



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 10, 2012
AGENDA DATE: October 17, 2012
PROJECT ADDRESS: 1236 Garden Street (MST2011-00258)
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 subject 3,721 square foot lot is developed with an existing 1,071 square foot, one-story, single-family residence and a 171 square foot detached single-car garage. The project includes: demolition of the detached garage and 67 square foot laundry room; construction of an attached 297 square foot one-car garage with storage area; a 34 square foot addition to the ground floor; and conversion and expansion of attic space to create 416 square feet of habitable second floor area, including two new roof dormers.

The discretionary applications required for this project are:

1. A Modification to allow the proposed garage, utility room, skylight, roof eaves, second-story habitable space and new roof dormer to encroach into the required six-foot interior setback along the southeast property line (SBMC §28.21.060 & 28.92.110); and
2. A Modification to reduce the area of the non-conforming outdoor living space (SBMC §28.21.081 & 28.92.110).

Date Application Accepted: October 3, 2012

Date Action Required: January 1, 2013

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: | Thompson-Naylor Architects | Property Owner: | Timothy Dewar |
| Parcel Number: | 029-131-001 | Lot Area: | 3,721 square feet |
| General Plan: | Med-High Density Residential | Zoning: | R-3 |

Existing Use: Single Family Residential Topography: 2% avg. slope

Adjacent Land Uses:

North – Single Family Residence (1-story) East - Triplex (1-story)
South – Mixed-Use (2-story) West - Apartments (2-story)

B. PROJECT STATISTICS

| | Existing | Proposed |
|-------------|-----------------|-----------------|
| Living Area | 1,071 sq. ft. | 1,424 sq. ft. |
| Garage | 171 sq. ft. | 297 sq. ft. |

IV. DISCUSSION

The proposed project is for additions and alterations to an existing one-story, single-family residence. The project includes conversion of attic space to habitable floor area, demolition of an enclosed rear porch and detached single-car garage, construction of a new attached one-car garage and storage space, addition to the main floor, new dormer windows on the north and south elevations, new skylights, window changes, and landscaping changes.

Interior Setback Modification

The 3,721 square foot corner lot is undersized for the R-3 Zone, which requires a 14,000 square foot minimum lot size by current standards. The existing house is located approximately 2.5 feet from the southeast property line and non-conforming to the six foot interior setback. The existing garage, constructed in 1937, is located in the corner of the lot less than nine inches from one property line and less than two inches from the other. The interior area of the existing garage is less than nine feet wide, narrower than the City 10.5 foot minimum, and not practically usable as parking for most vehicles.

The proposal includes a new one car garage and storage area located three feet from both property lines and 20 feet from Victoria Street. The R-3 Zone allows for garages to be located three feet from the rear lot line (in this case, the rear lot line is the northeast property line, opposite Garden Street). The standard interior setback for garages in the R-3 Zone is six feet (applicable from the southeast lot line, opposite Victoria Street). The R-3 Zone allows for a setback reduction to three feet for garages on narrow lots less than 55 feet wide if the garage opening does not face the street. In this case, the lot 45 feet wide but, since the garage opening faces the street, the six foot interior setback applies. The new garage and laundry area would encroach three feet into the six foot interior setback. The proposal also includes two new windows and a new door in the back of the garage, a new skylight, and new dormer within the six foot interior setback.

Staff supports the location of the garage and storage space addition, since it conforms with the front and rear setbacks and the garage is only slightly deeper than the minimum garage depth of 20 feet at 20 feet, nine inches. Staff, however, does not support the interior setback encroachment for the dormer, skylight, and two proposed windows and door in the back of the garage. The second-story dormer window and attic conversion would be located three feet

from the property line adjacent to the neighboring triplex. Staff generally and particularly in this case, is not supportive of setback encroachments for new second story windows and living space due to consideration of neighbor privacy, the relationship of building masses, and potential for future development of the neighboring property. Redesign of the dormer out of the setback would reduce the floor area of proposed Bedroom #2 by approximately 22 square feet and would change the aesthetics of the building, but the bedroom area would continue to exceed minimum building code requirements and a reduction of the dormer the exterior changes would be reviewed by Historic Landmarks Commission. Although the distance to property lines would remain the same as proposed, the new windows and door in the garage addition can be relocated to the northeastern wall of the garage without a modification. Conforming options exist in these instances and staff encourages improvements without zoning modifications where possible.

Outdoor Living Space Modification

The R-3 Zone requires outdoor living space to be provided using one of two methods in SBMC Section 28.21.081. Due to the size of the lot, its location on a corner with two front setbacks, and the location of the driveway, the property is currently non-conforming to outdoor living space, with no usable private outdoor space provided. The project would further reduce the non-conforming outdoor living space by providing setbacks for the garage and addition. Staff believes the proposed new building footprint is a modest improvement over the existing condition and the resulting lack of outdoor living space is appropriate considering the lot constraints and the location of the existing house on the lot.

