



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 26, 2012  
**AGENDA DATE:** October 3, 2012  
**PROJECT ADDRESS:** 1654 Shoreline Drive (MST2012-00319)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Suzanne Riegle, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

The existing 9,205 square foot site is currently developed with a 1,525 square foot residence with an attached two-car garage and a detached, 700 square foot, accessory/garage building. The proposal includes a 225 square foot addition to the main residence, relocation of the front entry porch and landing, roof replacement, new pool and spa, permitting of pool equipment, and alterations to the existing detached accessory/garage building to create a pool cabana not to exceed 500 square feet. The discretionary applications required for this project are:

1. A Modification to allow the garage portion of the detached accessory building to be converted to habitable space within the required six-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
2. A Modification to allow the pool equipment to encroach into the required six-foot interior setback. (SBMC § 28.15.060 and SBMC § 28.92.110)

Date Application Accepted: 8/20/12

Date Action Required: 11/16/12

### 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:	Howard Wittausch	Property Owner:	Mike McLaughlin
Parcel Number:	045-172-022	Lot Area:	9,205 square feet
General Plan:	Low Density Residential	Zoning:	E-3/SD-3
Existing Use:	Residential	Topography:	12% slope
Adjacent Land Uses:	Residential (one-story)		

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Residence	1,525 sq. ft.	+ 70 sq.ft =1,595 sq. ft.
Garage (Attached to Residence)	420sq. ft.	-20 sq. ft = 400 sq. ft.
Accessory /Workshop (Attached to Residence)	0 sq. ft.	+187 sq. ft. = 187 sq. ft.
Detached Garage (Convert to Accessory)	700 sq. ft.	-201 sq. ft. = 499 sq. ft.
Total Development	2,645 sq. ft.	2,681 sq. ft.

**IV. BACKGROUND**

The original 1,680 square foot residence was constructed in 1958 with an attached 420 square foot garage. In 1959, a permit was issued to construct a 700 square foot detached garage at the rear of the property. In 1978 there were several permits and related archive plans for improvements in the rear yard including: the existing pool, pool equipment located outside of the rear setback behind the pool, pool decking, a 600 square foot shade structure, and a retaining wall. The 708 square foot garage at the rear of the property is reflected as a number of uses on these 1978 archive plans, including garage, guest house, and pool cabana. Santa Barbara Municipal Code (SBMC) § 28.87.160 limits the maximum square footage of accessory and garage floor area on a single family lot to 500 square feet each. The property is existing non-conforming to this provision of the code, with 1,128 square feet of garage area.

The County Assessor's information states that the property was sold to the current owner in October 1999. Records for the property show that a Zoning Information Report was not completed at the time of this sale. A Zoning Information Report was prepared in 2008, which noted several zoning and building violations that are currently the subject of an enforcement case (ENF2008-00178). The zoning violations consisted of two illegal dwelling units created by converting both garages into separate dwelling units and eliminating all of the required covered off-street parking. In addition, a number stored items were located within the side and rear yards encroaching into the required interior setback. The building violations noted were for work without permit including an interior remodel of the residence, new hardscape around the spa and pool, a new spa, the use of the shade structure as a carport, and the conversion of the garage floor area to habitable space.

**V. DISCUSSION**

The proposed project to abate the violations involves other alterations to the existing one-story residence including a 225 square one-story addition, the relocation of the front entry porch and landing, and roof replacement. The additions will occur in front of the existing attached garage. so that the garage can be moved forward to create an additional workshop / storage area at the rear of the residence. Changes in the rear yard include permitting an unpermitted spa, unpermitted pool equipment, unpermitted paving, and alterations to the detached accessory/garage building to create a pool cabana.

The current proposal to abate violations and permit work that was completed without a permit requires two setback modifications. The alterations to the rear garage to create an accessory

space will abate the violation by demolishing square footage so that the accessory building does not exceed 500 net square feet, removing bathing facilities, and removing interior food preparation facilities. A corner of the rear garage, approximately 14.5 square feet, encroaches up to two and one-half feet into the six-foot interior setback at the westerly property line and requires a Modification to allow the conversion of this portion of the building to habitable floor area. The encroaching area includes as-built clearstory windows that are not expected to impact adjacent neighbors. Staff recommends that a condition be added to require a Zoning Compliance Declaration and to revise the floor plan to eliminate the closets and storage areas adjacent to the bathroom and outdoor kitchen, consistent with staff's interpretation of the definition of a residential unit.

The permitted location of the pool equipment was previously permitted and shown on plans in the location of the unpermitted spa, outside of the setbacks. The pool and spa equipment was relocated without permit to an area at the side of the residence, within the required interior setback, at the easterly property line.

