



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: January 31, 2013
AGENDA DATE: February 6, 2013
PROJECT ADDRESS: 1210 Olive Street (MST2012-00468)
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 3,266 square-foot site is currently developed with 1,257 square foot, two-story, single-family residence. The proposed project involves 'as-built' additions and alterations to the residence including a 126 square-foot, one-story addition and a 107 square-foot second-story addition, 'as-built' deck expansion, and an 'as-built' 8-foot high wall along the front property line. The proposal includes the demolition of a 64 square-foot 'as-built' storage shed. The proposal will address violations identified in ZIR2012-00486, ENF2012-00824, and ENF2012-00954.

The discretionary applications required for this project are:

1. A Modification to allow additions to the residence and a covered entry gate to encroach into the required ten-foot front setback (SBMC § 28.21.060 and SBMC § 28.92.110); and
2. A Modification to allow the wall to exceed the maximum allowable 3.5 feet when located within ten feet of the front property line or ten feet of either side of a driveway for a distance of twenty feet from the front property line. (SBMC § 28.86.170 and SBMC § 28.92.110).

Date Application Accepted: 1/17/13

Date Action Required: 4/17/13

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Catharine Dunbar, Designer

Property Owner: Geoffrey Rockwell

Parcel Number: 029-141-016	Lot Area: 3,262 sq. ft.
General Plan: Medium-High Density Residential	Zoning: R-3
Existing Use: Residential	Topography: 19 % avg. slope
Adjacent Land Uses: Residential	

IV. **BACKGROUND**

Staff used various sources to determine the legality of the residence and the “as-built” alterations and additions including archive plans, street files, photographic documentation, Sanborn maps, and the County of Santa Barbara Assessor’s Building Record for the subject property.

The original residence was constructed prior to 1949 as a part of a larger property with multiple residential buildings. Due to a number of alterations, corrections, and additions it is difficult to put together a concise timeline for permits; however, by the end of 1949 the single-family residence consisted of a two story residence roughly 24’ x 24’ at the upper level and 24’ x 22’ at the lower level, with a single exterior staircase at the east side of the property providing access to the rear yard. The residence was constructed 3’-2” from the front property line with an approved wooden walkway spanning from the public right-of-way to the building face, for the entire width of the building. A number of additions and alterations occurred between 1949 and 1979, which resulted in a two-story residence totaling 1,352 gross square feet (696 gross square feet on the upper level and 656 gross square feet on the lower level) with an attached deck totaling 240 square feet. The permitted deck was constructed approximately 4’-2” from the front property line and was 12 feet wide and 18 feet deep and wrapped around the north-west corner of the building.

The information provided as a part of this application shows the net square footage for the legal portions of the residence to be approximately 1,257 square feet. The existing residence is legal non-conforming to the front setback and parking requirements, with zero parking spaces provided for the residence. Staff reviewed the County Assessor’s building construction detail, which confirms the square footage described above and states that the property had been used as a duplex for a number of years; however, it also disclosed that the legality of the basement unit was in question.

On November 28, 2012, staff conducted a site visit with a building inspector and determined the extent of the as-built alterations. The as-built expansion of the deck includes: the construction of a 21’ x 4’-2” deck addition at the front property line, expansion of the width of the existing permitted deck by one foot, and a 5’ by 12’ deck addition towards the rear property line, resulting in a 387 square foot deck. The as-built changes to the residence include an interior remodel, door and window changes, a new door, a 43 square-foot storage/utility room addition at the front property line, a 64 square-foot entry addition at the upper level, and a 126 square-foot bedroom addition on the lower level.

V. DISCUSSION

As described above, the two-story residence is located within the required ten-foot front setback. The project site is significantly undersized for the R-3 Zone and has an average slope of 19%, largely because of the abrupt change in topography from the street elevation to the finished grade of the site. The proposed project involves legalizing the "as-built" additions and alterations described above and will result in a net addition of 233 square feet, partially located within the required ten-foot front setback. The property will remain legal non-conforming to parking, as allowed by SBMC § 28.90.001.(B), with zero parking spaces provided for residence.

The first requested modification is to allow as-built additions and alterations to the residence and the deck, and to create the covered entry within the required ten-foot front setback at both the upper and lower levels of the residence. The supportability of these improvements is mixed. The encroachment that occurs on the lower level is supported by Staff and includes a 110 square-foot bedroom addition located approximately four feet from the front property line and below the street grade. The addition at the lower level is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors.

