



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 26, 2012
AGENDA DATE: October 3, 2012
PROJECT ADDRESS: 1950 Eucalyptus Hill Road (MST2012-00291)
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 23,681 square foot lot is developed with a 3,556 square foot two-story residence with a detached two-car carport above a 494 square foot accessory building and 442 square feet of deck. The carport was destroyed by a fallen tree and was rebuilt under BLD2011-01298. Revisions were made in the field as required to meet building code requirements including increasing the height of guardrails for the wall along the front property line and alterations to the unpermitted entry stairway. The discretionary applications required for this project are:

1. A Modification to allow field changes to fences and walls to exceed the maximum allowable height of eight feet when located within the front setback and 3.5 feet when along the driveway (SBMC § 28.87.170 and SBMC § 28.92.110);
2. A Modification to allow an elevated stair case to access the residence to encroach four feet into the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. A Modification to allow a raised deck to encroach 5.5 feet into the required ten-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110).

Date Application Accepted: 9/5/12

Date Action Required: 12/4/12

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:	Karel DeVeer
Parcel Number:	015-100-021	Lot Area:	23,681 square feet
General Plan:	Low Density Residential	Zoning:	A-2

Existing Use: Residence Topography: 29% slope
Adjacent Land Uses: Residential (two-story)

IV. DISCUSSION

The existing two-story residence with a second floor wrap-around deck was constructed in 1963. The property was recently surveyed and revealed that the existing residence was not constructed as previously documented in archive plans. The residence was rotated to the west, causing it to be located closer to the southwesterly property line. As a result, the attached second floor deck is only set back just over 4.5 feet from the interior property line.

The front entrance to the residence is accessed via a staircase off the driveway. The original plans for the residence do not include a detailed site plan or the northern elevation of the residence and, therefore, staff could not confirm where the original entry stair was located. The original development also included a two-car carport that was constructed over a 494 square foot non-habitable workshop with an attached 442 square foot deck. The use of the detached accessory space is not subject to the approval of the Staff Hearing Officers review but will be subject to zoning plan check approval. A condition of approval has been added to clarify that the use and proposed amenities for the detached accessory space are subject to the zoning plan check approval and are not a part of the review for the requested modifications.

The proposed project involves replacement of existing guardrails along the driveway retaining wall at the front of the property; permitting a set of "as-built" stairs and guardrail at a second retaining wall located in the front setback; and to permit an "as-built" second-story deck at the rear of the house. The applicant has requested zoning modifications for the combined height of the guardrails and retaining walls to exceed 3.5 feet in height within the required front setback and adjacent to the driveway, and for the second-story deck at the rear to encroach into the required ten-foot interior setback.

The existing retaining wall and guardrail associated with the driveway was legally non-conforming to height but was required to be changed in the field to a minimum height of 42 inches at the northerly edge of the existing driveway to meet building code requirements. A portion of this improvement is located within the public right of way requiring a Public Works encroachment permit. Similarly, the guardrail located atop the second retaining wall south of the driveway was increased in height to meet the building code requirements. A portion of the retaining wall and guardrail will exceed eight feet in height and is located within the required setback. The requested modification is reasonable to allow the increased height of the guardrail for safety purposes and staff does not anticipate impacts to adjacent neighbors. A condition has been added to obtain a separate encroachment permit for the portion of retaining wall and guardrail located within the public right-of-way.

The second modification is to allow a portion of the unpermitted staircase to encroach up to five-feet into the required 30-foot front setback. The staircase provides access to the primary entrance to the residence from the driveway. Staff was unable to confirm the original location of the stairs because the front elevation was not show and the site plan did not show details of site improvements. A 1989 site plan for repairs to the residence did show an entry stair located

of the stairs because the front elevation was not show and the site plan did not show details of site improvements. A 1989 site plan for repairs to the residence did show an entry stair located in an alternate location but the stair was not a part of the scope work. Based on the location of the existing development and the topography of the site, the encroachment of the stair is appropriate and staff does not anticipate impacts to adjacent neighbors.

The third modification to allow the second-story deck built in 1964 and repaired in 1989 to encroach approximately five and one-half feet into the required ten-foot interior setback. The existing second floor deck matches the dimensions and configuration indicated on the 1964 archive plans. The location of the improvement was discovered to be in error only after the completion of a land survey and has been in place for a number of years without neighbor complaints; therefore, staff does not anticipate impacts to adjacent neighbors.

This project was reviewed by the Single Family Design Board on August 20, 2012, and. the Board found that the proposed modifications are aesthetically appropriate and do not pose consistency issues with the Single Family Residence Design Guidelines.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification to allow the combined height of guard rails and retaining walls to exceed the allowable height when located along a driveway and within the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed increase in height of the guardrails is appropriate because it necessary to meet safety requirements outlined in the building code.

The Staff Hearing Officer finds that the Modification to allow the entry stair case to be located within the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The stairway provides the primary access to the front entry and is appropriate because it necessary to meet safety requirements outlined in the building code.

