



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 27, 2011  
**AGENDA DATE:** May 4, 2011  
**PROJECT ADDRESS:** 735 W. Micheltorena Street (MST2010-00393)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Jo Anne La Conte, Assistant Planner *JAL*

### I. PROJECT DESCRIPTION

The 4,590 square foot project site is currently developed with a neighborhood market and a detached single-family residence that was damaged by a fire. The proposed project involves construction of a 251 square foot one-story addition and a 517 square foot two-story addition to the existing 448 square foot one-story residence, and attachment of the residence to the market. Also proposed is the conversion of an existing bedroom and storage area to a one-car garage for the residence. The discretionary applications required for this project are Modifications to allow new habitable space in the required six-foot interior setback, new covered parking in both required three-foot interior setbacks, and to not meet the requirements for the location and dimensions of the open yard area (SBMC §28.18.060.B & C).

Date Application Accepted: March 28, 2011

Date Action Required: June 28, 2011

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Sherry & Associates Architects	Property Owner:	Elias Khoury
Parcel Number:	039-032-001	Lot Area:	4,590 sq.ft./ .11 acre
General Plan:	General Commerce	Zoning:	R-2
Existing Use:	Neighborhood Market & Residential	Topography:	2% slope

Adjacent Land Uses:

North – One Family Residence  
South – One Family Residence

East - One Family Residence  
West –One Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	448 sq. ft.	-233 sq .ft. + 768 sq .ft. = 993 sq. ft.
Garage	0 sq. ft.	223 sq. ft.
Accessory Space	112 sq. ft.	- 28 sq. ft. = 84 sq. ft
Neighborhood Market	1570 sq. ft.	No changes proposed

**C. PROPOSED LOT AREA COVERAGE**

Building: 2484 sq. ft.; 54%    Hardscape: 717 sq. ft.; 16%    Landscape: 1389 sq. ft.; 30%

**IV. BACKGROUND**

The property is legal non-conforming to open yard requirements and to parking with one uncovered parking space. Modifications were approved on July 13, 1994 to allow a six (6) foot high fence at both front lot lines facing Micheltorena and Chino Streets, one uncovered parking space in the front and interior setbacks on Chino Street and a detached shed in the front setback facing Micheltorena Street.

The City generally supports retaining existing neighborhood markets in residential zones as they provide a service to the community and the surrounding neighborhood. However, unlike mixed-use projects in commercial zones, the R-2 Zone regulations do not provide relief or direction for the combination of commercial and residential uses in the R-2 zone.

**V. DISCUSSION**

The project consists of demolition of an existing fire-damaged single-family residence, reconstruction of the existing residence with one- and two-story additions, and attaching the residence to the existing neighborhood market. Also proposed are the removal of one uncovered parking space and the conversion of an existing bedroom and storage area to a one-car garage. The project was heard at the Architectural Board of Review (ABR) on February 7, 2011 and March 7, 2011, and was forwarded to the Staff Hearing Officer with comments.

Modifications are required to allow new habitable space within the required six foot interior setback, new covered parking in both required three foot interior setbacks, and relief from the requirements for the location and dimensions of the open yard area.

The R-2 Zone requires 6' interior setbacks for buildings and 3' interior setbacks for covered parking. The existing residence on site is non-conforming to both six-foot interior setbacks.

The portions of the residence located in the interior setbacks are proposed to be rebuilt in the same footprint (approximately two feet from both interior setbacks). Improvements include the conversion of a bedroom and storage area to a one-car garage and the addition of one new window in the interior setback at the bathroom on the first floor. Also proposed are conforming one- and two-story residential additions between the residence and the market.

The interior setback modifications would allow the residence to remain in its existing footprint and incorporate one new small window in the interior setback to allow for light and ventilation of the bathroom. In addition, the conversion of the bedroom and storage area to a garage would be an improvement to the site as it will remove the uncovered parking space from the front setback. Transportation Planning staff reviewed the new covered parking space and recommends that a condition be included that the fence be reduced to 3-1/2' in height within 10' of the driveway for a distance of 20' feet back.