The encroachments that occur on the upper level include the construction of additional deck area between the front property line and the existing improvements, and the expansion of the width of the existing deck by one-foot within the required front setback. A 43 square-foot, storage/utility room addition was also constructed without a permit between the permitted residence and the front property line, on the top of the deck expansion, within the front setback. This storage room encloses meter panels, plumbing lines, vent shafts, water heater, and a trash area and is accessed via a door that opens onto the sidewalk. At the November 28, 2012 site visit the property owner and applicant were advised that the building inspector had concerns about the improvements within the storage area complying with current building code (plumbing, electrical and ventilation) requirements. If the storage room is to remain, the access door must meet the requirements of SBMC§22.64 and either swing inward towards the private property or be self-closing so that the door would not obstruct the use of the public right-of-way. The permitted main entrance to the residence was previously located on the front façade and accessed from the sidewalk. The main entrance was relocated to the rear of the residence at the north-east corner when the house was recently remodeled without a permit. As a result, the previously permitted deck (12'x 18') that was located 4'-2" from the front property line was expanded to allow pedestrian access from the public sidewalk to the new main entrance. The "as-built" deck expansion infilled the area (4'-2" x 21') between the sidewalk and the permitted residence, and increased the deck by one-foot to the north within the required 10-foot front setback. The property owner also constructed a roofed entry door at the property line on the expanded deck to provide privacy to the deck area. Staff advised the applicant that the "as-built" improvements at the upper level do not meet the purpose and intent of the ordinance and are inconsistent with the pattern of development in the neighborhood. Staff suggested that the applicant consider a pedestrian bridge (minimum width required by code) between the permitted deck area and the sidewalk (a distance of 4'-2") to allow access to the new front door

from the sidewalk, and that the covered entry be eliminated and the unpermitted storage/utility room be demolished.

The second requested modification is to allow an "as-built" wall located at the front property line to exceed the maximum allowable height of 3.5 feet. The applicant is proposing to retain the approximately eight foot tall capped wall along the deck's edge at the front property line and to the west side of the deck, within the required ten-foot front setback, to screen the deck from both the street and neighbors' view. Although staff believes that some level of privacy for the deck is appropriate, it could be accomplished by constructing a similar sized wall or fence that observes the required 10-foot setback and not create impacts to the street frontage. Due to the abrupt change in topography, a code compliant guardrail would be required at the front property line if the "as-built" deck improvements are removed. In this instance, Staff could support a modification to allow the cumulative height of walls and fences to exceed the allowable height, as necessary to provide the safety of a guardrail.

This project was reviewed by the Single Family Design Board on December 17, 2012, and the Board found the "as-built" alterations to be aesthetically acceptable.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification to allow the additions and alterations to the existing residence at the lower level within the required ten-foot front setback is consistent with the purposes and intent of the Zoning Ordinance, creates a uniform improvement, and is necessary to secure an appropriate improvement on the lot. The proposed lower level addition is appropriate because is a uniform addition to the residence that is not visible from the street frontage and is not anticipated to impact the street or the adjacent neighbors. However, the Staff Hearing Officer finds that the Modification to allow the 43 square-foot storage/utility room addition, the deck expansion, and the covered entry element, as proposed at the street level and within the required ten-foot front setback, is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot. Conforming options exists for similar amenities elsewhere on the lot that would not impact the public realm and encroach so significantly into the required ten-foot front setback.

The Staff Hearing Officer finds that the Modification to allow the "as-built" eight-foot tall wall within the ten-foot front setback as proposed is inconsistent with the purposes and intent of the Zoning Ordinance, and is not necessary to secure an appropriate improvement on the lot. As proposed, the wall is inconsistent with the pattern of development in the neighborhood and impacts the public street frontage and should be reduced to the maximum height of a guardrail. Therefore, the Staff Hearing Officer finds that a Modification to allow allow the combined height of guard rail and retaining wall to exceed the allowable height when located within the ten feet of the front property line 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.