The Staff Hearing Officer finds that the Modification to allow the second story deck to be located within the interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The deck matches the dimensions and configuration indicated on the 1964 archive plans, the location was discovered to be in error only after the completion of a land survey and has been in place for a number of years without neighbor complaints; therefore, staff does not anticipate impacts to adjacent neighbors.

Said approval is subject to the following conditions:

1. The approval of the proposed modification does not legalize the proposed improvements shown on the plans on sheets A3 and A4 for the detached accessory building. The proposed use and amenities for the detached accessory space are subject to zoning plan check approval.
2. A separate Public Works encroachment permit is required for the portion of retaining wall and guardrail located within the public right-of-way.

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SEPTEMBER 26, 2012

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Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated September 5, 2012
- C. SFDB Minutes

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

September, 5th, 2012

Staff Hearing Officer
City of Santa Barbara
Post Office Drawer 1990
Santa Barbara, CA 93102

RECEIVED
SEP 07 2012

**CITY OF SANTA BARBARA
PLANNING DIVISION**

Re: DeVeer Residence
1950 Eucalyptus Hill Road
Santa Barbara, CA 93108

Dear Mrs. Reardon,

Enclosed please find the formal application for the project located at 1950 Eucalyptus Hill Road within the Riviera's Eucalyptus Hill neighborhood in the City of Santa Barbara. The parcel (015-100-021) is zoned A-2 and has an approximate slope of 29%. The 23,681 square foot parcel is developed with a two-story 3,556 square foot, single-family residence with a detached 494 square foot two-car carport with a 442 square foot accessory below. The proposal is to permit the reconstruction of the front retaining wall handrail and front entry stairs within the required thirty-foot front yard A-2 setback.

The owner of 1950 Eucalyptus Hill Road request your consideration for a required interior yard, required front yard and front lot line side of driveway fence height modifications.

The original dwelling was built in 1963 under permit #4123 for a 1,498 square foot house with a 400 square foot detached carport. The original construction consisted of a 53'6" by 28'0" dwelling with an attached second floor rear sundeck, 11'0" deep by the length of the building with four-foot wide access decks along both sides. Permit #4123 was finaled 1-24-1966. On 7-19-1965, permit #9083 for a basement workshop under the carport was approved and finaled 1-21-1961. On 3-1-1968 1968, under permit #24983, a rear first floor retaining wall and deck was built and finaled 2-6-1969. On 6-3-1986 1986, under permit #2471 an enforcement case was created and the lower accessory kitchen was removed and a half bathroom and bedroom were permitted and finaled 9-12-1986. On 8-31-1989 1989, a 2,085 square foot first and second floor addition was permitted under permit #5737 and finaled 3-14-1991.

On 4-11-2011 under BLD2011-00621 an emergency permit was pulled to safely remove the carport that was demolished by fallen eucalyptus trees that destroyed the carport, accessory deck, a BMW and a Mercedes. Under MST2011-00210 a carport of the same style was designed to replace the carport to meet High Fire requirements. Subsequently, building permit BLD2011-01298 was pulled to reconstruct the carport and accessory deck. In the plan check process Zoning called out the existing front gable trellis that posts down onto the retaining wall, the front entry stairs detached trellis and front entry stairs

EXHIBIT B

themselves as illegal, under the 1983 Zoning Information Report (ZIR). The 1983 ZIR #10742 of 12-14-1983 does not call out any violations. When the work for the carport replacement was completed the building inspector requested a revision for three additional lights on the carport, the water heater enclosure and the new guardrail along the retaining wall required to replace the guardrail removed during demolition of the trellis columns. The other portions of the retaining wall handrail were compromised due to dry rot and replaced at the same time.

A survey was created by Azimuth Group to determine the location of the structures in relation to the front property line. The site plan provided is created from the survey showing that a portion of the original front retaining wall is within the Right-of Way. The original 1963 site plan shows a retaining wall running along the front of the dwelling creating the drop in elevation for the dwelling and delineating the driveway. The building code at the time required a thirty-six inch guardrail, however no details or plans show anything but the line of the retaining wall. The original site plan shows two access points along each side of the dwelling off the driveway, in line with the original four-foot side access decks. There were no stairs shown either at the current location or at these access points.

It is obvious that these access points were abandoned in construction and the placement of the original stairs were moved further west to the current configuration. One side used as access to the front door from the street and the other access to the backdoor from the carport. A trellis was built over the entry walks upper landing to add character and a design element to the front entry. A staircase was built off the carport to access the dwellings rear door at the kitchen and the lower accessory structure. This existing carport stairwell and the original front entry stairs are shown the 1989 addition plans.

Additionally, the original site plan showed an eleven-foot interior setback for the structure and rear deck. The 1989 addition used this original site plan. The survey shows that the original second floor deck was built at 4'6 ³/₄" to the interior property line, since the dwelling was not placed parallel to the side property line, as shown.

The existing retaining wall and guardrail exceed three and one half feet within ten feet of the front property line and require a fence height modification pursuant to S.B.M.C 28.92.110.A.3. The front entry stairs are a structure within the required thirty-foot A-2 front setback and require a modification pursuant to S.B.M.C 28.92.110.A.2. The original second-floor rear deck is within the interior yard setback and was signed off by the City on January 24th, 1966. However, it is being required to obtain a modification for a structure within the interior setback pursuant to S.B.M.C 28.92.110.A.2.