Historic Landmarks Commission Reviews

The house is on the City's List of Potential Historic Resources and is eligible for Structure of Merit status. The Historic Landmarks Commission (HLC) accepted a Historic Structures Report on July 6, 2011, which included a project description with photo-documentation of the house prior to its alteration, and a Historic Structures Report Addendum on July 27, 2012.

HLC reviewed the project design twice: on February 1 and August 15, 2012. At the August 15th hearing the HLC continued to the project to the Staff Hearing Officer for consideration of the Modifications, stating that HLC considered the house to be special and that HLC was in full support of the project with the requested zoning modifications, including the setback encroachment for the dormer window. HLC stated that the proposal was aesthetically appropriate and did not pose consistency issues with the El Pueblo Viejo Design Guidelines.

The Phase I Archaeology Report prepared for the project was accepted by HLC on September 24, 2012. The report concluded that the project is unlikely to discover or affect prehistoric or historic resources and no mitigation measures were required. The recommended project conditions include the City-standard archaeological resource notification condition.

Damaged Sidewalk

A portion of sidewalk fronting the subject property along Victoria Street is damaged from tree roots from the subject property. The City Public Works Department previously notified the property owner that the tree-damaged sidewalk would need to be repaired or replaced pursuant

to State Law, which requires that property owners maintain adjacent sidewalks. Staff-recommended Condition #2 requires repair or replacement of the sidewalk prior to project completion.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modifications for the Interior Setback encroachment and Outdoor Living Space reduction are consistent with the purposes and intent of the Zoning Ordinance to provide adequate building separation and usable parking and outdoor space where physically possible, and are necessary to secure an appropriate improvement on the lot. The proposed residential additions and alterations are appropriate as they provide for a replacement garage that conforms with parking design standards and a minor addition to the modestly-sized single-family residence on the undersized and constrained corner lot.

Said approval is subject to the following conditions:

1. **Project Changes.** The Staff Hearing Officer's approval is contingent upon the following changes to the project:
 - a. The eastern roof dormer shall be relocated outside of the six foot interior setback.
 - b. No new skylights, window openings, or door openings shall be provided within the interior setbacks with the project.
 - c. No new eaves on the garage addition portion shall be located less than two feet from any property line.
2. **Victoria Sidewalk.** Prior to final inspection, the property owner shall obtain a Public Works permit and complete the repair or reconstruction of the tree-damaged sidewalk along E. Victoria Street to City specifications pursuant to California Streets & Highways Code Sections 5600-5630.
3. **Photo Documentation.** Prior to the issuance of a building permit for alteration of the exterior of the house, the existing development shall be fully documented using the City of Santa Barbara Community Development Department's "Required Documentation Prior to Demolition" recordation standards.
4. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance

of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated October 2, 2012
- C. Historic Landmarks Commission Minutes of February 1, 2012 & August 15, 2012

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

Sherri Bryan & Tim Dewar
1236 Garden St.
Santa Barbara, CA 93101
(805) 280-1381

October 2, 2012
Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
OCT 03 2012

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Modification Request for 1236 Garden Street
APN 029-131-001
Land Use Zone: R-3

Dear Staff Hearing Officer:

1. Existing Situation and Proposed Project

There is an existing one-story, single-family house (1,071 sq. ft.) and a detached single car garage (171 sq. ft.) on the property. The house currently encroaches into the interior setback approximately three feet on the southerly side of the property. The detached garage sits approximately on the southerly and easterly property lines. According to research done by Post Hazeltine Associates, the house was built between 1892 and 1903, the garage was built in 1937, and both buildings were permitted. This proposal is to convert 416 square feet of attic space to habitable floor area and add new dormer windows on the north and south elevations; to demolish an enclosed rear porch and detached single-car garage, and to construct a new 297 square foot attached 1-car garage in the east corner of the property.

2. Modification Request and Justification for Request

The first modification requested is to allow the new garage and southerly dormer to encroach three feet into the required six-foot interior yard setback. The encroachment will allow the rear wall of the new garage to be in line with the existing southerly wall of the house and provide the minimum driveway length on the northerly (street) side. The dormer will allow for two bedrooms to be built in the attic to accommodate our growing family. The HLC is in full support of the project as proposed.

The second modification request is to allow the project to go forward without a conforming open yard area. There is no such area now, and there is no way to create it for this proposed project on this very constrained lot.