Said approval is subject to the following conditions:

1. The "as-built" deck expansion located in the front setback shall be reduced to the minimum width necessary to allow pedestrian access within four feet of the front property line.
2. The "as-built" site wall at the front property line shall be replaced with a code compliant guardrail or wall.
3. Any proposed doors or gates built at the front property line will be required to swing inward or having self-closing hardware to comply with SBMC§22.64.
4. The detached storage shed located in the front setback shall be demolished.
5. The abatement of all violations listed in ZIR2012-00486, ENF2012-00824, and ENF2012-00954 shall be clearly documented on the plans submitted for a building permit.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated January 17, 2013
- 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

MODIFICATION REQUEST
1210 OLIVE STREET, SANTA BARBARA, CA 93101

PROJECT DATA

ADDRESS; 1210 OLIVE STREET, SANTA BARBARA, CA 93101

APN;	029-141-016
ZONE	R-3
OCCUPANCY	R-3
LOT SIZE;	46' X 71' = 3266 S.F.
EXISTING RESIDENCE 1	352 S.F GROSS 1257 S.F NET
SECOND FLOOR (STREET LEVEL)	696 GROSS 657 NET
FIRST FLOOR (GROUND LEVEL)	656 GROSS 600 NET
PARKING	NO ON SITE PARKING PROVIDED
LOT SLOPE	19%
GRADING	NONE PROPOSED
HIGH FIRE	NA
OWNER;	GEOFF ROCKWELL 805-637-6966
AGENT/DESIGNER;	DUNBAR DESIGN CONSULTANTS
DUNBAR DESIGN@COX.NET	805-886-1018

PROPOSAL FOR MODIFICATION REQUEST

THIS IS A REQUEST FOR A FRONT YARD MODIFICATION FOR THE STREET FRONT YARD 10' SETBACK ENCROACHMENT ALONG THE SOUTH PROPERTY LINE.

THE MODIFICATION WILL PERMIT;

- A 24' LONG-8' HIGH WALL/FENCE WITH ENTRY DOOR, UTILITY CLOSET AND DECK AREA (99S.F.)
- AN AS BUILT' ADDITION BEDROOM BUILT PARTLY INTO THE FRONT YARD SETBACK (30S.F.).

THIS MODIFICATION REQUEST IS CONSISTENT WITH THE PURPOSES AND INTENT OF SANTA BARBARA MUNICIPAL CODE 28.92.110. THE MODIFICATION IS NECESSARY TO SECURE AN (I) APPROPRIATE IMPROVEMENT ON AN UNDERSIZED LOT, (II) PREVENT UNREASONABLE HARDSHIP BY PROVIDING PROTECTION FROM FLOOD WATERS AND A NOISE BARRIER, (III) PROMOTE UNIFORMITY OF IMPROVEMENT BY PROVIDING SECURITY TO THE UTILITY ROOM AND PRIVACY TO THE FRONT ENTRANCE AND DECK. THIS EXISTING WALL FEATURE IS CHARACTERISTIC OF THIS OLDER NEIGHBORHOOD.

THIS DECK IS THE ONLY STREET LEVEL ACCESS (4.5'X12'=54S.F.) TO THE HOME AND IS ALSO THE FLOOR FOR THE UTILITY ROOM (45S.F.) AS WELL AS THE ROOF FOR A FIRST FLOOR BEDROOM. THIS FENCE OFFERS PRIVACY, SECURITY AND A NOISE BARRIER FROM THE OLIVE STREET AUTOMOBILE AND PEDESTRIAN TRAFFIC. THIS STREET LEVEL DECK W/ ITS 8' FENCE OFFERS THE ONLY PRIVATE SPACE AS THE PROPERTY IS SURROUNDED BY 2 STORY APARTMENT BUILDINGS WHICH LOOK DOWN INTO THE YARD AND WINDOWS. ALSO, IMPORTANTLY, IT IS A BARRIER IN PROTECTING THE BOTTOM STORY OF THE HOME AND LOWER YARD FROM FLOODING.

PROJECT HISTORY

THE HOUSE WAS BUILT IN 1949, 3'-2" FROM THE SOUTH PROPERTY LINE. THE LAST PERMITTED REMODEL WAS DONE IN 1979.

THE HOUSE IS A TWO STORY BUNGALOW WITH STUCCO WALLS, PART MISSION TILE ROOFING OVER A GABLE ROOF AND HOT MOP OVER THE LOWER SLOPES OF THE ROOF. THE 2ND STORY IS STREET LEVEL AND THE 1ST STORY IS THE LEVEL OF THE LAND IN THE BACK. THERE IS ABOUT A 6-8' DROP OFF THE SIDEWALK.

THIS IS AN OLD ESTABLISHED NEIGHBORHOOD W/ MATURE LANDSCAPING. THERE ARE MANY STRUCTURES AND FENCES LIKE 1210 OLIVE THAT ARE BUILT TO THE FRONT PROPERTY LINE ON THIS BLOCK AS WELL AS THE SURROUNDING STREETS. THIS FEATURE IS CHARACTERISTIC OF THIS OLDER NEIGHBORHOOD.