The property is currently non-conforming to open yard requirements. The Zoning Ordinance requires 1,250 square feet of open yard area, which may be provided in multiple areas with minimum dimensions of 20 feet by 20 feet. The Ordinance does not permit any portion of the front setback to be used as open yard area, but does allow for up to 850 square feet of the open yard to be provided in the remaining front yard. The property has site constraints due to the two front yards. The proposal provides a portion (approx. 588 sq. ft.) of the open yard area along the east side of the market and a portion (approx. 726 sq. ft.) at the front of property facing Chino Street, and along both sides of the residence. As proposed, the open yard area in the front yard does not meet the 20' by 20' minimum dimensions, so staff has included a condition to remove a portion of the trellis to meet the 20' dimensions. Staff is in support of the open yard modification because of the site constraints associated with the two front yards, the retention of the existing neighborhood market, and as the proposed open yard will provide a more functional open yard along Chino Street for the residential development. In addition, the open yard fulfills the intent of the requirement and allows for an expansion of the small residence while maintaining the existing neighborhood market.

Staff supports the Modifications being requested, which will allow for an expanded residence, on a relatively small (4,950 square foot) R-2-zoned lot with two street frontages, while maintaining the existing neighborhood market in its present location.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modifications are consistent with the purpose and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The proposed changes will allow for fire-damage repair and expansion of the modestly-sized 993 square foot residence on the lot. The open yard area as proposed fulfills the intent of the requirement and allows the site to be developed in a manner that preserves the existing neighborhood market and allows for a minor expansion of the existing residence while maintaining adequate area for the occupant's outdoor enjoyment, and with no expected impacts to adjacent neighbors.

Said approval is subject to the following conditions:

1. The existing 7' high fence shall be reduced to 6' in height as approved under the prior modification from July 13, 1994, except for the portion of fence by the driveway which is to be reduced to 3-½' in height within 10' of the driveway for a distance of 20' back from the Chino Street property line.
2. The abandoned public telephone fixtures attached to the fence facing the Micheltorena Street frontage shall be removed.
3. Unless otherwise altered by ABR review of the subject project, the fences shall be repainted to match Frazee Color 5815N (Friar Brown) and the vines approved to screen the fences shall be replanted, consistent with the ABR approval of April 17, 1995.
4. The existing landscaping adjacent to the driveway shall be reduced to 3-½' in height within 10 feet of the driveway, and the landscaping along the Chino Street frontage shall be cut-back to not obstruct the sidewalk.
5. The depth of the proposed trellis shall be reduced so that the open yard area proposed at the front of the property facing Chino Street meets the minimum 20' x 20' dimensions.

**Exhibits:**

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 27, 2011
- C. Architectural Board of Review Minutes
- D. One Letter received from the public regarding the project

Contact/Case Planner: Jo Anne La Conte, Assistant Planner  
(jlaconte@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470

**SHERRY AND ASSOCIATES, ARCHITECTS**  
**513 SANTA BARBARA STREET**  
**SANTA BARBARA, CA 93101**  
**(805) 963-0986**

**DATE:** March 27, 2011

**TO:** City of Santa Barbara  
Planning Dept  
Staff Hearing Officer  
PO Box 1990  
Santa Barbara, CA 93102

**FROM:** Dawn Sherry Sherry and Associates, Architects  
PO Box 23634 Santa Barbara, CA 93101  
(805) 963-0986  
dawn@dawnsherry.com

**RE:** **Modification Request for:**  
**735 West Micheltorena Street**  
**APN: 039-032-001**  
**R-2 Zone**

**RECEIVED**  
**MAR 28 2011**  
**CITY OF SANTA BARBARA**  
**PLANNING DIVISION**

Dear Staff Hearing Officer,

As Architect and Agent for the Owners I am requesting Modifications to the property located at 735 West Micheltorena Street. Currently on the Site is a non-conforming Neighborhood Market and a single family residence of 448 sf (net). There is one legal non-covered parking space on the property that was approved under a previously granted modification. We are proposing an addition to the existing residence resulting in an additional 251 sf (net) to be added to the lower level and an additional 517 sf (net) to be added as a new two-story to the existing one-story residence. No changes or alterations are proposed to the existing market. The Modifications requested are the following:

- 1. Modification to allow a portion of the required open yard to be located within the front yard of Chino Street and for a portion to be calculated using less than the 20'-0" width dimension.**

We are requesting this relief due to the fact that we have a legal fence approved at the Chino Street elevation that is over the maximum 42" height. Allowing the open yard to be located within the front (Chino Street) yard area would still be providing that area the privacy that it deserves. We are requesting relief from the 20'-0" min. dimension in calculating a portion (east area) of the required area due to the constraint of the lot having two front yards and the current configuration of the structures already located on the site. Even with the current structures on the site, we would be unable to meet the 20'-0" dimension and we want to maintain as much of the existing square footage as possible. We feel that the open yard we are proposing meets the intent of the Zoning Ordinance and provides an equivalent quality of privacy and open yard experience. We are not maximizing the square footage of the lower level so that we can maintain as much open yard as possible. Our Floor Plan is small and is designed to provide the minimal amount of square footage necessary to maintain a decent quality of life within the habitable space provided. We are also proposing a private deck on the upper