Typically, staff discourages the placement of noise-generating equipment within setbacks. In some cases, with supporting noise specifications or a noise study, and site-specific characteristics, an encroachment can be found acceptable. SBMC §9.16.025 requires that mechanical equipment (such as A/C units, pool equipment, generators, etc.) not exceed 60dBA CNEL at the closest property line to a parcel zoned or used for residential purposes. The applicant has not provided noise specifications or a noise study for the unpermitted equipment to show compliance with the requirement. Also, due to a change in topography, the subject property sits approximately two to three feet above the neighbor to the east, and staff anticipates that there may be noise impacts to the adjacent neighbor. Finally, there is a conforming option on-site to relocate the equipment outside of the setback. For these reasons, Staff recommends denial of the Modification to allow the pool equipment to encroach into the required setback and requests that a condition be added to either remove or relocate the mechanical equipment, including pool and spa equipment, to a conforming location. The property owner of the rental property to the east has submitted a letter of support of the proposed modification (attached as Exhibit C).

This project as proposed was exempt from review by the Single Family Design Board.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modification to allow the alteration and conversion of floor area within the required setback to habitable area is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed alteration of the existing garage to an accessory building is appropriate and allows the re-use of the former garage with no anticipated impacts to adjacent neighbors.

The Staff Hearing Officer finds that the Modification to allow the pool equipment to encroach into the required interior setback is inconsistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. A conforming option exists on-site and supporting evidence has not been provided to indicate that the equipment can comply with the Municipal Code.

Said approval is subject to the following conditions:

1. Record a Zoning Compliance Declaration against the property title due to the configuration of the accessory building.
2. Revise the floor plan of the detached accessory building to eliminate the closets and storage areas within the changing area adjacent to the half-bathroom and outdoor kitchen areas.
3. Remove and/or relocate the unpermitted mechanical equipment, including pool and spa equipment, from the required setback to a conforming location.

**Exhibits:**

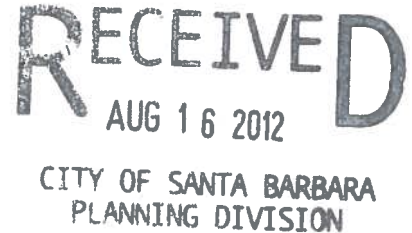
- A. Site Plan (under separate cover)
- B. Applicant's letter, dated August 12, 2012
- C. Letter of Support, dated July 20, 2012

Contact/Case Planner: Suzanne Riegle, Assistant Planner  
(SRiegle@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x 2687

**MICHAEL McLAUGHLIN**  
1654 Shoreline Drive, Santa Barbara, CA 93110  
Tel (805) 636-7532 OR (805) 560-8498  
[mmc2000sb@gmail.com](mailto:mmc2000sb@gmail.com)

August 13th, 2012

Susan Reardon, Modification Hearing Officer  
Planning & Development  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101



Re: Modification Request - 1654 Shoreline Drive, Santa Barbara  
APN 045-172-022

Attachments:

1. Pentair Intelliflow Pump Brochure with specific db rating
2. Photographic documentation of pool equipment, barriers and neighbors' sight lines
3. Modification support letter from neighbor/owner at 1648 Shoreline Dr.

Dear Ms. Reardon,

The subject .21 acre parcel is zoned E-1 Residential and is located in the Coastal Zone and has an FAR of .31 excluding pool, spa and patio. The existing main residence has a floor area of 2,030 SF and the garage is 425 SF. The existing detached studio/pool house with a floor area of 580 square feet was permitted in 1959 as a two-car garage. It is proposed to convert this to the originally approved use. The trellis over the driveway, also permitted in 1959, is proposed to remain. Only the plastic roof cover is proposed to be removed. Retaining walls at all 4 property lines, installed at the time the property was developed to create a level building pad and which block views to and from neighboring properties, are proposed to remain. The original site slope was 12%.

This is to request two modifications to Santa Barbara Municipal Code as follows:

- I. (§28.87.062.C.1 and D.7b) Permit pool equipment to encroach 30" into the required 6 foot interior setback.
- II. (§28.87.160.D) Permit the existing accessory building to encroach 30" into the required 6 foot interior setback.