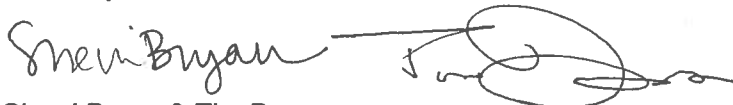
3. Benefits of the Project

The major benefits of the proposed project are:

1. It allows the garage to move 3' away from both property lines, while still complying with the required 20' setback and required interior dimensions.
2. It allows for the addition of two small bedrooms in the attic for a growing family.
3. It keeps the dormers symmetrical and historically appropriate for an "architecturally significant" house eligible for Structure of Merit status.

Thank you for your review - we look forward to your findings.

Sincerely,



Sherri Bryan & Tim Dewar

Historic Landmarks Commission Minutes

August 15, 2012

Concept Review - Continued

1236 GARDEN ST

(2:25) Assessor's Parcel Number: 029-131-001
Application Number: MST2011-00258
Owner: Timothy Dewar
Applicant: Thompson Naylor

(Proposal for additions and alterations to an existing 1,071 square foot, one-story, single-family residence. The project includes conversion of a 419 square foot attic space to habitable floor area, demolition of a 67 square foot enclosed rear porch and existing 171 square foot detached single-car garage, construction of a new 286 square foot attached one-car garage and storage space, addition of 48 square feet to the main floor, new dormer windows on the north and south elevations, two new skylights, one relocated window and one new window on the ground floor, removal of a tree within the front setback, and new landscaping. The total floor area on this 3,769 square foot parcel will be 1,767 square feet. Staff Hearing Officer review of zoning modifications is required for the new garage and new second-story dormer to encroach into the interior yard setback and to reduce the non-conforming open yard area. The floor-to-lot-area (FAR) ratio will be .47, or 81% of the maximum FAR. The house is on the **City's List of Potential Historic Resources** and is **eligible for Structure of Merit status**: "Colonial Revival hybrid circa 1899.")

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review. Project was last reviewed on February 1, 2012.)

Actual time: 2:26

Present: Dennis Thompson, Architect
Tim Dewar and Sherri Bryan, Owners

Public comment opened at 2:30 p.m. and, with no one wishing to speak, it was closed.

Motion: Continued indefinitely with positive comments to the Staff Hearing Officer:

1. The Commission is in full support of the project.
2. The changes to the gable window as proposed and the simplification of the eave detail of the garage are supportable as presented.

3. This is a special house with architectural significance and it is important that it be maintained as a residence. The proposed modification is aesthetically appropriate. The proposed modification does not pose consistency issues with the El Pueblo Viejo Guidelines.

Action: La Voie/Drury, 8/0/0. Motion carried. (Shallanberger absent.)

February 1, 2012

Initial Conceptual Review

1236 GARDEN ST

(1:15) Assessor's Parcel Number: 029-131-001
Application Number: MST2011-00258
Owner: Timothy Dewar
Architect: Joaquín Ornelas, Jr.

(Proposal for additions and alterations to an existing 1,012 square foot, one-story single-family residence. The project includes conversion of a 464 square foot attic space to habitable floor area and new dormer windows on the north and south elevations, demolition of an enclosed rear porch and existing 200 square foot detached single-car garage, construction of a new 327 square foot attached 1.5-car garage on the east elevation, and new landscaping. The total square footage on this 3,761 square foot parcel will be 1,731 square feet. Staff Hearing Officer review of zoning modifications is requested for the new garage to encroach into the interior yard setbacks and to provide less than the required open yard area. The floor-to-lot-area (FAR) ratio will be .46, or 79% of the maximum FAR. This structure is on the *City's List of Potential Historic Resources and is eligible for Structure of Merit status: "Colonial Revival hybrid circa 1899."*)

(Project requires Environmental Assessment and Staff Hearing Officer review.)

Present: Joaquín Ornelas, Architect
Timothy and Sherri Dewar, Owners

Public comment opened at 1:23 p.m. and reopened at 1:36 p.m.

Jill Kent, neighbor, expressed concerns with alterations to design details, traditional façade and aesthetics; loss of open area and destruction of classic architecture.

Kellam de Forest, local resident, commented on change to the house's footprint, the garage, and ambiance of that corner reduced in historic value.

Public comment closed at 1:26 p.m. and reclosed at 1:38 p.m.

Motion: **Continued indefinitely with the following comments:**

1. The proposal is sensitive to the existing structure and style.
2. Show the dashed line of the second floor on the first floor plan.
3. The section wall above the garage door should be less by lowering the plate height.
4. Show the correct elevation of the dormers on the north and south elevations. There appears to be enough differentiation between the dormers to satisfy the Secretary of Interior's Standards for Historic Preservation.
5. The roof of the garage should be simplified.
6. The existing electrical panel should be recessed and/or disguised.
7. Propose a replacement tree for the removal of the Ficus on the southwest corner.

Action: La Voie/Sharpe, 5/2/0. (Drury/Suding opposed. Murray/Orias absent.) Motion carried.