The original carport replacement was under MST2011-00210 and was approved administratively on 5/19/2011. The rear accessory deck design changed for some high fire details and an administrative approval was granted 6/6/2011. The revision for the three lights and water heater enclosure was

approved administratively 6/1/2012. The modification application is under MST2012-00291.

The modifications were reviewed by the Single Family Design Board (SFDB) consent calendar on August 20th, 2012. The two members found that the proposed modification are aesthetically appropriate and do not pose consistency issues with the Single Family Design Guidelines and the project is ready for SFDB approval. They commented on the high quality of materials and the design of the guardrails horizontal elements. The board found the location of the front entry stairs to be aesthetically appropriate as it accesses the front door easier from the street.

The front yard fence height modification for the replacement of the guardrail to the present required forty-two inch building height is more of a technical Planning issue. The guardrail is required by Building Code and is nonconforming since it was built originally in 1963, at a time before the Planning Division delineated that fences and guardrails attached to retaining walls will have their heights combined. The replacement of nonconforming over height fences along the front property lines is meant to discourage the front of properties from being walled off from the pedestrian perspective. This works in situations downtown where the frontage is synonymous with the front of the house, however in the hillside lots with acreage setback from the street with homes at perpendicular angles to the front property lines there is no visual barrier or impact to the community, nor neighbors. The guardrail runs perpendicular to the front property line and prevents people accessing the property from falling over the retaining wall system originally installed to build the dwelling. The fence height modification for the guardrail secures an appropriate and uniform improvement to the property by protecting the owner's from liability from personal injury lawsuits and more importantly is required by the Building Code for the owner's to get sign-off on the building permit to legalize the rebuilding of the carport and accessory deck to obtain insurance company compensation for the code upgrades and replacement. The structures do not affect the neighbors right to the use and enjoyment of their property and meet the SFDB's guidelines.

The front yard modification for the front entry stairs within the thirty-foot front setback is also technical in nature. Since the property is steeper on the back half of the lot, the front half of the lot does not meet the 20% slope for the five-foot setback reduction. If it did then no modification would be required.

Additionally, the front entry stairs are hidden down the hillside from the street behind a retaining wall and screened by vegetation. Only 40% of the stairs are within the front setback. The stairs land onto a flat terraced area outside of all setbacks and offer a nice open experience to reach the front entry. The front yard modification for the entry stairs secures an appropriate improvement, as they are the original placement and design of the entry stairway, minimally encroach and are designed artistically to compliment the other aspects of the guardrail and architecture of the dwelling. Relocation

would also be an economic hardship and diminish the experience one has when approaching the house.

The interior yard modification for the original second-floor decks encroachment into the side yard is an artifact of the survey for the front yard encroachments and slope calculation. The only neighbor nearby the property is at 1944 Eucalyptus Hill Road and is adjacent to this western deck. However, it is their garage accessory structure that is adjacent to the deck. Photographs have been provided showing the view from the deck of the canyon running behind the property, the neighbors below and the adjacent neighbor at 1944 Eucalyptus Hill Road. The house at 1944 Eucalyptus Hill Road is a modern design and was built in 1972. The design had to incorporate the relation to the structure at 1950 Eucalyptus Hill Road when originally designed, because the deck in question was in existence prior to any construction at 1944 Eucalyptus Hill Road. The garage and attached accessory for the house at 1944 are adjacent to the deck and a major remodel of both the dwelling and garage transpired in 1996 and 2007.

The owner's and I believe that the proposed modification have minimal impact in that they are appropriately designed and creates uniform improvements that are architecturally correct and functionally utilitarian and they meet the purpose and intent of the zoning ordinance.
Thank you for your consideration in this matter.

Sincerely



Mark Morando
Morando Planning & Design
168 Sherwood Dr.
Santa Barbara CA 93110
(805) 680-2703



DESIGN REVIEW ACTIVITIES SUMMARY

1950 EUCALYPTUS HILL RD (MST2012-00291)

R/OTC-DEMO

Proposal to replace existing guardrails along the driveway retaining wall at the front of the single-family residential property; to permit a set of "as-built" stairs and guardrail at a second retaining wall located in the front setback; and to permit an "as-built" second-story deck at the rear of the house. Staff Hearing Officer review is requested for zoning modifications for the driveway guardrail and retaining wall to exceed 42 inches next to the driveway; for the guardrail and retaining wall at the stairs to exceed eight feet in height in the front setback; and for the second-story deck at the rear to encroach into the setback.

Status: Pending

DISP

Date 3

SFDB-Consent (New)

CONT

08/20/12

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

An email of support from David and Christine Gress was acknowledged.

Continued indefinitely to Staff Hearing Officer, to return to Consent, with positive comments that the Board finds the proposed modifications are aesthetically appropriate and do not pose consistency issues with the Single Family Residence Design Guidelines, and the project is ready for SFDB approval.

EXHIBIT C