJECT DESCRIPTION

The 6,250 square-foot project site is currently developed with a single-family residence and attached two-car garage. The proposed project involves permitting an existing six foot high wall located within 50 feet of the corner of Oliver Road and Hudson Drive. The discretionary application required for this project is a Modification to allow the wall to exceed three and one half feet in height within 50 feet of the street corner (SBMC §28.87.170 and §28.92.110).

Date Application Accepted: April 14, 2011

Date Action Required: July 13, 2011

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the Modification for the as-built six-foot-high wall.

III. SITE INFORMATION

SITE INFORMATION

Applicant:	Dan Weber	Property Owner:	Patrick McDermott
Parcel Number:	041-329-001	Lot Area:	6,250 sf
General Plan:	Residential, 5 units/acre	Zoning:	E-3/SD-3
Existing Use:	Single family residence	Topography:	4% avg. slope

Adjacent Land Uses:

North – Single family residence
 South – Single family residence

East - Single family residence
 West – Single family residence

IV. DISCUSSION

The subject as-built, six-foot-high wall was constructed within 50 feet of a street corner in late 2004/early 2005 consistent with City-approved building plans. The building permit was issued in error as a zoning modification for the over-height wall was required at the time and not obtained. Staff identified this error in reviewing plans prior to Single Family Design Board (SFDB) review of a proposed second story addition currently under review. The proposed second story addition was reviewed twice by SFDB: February 14 and March 28, 2011. At the March 28th hearing, SFDB stated that it found no negative aesthetic impacts of the proposed over-height wall. No modifications are required for the SFDB proposal other than the subject wall.

The intent of the height limitation is to provide sight clearance for drivers approaching intersections. Transportation Operations staff visited the project site and determined that the existing height and configuration of the wall provide for adequate sight clearance consistent with the intent of the Zoning Ordinance. Staff therefore supports the requested modification.

V. RECOMMENDED FINDING

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 lot. Adequate vision clearance is provided through the subject property at the corner of Oliver Road and Hudson Drive and the Modification is necessary to secure the appropriate improvement of the as-built wall on the lot.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated April 14, 2011
- C. SFDB Minutes of February 14 and March 28, 2011

Contact/Case Planner: Daniel Gullett, Associate Planner
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DAN WEBER, AIA
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April 14, 2011

Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93102

RECEIVED
APR 14 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 221 Oliver Road, MST#: 2011-00035 Modification Request for Previously Approved As-Built Site Wall

Dear Staff Hearing Officer,

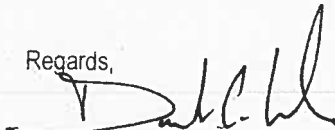
I behalf of the property owners, Patrick and Lauren McDermott. I am requesting approval of a proposed second story bedroom addition to an existing 1,803 net s.f. residence located at 221 Oliver Road in Santa Barbara, CA. The proposed addition is 479 net s.f.

I am requesting a Modification for a previously approved, currently existing, 72" high as-built site wall located in the front yard setback. The previous owners designed the site wall, earned zoning approvals & building permits, and ultimately built the site wall per the approved plans. The stamped permit drawings showing this approval is included within submitted drawing set for your review. When the McDermotts bought the property, they assumed that this site wall was properly approved and permitted, and the City informed them as such in the most recent ZIR completed. However, upon submittal of our currently proposed 2nd story addition, planning staff notified us that this site wall was approved in error; the City should have required a modification for the wall but made a mistake and approved it without a modification. Although the wall is built 10'0" from the property line, it does not comply with section 28.87.1770 C which requires line of sight within 50' of a corner. We are now requesting the required modification.

The project was reviewed by the S.F.D.B. at Conceptual Review on 3/28/11. The S.F.D.B. gave very positive comments, and asked that we return for Preliminary & Final review on the Consent agenda. The S.F.D.B. was in support of the requested modification for the as-built site wall.

Thank you for your consideration. Please feel free to contact me at any time if you require additional information.

Regards,



Dan Weber
Architect

EXHIBIT B

SFDB Minutes

February 14, 2011

221 OLIVER RD

Assessor's Parcel Number: 041-329-001
Application Number: MST2011-00035
Owner: McDermott Family Trust
Architect: Dan Weber

(Conceptual review for a proposed 486 square foot second-story addition to an existing 1,803 square foot, one-story, single-family residence. The proposal includes a new 130 square foot second-story deck. The proposed total of 2,289 square feet, on a 6,250 square foot lot located in the Non-Appealable Jurisdiction of the Coastal Zone, is 83% of the maximum floor-to-lot area ratio. The project requires Staff Hearing Officer review for requested zoning modification for additions in the required front setback and to permit an as-built wall that exceeds 3.5 feet at the front of the property.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for a requested Zoning modification for additions within the required secondary front setback.)

(4:58)

Present: Dan Weber, Architect; and Patrick McDermott, Owner.

Public comment opened at 5:14 p.m.

Berni Bernstein spoke in opposition with concerns regarding neighborhood impacts of the deck and exterior staircase, and the requested zoning modifications.

Letters expressing support from Josh Fraser, Tuan Nguyen-duy and Suntharee Khomarwut, Josh and Elke Kane, and Kevin Connor were acknowledged.

Public comment closed at 5:17 p.m.

Motion: Continued two weeks to Full Board with comments:

- 1) The Board was not supportive of the design as proposed as it is too imposing of an addition at a non-conforming setback.
- 2) Return with a second story solution to the structure that attempts to observe most of the required setback.
- 3) The Board found the 72-inch high plaster wall in the front yard setback in keeping with the existing architecture; however, the Applicant is to return with additional documentation from the original permit.

Action: Zink/Carroll, 5/0/0. Motion carried. (Bernstein stepped down, Miller absent).

March 28, 2011

221 OLIVER RD

Assessor's Parcel Number: 041-329-001
Application Number: MST2011-00035
Owner: McDermott Family Trust
Architect: Dan Weber

(Conceptual review for a proposed 486 square foot second-story addition to an existing 1,803 square foot, one-story, single-family residence. The proposal includes a new 130 square foot second-story deck. The proposed total of 2,289 square feet, on a 6,250 square foot lot located in the Non-Appealable Jurisdiction of the Coastal Zone, is 83% of the maximum floor-to-lot area ratio. The project requires Staff Hearing officer review for requested zoning modifications for additions in the required front setback, an open space modification, and to permit an as-built wall that exceeds 3.5 feet in height on a corner lot.)

(Second concept review. Comments only; project requires Environmental Assessment and Staff Hearing officer review for requested zoning modifications. Project was last reviewed on February 14, 2011.)

(5:47)

Present: Dan Weber, Architect; and Patrick McDermott, Owner.

Public comment opened at 5:57 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Staff Hearing Officer to return to Consent with comments:

- 1) The Board is supportive of the proposed project and found the design to be very well executed.
- 2) The Board finds no negative aesthetic impacts of the proposed zoning modification requested for the existing over-height walls in the front yard.
- 3) Return to Consent for Project Design Approval.
- 4) Board would be supportive of the suggested alterations to the second-story patio/planter area.
- 5) Provide a color board and all final architectural details.

Action: Zink/Zimmerman, 6/0/0. Motion carried. (Bernstein absent)