**EXHIBIT B**

level of the proposed addition that will give additional bedroom privacy to the master suite. We are providing the minimum 1250 sf of open yard, as is required by code. We are also increasing the quality of the open yard area on the Chino Street side by eliminating the previously approved uncovered parking space from this area. We are proposing to relocate that space into a new one-car garage, thereby allowing the driveway to be used as an additional useable open yard area.

2. **Modification to allow alterations to an existing non-conforming residence located within the side (interior yard) setback and,**
3. **Modification to allow alterations to an existing non-conforming residence located within the rear (east) setback.**

These Modifications, although required, are technical in nature, due to the Ordinance requiring Modifications to alterations to non-conforming structures. All of our proposed development meets the Zoning Ordinance, but because we need to maintain as much of the existing residence as possible, we are attaching our additions to the existing non-conforming residence and therefore require the Modifications.

We feel the proposed improvements provide a needed benefit to the quality of life for the Owners of the property. The Owner bought the property so that he could live and work from the site. The existing residence is only 448 sf, which was minimal, but sufficient, when he did not have a family. Now he has a family and wishes to continue to own and operate his current business, the neighborhood market, as well as live on the property.

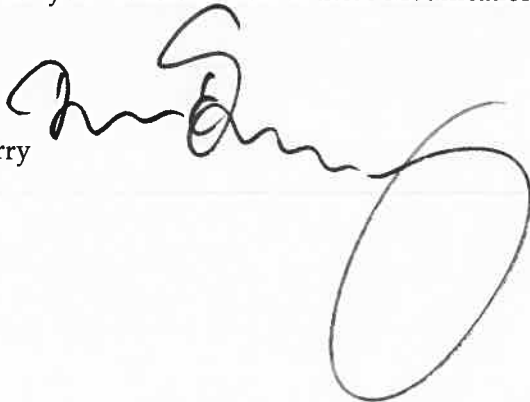
As operator of a market, he is required to be present on the property for much of the time and if he couldn't live on the property, would be required to sell the entire site and business; A business that has taken years to establish and now maintain. We feel that because the improvements proposed meet the Zoning Ordinance with regards to heights, solar, and setbacks, that this project is an appropriate improvement. We feel that the quality of design proposed is an overall improvement to the neighborhood. We feel that the quality of open yard we are proposing is better than the existing yard on the property. Allowing the modification would improve the *overall* quality of life for the Owner, allowing the family to continue running the business and minimize the required commute that would otherwise be required, should the family be required to be relocated.

The quality of living that this project promotes is one of sustainability and minimal vehicular trips, something the City has been advocating to relieve congestion on our streets. It eliminates a previous modification that allowed parking in the Chino Front Yard Setback and increases the quality of the open yard as a result. It also promotes neighborhood character and improves the safety and security on the site, allowing the Owner to be present, yet provide for his family on his own property.

Thank you for your consideration of these Modifications and please feel free to call if you have any questions.

Sincerely,

Dawn Sherry

A handwritten signature in black ink, appearing to read 'Dawn Sherry', written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

**7. 735 W MICHELTORENA ST**

**(6:35)**

Assessor's Parcel Number: 039-032-001  
Application Number: MST2010-00293  
Owner: Elias Khoury  
Architect: Sherry and Associates Architects

(Proposal for a 736 square foot two-story addition to an existing 530 square foot one-story single-family residence that was damaged by fire. The residence would be attached to the existing one-story 1,570 square foot commercial building. Staff Hearing Officer review of zoning modifications is requested for the project to encroach into the interior setback and rear setback, and to provide less than the required open yard area.)

**(Comments only; project requires environmental assessment and Staff Hearing Officer review of zoning modifications.)**

Actual time: 6:12

Present: Dawn Sherry, Architect.

Public comment was opened at 6:26 p.m. As no one wished to speak, public comment was closed.

Mr. Boughman reported that Staff does not support the requested modifications.