**EXHIBIT B**

Modification I is requested for the following reasons:

1. Pool equipment was relocated to the side yard due to site constraints. There is no room to place the equipment in the back yard because the entire back yard provides the required open space.
2. Pool equipment generates less than 53 decibels at the source as indicated in attached manufacturers specification sheets and complies with Santa Barbara City Noise Ordinance (Santa Barbara Municipal Code §9.16.025). (see attached brochure)
3. The existing 2.5-3 foot retaining and 4 foot wood fence at the property line screens the equipment so that it is not visible from the neighboring property. (see attached photographic documentation)
4. The neighbor, on the side of the home directly affected by location of the pool equipment in the side yard, is supporting the modification (see attached letter)
5. City archives indicate and interior yard/building setback of 8 feet. The house was not constructed as shown on approved drawings. Owner's survey in 2008, after pool equipment was located in the side yard, indicated the building to be 6'-2" from the property line.

Modification II is requested for the following reasons:

1. The existing accessory building was approved as-built with the encroachment. It was subsequently converted to living space without permit by previous owners prior to the property being sold to the current owner/applicant in 1999. The encroachment was unknown until the Owner's survey revealed that existing buildings were not constructed as shown on the approved plans as to location.
2. The legal nonconforming use is a 2-car garage but, because the current use as a pool house is more compatible with existing as-built development, City staff has advised it would support maintaining the current use.
3. The building encroachment is screened by an existing 5-foot retaining wall in the side yard and an existing 5-foot wood fence at the property line. Only the tip of the roof is visible above the fence line of the neighboring/adjoining properties

If you have any questions or suggestions or should you required additional information please call me Thank you for your consideration.

Sincerely,



Michael McLaughlin  
Owner

cc: Wm. Howard Wittausch, Architect Civil Engineer



**Photographic Documentation supporting Modification I:**

Pool equipment was relocated to the side yard due to site constraints. There is no room to place the equipment in the back yard because the entire back yard provides the required open space.



City archives indicate and interior yard/building setback of 8 feet. The house was not constructed as shown on approved drawings. Owner's survey in 2008, after pool equipment was located in the side yard, indicated the building to be 6'-2" from the property line.

The existing 3 foot retaining and 4 foot wood fence at the property line screens the equipment so that it is not visible from the neighboring property.





Pool equipment generates less than 53 decibels at the source as indicated in attached manufacturers specification sheets and complies with Santa Barbara City Noise Ordinance (Santa Barbara Municipal Code §9.16.025).



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\*High-Efficiency Variable Speed Pump (compared to a 1.5-hp standard pressure pump) 110 feet per 100 ft. of pipe at 35.7 gpm (1.5 hp) vs. 18.7 gpm (0.75 hp) at 35.7 gpm. All figures are estimates and based on the 2" utility (1.5 hp) pipe. All other variable speed pumps are based on 1.5 hp. All other variable speed pumps are based on 1.5 hp. All other variable speed pumps are based on 1.5 hp. All other variable speed pumps are based on 1.5 hp.

†Compares to noise level of a 1.5-hp standard pressure pump.



As low as 45 db

July 20, 2012

Susan Reardon, Modification Hearing Officer  
Planning & Development  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

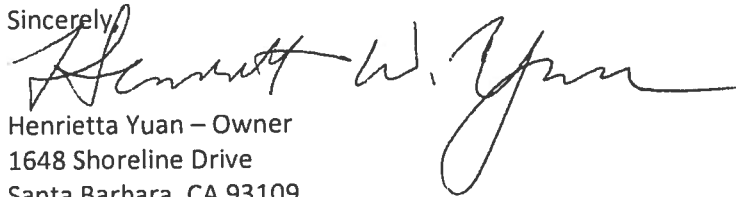
Dear Ms. Reardon,

I am the owner of the property at 1648 Shoreline Drive immediately adjacent to the parcel owned by Michael McLaughlin at 1654 Shoreline Drive, Santa Barbara, CA 93109. Michael has been our neighbor since 1999, when he purchased the un-maintained property from the former and original owner Ms. Dorothy Thompson. Since Michael moved to the neighborhood, he has continuously improved the property and surroundings of his home. He has looked out for our home in our absence and when both of our yards and common retaining wall were damaged by a drunk driver a number of years ago, he handled all of the details surrounding negotiating and contracting out the repair of our yards and retaining wall. Michael has since repaired and replaced the common fence that physically and visually separates our properties as it lies on his side above the common retaining wall.

When we are at our residence in Santa Barbara, we often perform yard work by hand in our back, side and front yards, and we were not even aware of the presence of pool equipment in Michael's side yard between his home and ours. This is most likely the case as his property sits elevated above ours by 2-3 feet and the high fence visually blocks our view of the side yard below the eaves.

As such, we are not concerned with the City of Santa Barbara granting a modification to Michael to allow his pool equipment to remain in the side yard between our homes.

Sincerely,



Henrietta Yuan – Owner  
1648 Shoreline Drive  
Santa Barbara, CA 93109

**EXHIBIT C**