



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 22, 2011
AGENDA DATE: November 30, 2011
PROJECT ADDRESS: 2015 Gillespie St. (MST2011-00191)
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 5,000 square foot site is currently developed with a single-family residence and a detached one-car garage. The proposed project involves permitting an "as-built" 384 square foot single-story addition to an existing 941 square foot single family residence. The "as-built" addition attaches the residence to the existing 168 square foot one-car garage. The project also includes construction of a new eight-foot high vehicle gate at the driveway, demolition of an "as-built" carport, demolition of a 126 square foot "as-built" garage addition and reversion of "as-built" second-story habitable space back to non-habitable attic space.

The discretionary application required for this project is a Modification to allow the "as-built" addition to encroach into the required open yard area (SBMC §28.15.060 and §28.92.110).

Date Application Accepted: October 4, 2011 Date Action Required: January 4, 2012

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:	Mark Morando	Property Owner:	Lise Jayne Kjar
Parcel Number:	043-073-008	Lot Area:	.11 acres (5,000 sq. ft.)
General Plan:	Residential: 12 unit/acre	Zoning:	R-1
Existing Use:	Residential	Topography:	2%

Adjacent Land Uses:

North - Single Family Residence	East - Single Family Residence
South - Single Family Residence	West - Single Family Residence

B. PROJECT STATISTICS

	Existing Permitted	Proposed
Living Area	941 sq. ft.	+384 sq. ft. = 1,325 sq. ft.
Garage	168 sq. ft.	no change
Accessory Space	none	none

C. PROPOSED LOT AREA COVERAGE

Building: 1,767 sf 35% Hardscape: 1,268 sf 25% Landscape: 1,965 sf 40%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.49 Proposed FAR: 0.30 = 61% of Max. Allowed FAR

IV. DISCUSSION

The proposed project involves permitting an “as-built” 384 square-foot one-story addition to the residence, attaching the garage to the residence and constructing an eight-foot high gate along the driveway. All other unpermitted “as-built” structures are proposed to be removed as part of this project. The project would abate violations identified in an enforcement case (ENF2010-00220).

A Modification is required to allow the addition to reduce the conforming open yard area to approximately 1,011 square feet; 239 square feet less than the required 1,250 square-foot open yard area. A small area (totaling approximately 269 square feet) directly adjacent to the open yard area provides usable outdoor space, but is approximately 1 ½ feet short of the minimum 20-foot dimensions and cannot count toward the required 1,250 square feet. The Zoning Ordinance recognizes the constraints of developing on single family lots of less than 6,000 square feet and provides the opportunity to meet the open yard requirements in multiple areas as long as minimum dimensions of 20’ x 20’ are provided. In this case, the remaining front yard is not large enough to take advantage of this provision. Due to the undersized R-1 zoned lot (5,000 square feet vs. 6,000 square feet required) and the modest size of the existing residence, staff supports the requested Modification to allow the “as-built” addition in the required open yard area, as the project will maintain adequate open yard area for the site.

The scope of this project does not require review/approval by the Single Family Design Board.

V. FINDINGS

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. The proposed addition is appropriate in that it will allow for a reasonable expansion of the small residence on an undersized R-1 zoned lot, while maintaining adequately large, usable outdoor living space.

Said approval is subject to a condition that that the hedges within ten feet of either side of the driveway for a distance of 20 feet back from the front lot line shall be reduced to, and maintained at, 3 ½ feet in height in compliance with SBMC §28.87.170.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated October 4, 2011

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

October 4th, 2011

City of Santa Barbara Staff Hearing Officer
630 garden Street
Santa Barbara, CA 93101

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**CITY OF SANTA BARBARA
PLANNING DIVISION**

RE: 2015 Gillespie Street, APN 043-073-008, Request for Modification.

The owner of 2015 Gillespie Street requests your consideration for a required yard modification in order to legalize the dwelling purchased in 2007 through a deed of trust, which did not require a Zoning Information Report.

The 5,000 square foot parcel was originally developed with a 941 square foot single-story flat roof dwelling and detached 180 square foot garage under permit #A3744, finalized April 26th, 1928.

In 1981 permit #9853 for new second floor and roof framing was approved and finalized on May 6th, 1981. The City has a copy of the permit on an 8 1/2" x 11 paper in the street file, that shows the new roof area with the rear single story addition below and to the rear of the existing dwelling that attaches the garage to house, as it exists today. The permit stated the new square footage as none, however the City lost the permitted set of architectural plans. The owner has a copy of only one sheet of the second floor permit with a City stamp and it shows the foundation plan and a section of the building with the second floor having a separate floor. The second floor was built as shown on the section and the Building Department is recognizing the second floor, as existing square footage due to the floor framing, sheathing and rear interior stairwell. City Planning is not recognizing the second floor as legal square footage, but as an attic. The County Tax Assessor records show the upstairs floor area in 1982 as two-bedrooms and a large storage room, exactly what currently exists. In 1997 permit Bld97-00636 was issued for the pool at the rear of the residence and finalized May 5th, 1997. This permit also showed the rear single-story addition.