**Motion: Continued two weeks back to the Full Board with the following comments:**

- 1) The quality of architecture and setbacks with design changes are appreciated.
- 2) Remove the skylight over the bedroom dormer on the east elevation.
- 3) Provide composite elevation along Chino Street showing the market to remain and showing the market as it appears from public view.
- 4) The requested modifications pose no aesthetic impacts.
- 5) Provide heights and uses of the surrounding area.
- 6) Provide composite elevations of all surrounding areas, and photographs of the adjacent area.
- 7) Study the relationship of the dormers on the east elevation.
- 8) Study having a shed roof above the entry porch versus the gable.
- 9) Indicate materials on the elevation.

Action: Zink/Rivera, 5/0/0. Motion carried. (Gilliland and Sherry stepped down.)

**CONCEPT REVIEW - CONTINUED ITEM**

**6. 735 W MICHELTORENA ST**

**(5:30)**

Assessor's Parcel Number: 039-032-001  
Application Number: MST2010-00293  
Owner: Elias Khoury  
Architect: Sherry and Associates Architects

(Proposal for a 736 square foot two-story addition to an existing 530 square foot one-story single-family residence that was damaged by fire. The residence would be attached to the existing one-story 1,570 square foot commercial building. Staff Hearing Officer review of zoning modifications is requested for the project to encroach into the interior setback and rear setback, and to provide less than the required open yard area.)

**(Second review. Comments only; project requires environmental assessment and Staff Hearing Officer review of Zoning Modifications.)**

Actual time: 6:07

Present: Dawn Sherry, Architect.

Public comment was opened at 6:17 p.m. As no one wished to speak, public comment was closed.

Mr. Boughman informed the Board that Ms. Weiss, City Planner, indicated that although staff can support the two requested setback modifications, it is undecided whether to support the open yard modification.

**Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board with the following comments:**

- 1) The architecture and design provide good detailing and are a good solution.
- 2) Proposal improves an existing nonconforming condition.
- 3) The modification provides no negative aesthetic impacts.
- 4) Provide information and any proposed architectural changes for the existing store along Chino Street, and along the 7 foot fence at Micheltorena and Chino Streets.
- 5) Study opportunities for landscaping that cascades over the fence wherever possible.
- 6) Provide flag stone for permeable paving.
- 7) Any design changes that reduce the size and footprint for the building are not required to return to the ABR prior to being heard by the Staff Hearing Officer.

Action: Zink/Mosel, 5/0/1. Motion carried. (Gilliland abstained, Sherry stepped down.)



Dear Staff Hearing Officer,

This was done already  
got it? lost a treasure + more.  
Be well. The Landmark  
status was huge here. The  
people had no clue about  
the law. The contractor  
didn't apparently - anyway  
all is in. It was exceedingly  
expensive. The trees were  
magnificent. They were pulled  
out and all of them lost magnificence  
The birds flew to China + Pakistan etc  
All died in the rubble - the Palms  
were not so. They were big - never

4-18-11  
P.O. Box 1201  
Santa Barbara, Calif 93102

Re: ITC. 215 E Valencia St  
Please read the Hearings  
etc 4-20-11  
9 AM +  
etc

Thank you  
very much  
Be Well  
Be Well  
Be Well  
Be Well

**PUBLIC COMMENT CORRESPONDENCE:**

- DISTRIBUTED ON: 4/19/11  
 SHO (4):  
 STAFF HEARING SUPERVISOR (D-Kato) PB  
 STAFF HEARING OFFICER (SUZIE REARDON)  
 ORIGINAL TO PLANNING TECH FOR FILE  
 APPLICANT (AT MTNG)

**RECEIVED**  
APR 18 2011

CITY OF SANTA BARBARA  
PLANNING DIVISION

greedy  
Paula, William  
Thank  
you  
much  
Be Well  
Be Well  
Be Well  
Be Well

Stop the  
encroachments  
faster next  
time too  
late has  
now, never  
ever demolished  
leave all the  
work in.  
Be Well  
Guthrie  
Guthrie was  
to help -  
was 3 etc  
02-01.  
never seen  
change  
Society Places  
Be Well Be Well

Should have developed what's new -  
no need to cry over the tremendous  
loss - The neighbors heard of open yard  
& tried to save the lot etc - Many  
people stopped a lot but this part has  
been done - never ever ever allow  
anything to be demolished. No one  
ever wants to be open yard but  
rebuilding permit was never given.  
Please leave all as is, give the  
modified open yard & never ever  
allow anymore development  
what's new, but Cahillo's foot prints  
in the sand 400+ years old. His comes  
also - never lose Historic yards -  
ever again - Tell the contractors what  
to do - They should never have done it.  
Be Well Be Well Be Well Be Well