



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 18, 2012
AGENDA DATE: July 25, 2012
PROJECT ADDRESS: 2010 Garden Street (MST2012-00142)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Daniel Gullett, Associate Planner *DPG*

I. PROJECT DESCRIPTION

The proposed project involves demolition of an existing trellis and deck and construction of a new 170 square foot deck approximately 18 inches off grade. The project also includes permitting of an “as-built” overheight combination of wall, fence, and hedge along the property frontage on Mission Street and neighboring driveway.

The discretionary applications required for this project are: a Modification to allow the new raised deck to encroach into the 30-foot front setback on Mission Street (SBMC §28.15.060 & 28.92.110) and a Modification to allow the existing hedge, fence and wall combination to exceed 3.5 feet in height within ten feet of the front lot line and along the adjacent driveway and exceed eight feet in height within setbacks (SBMC §28.87.170 & 28.92.110).

Date Application Accepted: May 24, 2012 Date Action Required: August 22, 2012

II. RECOMMENDATION

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

III. SITE INFORMATION

Applicant:	Sam Maphis	Property Owner:	Girod Family Trust
Parcel Number:	025-331-015	Lot Area:	23,294 sq. ft.
General Plan:	Residential (3 units/acre)	Zoning:	E-1
Existing Use:	Single Family Residence	Topography:	13% slope

Adjacent Land Uses:

North – Single Family Residence	East - Mission Street
South – Garden Street	West – Single Family Residence

IV. BACKGROUND

Recent interior setback Modifications were granted for development on the property in 2010, to allow a remodel and roof change to the pool cabana within the ten foot interior setback (MST2010-00216), and in February 2012, to allow the pool equipment and pool enclosure to encroach into the same setback (MST2011-00456). The 2010 Modification approval included a condition that the existing hedges comply with the height requirements of SBMC Section 28.87.170, some aspects of which were temporarily suspended at that time. The 2007 Zoning Information Report identified the trellis above the rear deck to have been installed without a required building permit. That trellis is proposed for removal with the current proposal.

V. DISCUSSION

The proposal is to replace an existing deck with a new deck, and to legalize an existing fence and hedge along Mission Street. The existing combined height of the sandstone wall, fence and hedge along Mission Street is approximately 14 feet.

Hedge/Fence/Wall

The City's records of the property are incomplete and no original plans for the house are on file. The swimming pool was permitted in 1972, but the permit has no reference to pool fencing or a new retaining wall. The Zoning Ordinance requires new fences, screens, walls and hedges to be no taller than 3.5 feet within ten feet of a front lot line and along a driveway for a distance of 20 back from the front lot line, and no taller than eight feet in height within required setbacks. The sandstone wall along Mission Street is considered to be legal and non-conforming to the wall height requirement at up to five feet in height above the sidewalk. The 3.5 foot tall CMU wall located behind the sandstone wall is also considered to be legal, non-conforming as it was apparently constructed at the time the pool was constructed, and the requirement for a five-foot separation between walls for the purposes of measuring height did not go into effect until 1982. The five-foot tall chain-link fence and hedge along Mission Street and the neighbor's driveway on the adjacent property to the northeast, however, are not recognized as legal and are included in the subject Modification request.

The house is on the City of Santa Barbara's Potential Historic Structures List as the Willits/Carrel House, which was constructed in 1894 and is one of the five houses in Crocker Row. The Historic Landmarks Commission (HLC) conceptually reviewed the project on the Consent Agenda and continued the project with positive comments for review of the Modifications by the Staff Hearing Officer.

The purposes and intent of the Zoning Ordinance fence, wall, and hedge height limitations are to provide vision clearance along the street, adjacent to driveways, and through intersections; provide neighboring properties with access to light and air; and present an open, uniform streetscape. The City's Building Code requires installation of a five-foot-tall fence surrounding a pool for safety. While the existing chain-link pool fence can be relocated away from Mission Street, moving the fence toward the pool from the back of sidewalk and the neighboring property would reduce the traditionally usable outdoor area on the property. Due to the constraints of the shape of the lot and its two front setbacks, the location of the pool and open

yard area in the secondary front yard, and height and location of the non-conforming sandstone wall and CMU wall, staff supports the location of the as-built five-foot tall pool fence atop the CMU wall, with the exception of the portion of fence along the neighbor's driveway to the north. Staff has included a recommended condition that the fence be relocated from that area to allow for pedestrians to see higher profile vehicles backing out of the adjacent driveway.

As shown in the Section A on Sheet L-1 of the project plans, the nine foot tall hedge is located between the chain-link fence and sandstone wall. Hedges are characteristic of the surrounding Upper East Neighborhood and within the immediate vicinity of the subject property. The subject hedge provides privacy for the pool area and open yard area from Mission Street and the adjacent property at 321 E. Mission St. Historic aerial photos of the property show a hedge at this location in 1954, however the City does not have sufficient evidence demonstrating that the existing hedge is legal, non-conforming. Due to the height and location of the sandstone wall, the pool fence and hedge do not block driver vision any more than the non-conforming sandstone wall already does. Staff recommends approval of the "as-built" chain-link fence and hedge with recommended conditions that the hedge be maintained at the same height as the top of the five-foot-tall pool fence and a portion of the hedge removed along the adjacent driveway to the north to allow pedestrians on the adjacent sidewalk to see higher profile vehicles backing out of the driveway.