The current proposal is to legalize the rear 384 square foot single-story addition. This addition is less than a fifty percent of the original 941 square foot dwelling. The proposal will also maintain the original non-conforming one-car garage. The rear addition extends into the original 1,250 square foot open yard, in that the open yard area was conforming before the addition. However, the open yard as proposed, meets the 1,250 square foot rule by providing 1,288 square feet, but not with the twenty-foot minimum dimension, given the original garage is at 18'8" from the rear property line. The proposed project will remove the interior stairwell to the attic and the three windows on the second floor. An attic access hatch will be installed within the closet. The proposed project will also demolish the "As-Built" carport and the "As-Built" addition added onto the rear of the garage. The garage will be returned to the original dimensions of 18'7" from the rear property line. The garage and the "As-Built" garage addition slated to be removed was rebuilt in 2010 with a City Building permit, (BLD2008-01723, Replace (e) 2x4 studs @ garage area, install 2 layers grade D paper, replace (e) stucco where 2x4 studs are being replaced in garage area, remove (e) asphalt shingles and re-roof with same materials - 10 squares. Repairs are like for like.).

EXHIBIT B

Per SBMC 29.001.B, any additions after June 5th, 1980 that enlarges, expands or extend more than fifty percent (50%) of the existing net floor area (excluding the garage), then the parking shall be brought up to the current standards for the entire lot. The parking on the property was non-conforming in 1981 when the second floor framing was added. In order to legalize the second floor square footage, an additional parking space will be required to bring the parking up to code. The added parking space will require yard modifications be approved on the lot for the new parking space to be accommodated. The existing garage location and the 1997 pool permit leave only a tandem parking option on-site. The tandem would have to be in either a two covered or a one covered and one uncovered configuration.

A few months ago we proposed to legalize the second floor and the rear addition by removing seventeen inches from the rear of the original garage to obtain the twenty feet open yard minimum dimension, so no open yard modification was required. Yet, it triggered the additional parking space and an addition to the front of the garage to meet the minimum interior clear dimension for a garage. This previous option required an interior yard modification for the garage addition to be within the five-foot interior setback. Since the garage is by definition within the remaining front yard and the new parking exceptions, SBMC 28.90.100.G.1 b and c, do not allow the uncovered parking spaces to be located within the front yard. The new uncovered parking space required a front yard modification to allow it within the remaining front yard. Additionally, the parking space required an interior yard modification, as well, to be three feet from the interior property line. The Single Family Design Board wanted the house to be brought up to a specific vernacular architectural standard in order to give positive comments on the tandem-parking configuration. This would mean new dormers and an entirely new front porch along the front elevation along with other unspecified design changes.

Therefore, due to the economic hardship of rebuilding the second floor to current building code and bringing the exterior architectural vernacular up to City design review standards. Lisa has opted, against her better judgment, to lose the second floor area in order to legalize the dwelling. Lisa grew up in the house and the carport and rear single-story addition were in existence before her birth. Lisa is forty-four years old. In 1981 when the second floor was built, the rear single-story addition in question existed and the building inspectors walked through the rear addition, up the rear stairwell and inspected the framing to final the project. When the second floor was completed, Lisa received one of the bedrooms and her older brother, the other. When the City installed sidewalks on the west side of Gillespie Street a few years ago, they undermined the roots of the Jacaranda street tree in front of 2015 Gillespie and it fell onto the house. The tree punched a hole in the south corner of the second story. The City repaired the damage to the second floor bedroom and roof (See Photos).

The Modification of the twenty-foot open yard dimension is justifiable by the fact that the required 1,250 open yard area is being provided and is currently more than adequate for the occupants at 1,288 square feet. The modification of the open yard minimum dimension is only for seventeen inches less than the required twenty-foot dimension. The original garage sits at 18'7" from the rear property line, allowing only a 6'6" deep rear addition behind the kitchen and an 8'7" addition behind the master bathroom, to maintain a conforming open yard. The conforming option would not result in a functional use of the space for neither a bedroom, or a

recreational space, such as a family room or rumpus room. The as-built rear addition is 12'9" deep behind the kitchen and 14'10" deep behind the master bathroom. The current dwelling is only at 61% of the maximum allowed floor-area-ratio for this small 5,000 square foot lot. The 384 square foot rear as-built single-story addition was built in the early 1960's and repaired in 2009. This addition is shown on all permits for the house, except the original permit. The rear family-room addition is not visible from the street and will meet Fire code and the 2010 Residential Building Code.

The approval of the open yard modification will prevent an unreasonable economic hardship of demolishing the basically the entire rear addition while also losing the second floor area. The owner and I believe that the proposed solution to the violations; maintaining the existing garage and rear addition create a minimal impact and maintaining a uniform improvement that is architecturally and functionally appropriate to a small confined lot and an onerous situation. The solution maintains the historical design and use of the property while securing a recreational space for the occupants used by the family approximately fifty years.

The owner has made compromises to achieve this configuration and is going to have to assume a sizeable debt in order to carry out the necessary improvements. The enforcement case was only for the carport structure and the garage addition. Upon research into the property, the rear addition, second floor and open yard dilemma were discovered and could not be ignored with this application. The plans and design were based upon a licensed survey. The approval of this modification will prevent an economic hardship to the owner who inherited the house where she grew up. The house has not changed from the physical configuration since the attic was permitted. The rear addition and the rear garage addition were in existence when the city signed-off the second floor in 1981 and the pool in 1997. This application will legalize the property as a modest 1,493 square foot dwelling. Thanks you for your consideration in this matter.

Sincerely



Mark Morando
Morando Planning & Design