Rear Deck

No permit for the existing rear deck has been located. Based on the apparent age of construction, Staff has determined that the existing deck is legal, non-conforming. The proposal would replace the rear deck with a new deck, approximately 18 inches higher than the existing deck. The new deck would provide direct access from the house, without stepping down from the house, unlike the existing condition. The new deck and steps would encroach approximately 5 feet into the 30-foot front setback along Mission Street within the footprint of the existing deck, which encroaches approximately 12 square feet into the setback. The deck would encroach approximately the same distance into the Mission Street front setback as the house does. Due to the location of the existing deck within the secondary front yard, where open yard area may be located up to ten feet from the front property line, the topography of the site, and the minimal encroachment area of the deck, staff recommends approval of the proposed deck.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the front setback and fence/wall/hedge height Modifications are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed deck is appropriate because it provides direct outdoor access from the residence with minimal front setback encroachment into a secondary front yard. The overheight chain-link fence is appropriate because it provides both the minimum height pool security fencing required by the Building Code and maximizes usable outdoor space on the property. The overheight hedge is appropriate because it screens the pool fence, and provides privacy for the pool and private rear yard area without impairing driver's vision clearance any more than the existing legal nonconforming sandstone and CMU walls.

Said approval is subject to the following conditions:

1. That the hedge height along Mission Street be maintained no higher than the top of the five-foot tall chain-link pool fence.
2. That the pool fence and hedge be removed from the northeast corner of the property within the triangle formed by the subject property's north and east property lines and a line connecting the southern corner of the garage at 321 E. Mission St. and a point ten feet south of the northeast corner of the property, to allow pedestrians to see higher profile vehicles backing out of the driveway. That triangular area is to be delineated on project plans submitted for building permits and re-landscaped subject to review and approval by the Historic Landmarks Commission.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated April 9, 2012
- C. Historic Landmarks Commission Minutes of May 23, 2012

Contact/Case Planner: Daniel Gullett, Associate Planner
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630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4550



EARTHFORM
D E S I G N
 SAM W. MAPHIS IV ASLA
 LANDSCAPE ARCHITECTURE
 LAND PLANNING URBAN DESIGN

4/9/12

Staff Hearing Officer

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

Re: Modification Request for 2010 Garden Street, SB.Ca.
 Assessor's Parcel # 025-331-015

RECEIVED
 MAY 24 2012

CITY OF SANTA BARBARA
 PLANNING DIVISION

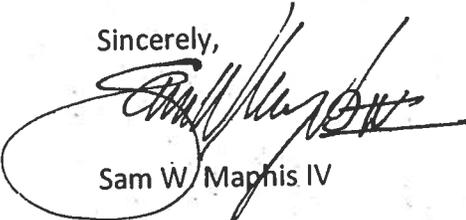
Dear Staff Hearing Officer;

The existing single family residence at 2010 Garden St. has a typical back yard that consists of patios, a pool, pool equipment, open lawn, landscaping, retaining planter walls, and property line walls that provide privacy and proper drainage finish grades. These existing walls are made of both Santa Barbara sandstone and stucco. The property has a newly permitted covered pool shade structure and a recent relocation of existing pool equipment. This new structure and pool equipment is permitted and received a modification to allow it to sit in the previous buildings footprint which encroached 5' into the side yard setback. The reason we are submitting for this modification is to allow an existing deck to be rebuilt, repaired, and the deck surface to be raised up to connect safer to the existing Family room. This deck will replace an existing deck that we did not find permits for on record and, originally projected some 3' into the required side yard setback along Mission St. This particular lot has hardships imposed upon it by two required front yard setbacks. We want to receive the appropriate permit approvals for this existing deck. We will be removing the existing trellis structure as part of this permit remodel process.

The condition we are proposing is substantially the same as what has existed on the property from the early 1970's or before when the deck may have been constructed.

Please find this application complete for this minor move of the existing deck assembly that will be entirely screened from any public or private views.

Sincerely,



Sam W. Maphis IV

Earthform Design

Agent for; Bernard and Adrienne Girod, owners.

1227 DE LA VINA STREET
 SANTA BARBARA, CALIFORNIA 93101
 805.963.2006 FX.963.8335
 INFO@EARTHFORM.COM

▲ EXHIBIT B ■

Historic Landmarks Committee Minutes

May 23, 2012

2010 GARDEN ST

Assessor's Parcel Number: 025-331-015
Application Number: MST2012-00142
Owner: Girod Family Trust
Landscape Architect: Earthform Design
Contractor: Ben Pettit

(Proposal to remove an existing trellis and deck and to construct a new 170 square foot deck approximately 18 inches off grade. Also proposed is to permit an as-built 10-foot to 12-foot combination wall, fence, and hedge on the front property line on Mission Street. Staff Hearing Officer review is requested for zoning modifications for encroachment into the setback and for the over-height wall, fence, and hedge. This house is on the **City's List of Potential Historic Resources: "Willits/Carrel Residence, Crocker Row."**)

(Comments only; requires Environmental Assessment and Staff Hearing Officer review.)

Positive comments given and continued indefinitely to the Consent Calendar.