THIS HOUSE AT 1210 OLIVE IS NOT CONSIDERED HISTORICALLY SIGNIFICANT UNDER THE GUIDELINES SET FORTH TO MEET A SIGNIFICANT HISTORIC RECOURSE. THIS HOME RETAINS INTEGRITY OF SETTING AS ONE OF A NUMBER OF HOUSES OF SIMILAR AGE AND SETBACK PROVIDING A NEIGHBORHOOD STREETScape.

PROPERTY DESCRIPTION

ALONG THE 71 FOOT OLIVE STREET PROPERTY LINE, STARTING AT THE EAST PROPERTY LINE ARE STAIRS LEADING DOWN TO THE BACK YARD. THE HOUSE WAS BUILT 3'-2" FROM THE FRONT PROPERTY LINE AND STARTS 7.5 AWAY, EXTENDING ALONG OLIVE ST. 42 FEET. THE 8' WALL/FENCE (MOD REQUEST) STARTS 21' FROM THE EAST END OF THE HOUSE AND EXTENDS 24 FEET. THIS FENCE, THEN DROPS DOWN TO A 42" HIGH FENCE, 18.5' LONG, RUNNING TO THE WEST PROPERTY LINE. THIS 8' WALL PROVIDES SECURITY, PRIVACY AND A NOISE BARRIER TO THE FRONT ENTRANCE AND DECK. 11 FEET OF THIS 8' WALL W/ ROOF AREA HOUSES THE WATER HEATER AND ELECTRIC PANEL LOCATED ON STREET LEVEL, NEXT TO THE SIDEWALK. THIS PROPERTY, AS KNOWN BY THE CITY, HAS A HISTORY OF FLOODING. THERE ARE FLOODING CONCERNS THAT THIS DECK BLOCKS. THIS NON PERMEABLE DECK KEEPS WATER FROM FLOODING THE UNDERNEATH OF THE HOUSE. THE WEST PROPERTY LINE HAS A DRIVEWAY RUNNING ALONG IT W/ 2 STORY APARTMENT BUILDINGS BEHIND IT. THE NORTH PROPERTY LINE BORDERS PARKING LOTS FOR THE 2 STORY APARTMENT BUILDINGS. THE WEST SIDE HAS STAIRS AND BORDERS ANOTHER MULTI UNIT BUILDING.

SUMMARY

WE ASK THAT PERMISSION FOR A MODIFICATION TO BE GRANTED TO KEEP THE EXISTING, 24 FOOT LONG, 8 FOOT HIGH FENCE/WALL WITH THE DECK (99SF PORTION) ATTACHED ALONG THE FRONT PROPERTY LINE. THE 30SF OF BEDROOM ON THE FIRST LEVEL IS ALSO PART OF THIS REQUEST.

THIS WOOD FENCE WAS PLASTERED BY THE CURRENT OWNER. THE ENTRY 4' X 6' INDENTATION HAS A SMALL EXISTING ROOF TO KEEP RAIN AND ELEMENTS OFF THE ENTRY. THE OTHER ROOF AREA PROTECTS THE UTILITIES AND WATER HEATER. THIS FENCE OFFERS PRIVACY, SECURITY AND A NOISE BARRIER FROM THE OLIVE STREET AUTOMOBILE AND PEDESTRIAN TRAFFIC. THIS STREET LEVEL DECK W/ ITS 8' FENCE OFFERS THE ONLY PRIVATE SPACE AS THE PROPERTY IS SURROUNDED BY 2 STORY APARTMENT BUILDINGS WHICH LOOK DOWN INTO THE YARD AND WINDOWS. ALSO, IMPORTANTLY, IT IS A BARRIER IN PROTECTING THE BOTTOM STORY OF THE HOME AND LOWER YARD FROM FLOODING.

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**3. 1210 OLIVE ST****R-3 Zone**

(4:05) Assessor's Parcel Number: 029-141-016
 Application Number: MST2012-00468
 Owner: Geoffrey Rockwell
 Applicant: Catherine Dunbar

(Concept review for proposed 'as-built' additions and alterations to an existing 1,257 square foot, two-story, single-family residence located on a 3,266 square foot parcel. The proposed alterations include an approximate 126 square foot first level addition and 107 square feet of second level additions. Site alterations include 'as-built' deck additions and alterations, an 'as-built' 8-foot high wall along the front property line, and the demolition of an 'as-built' 64 square foot storage shed. The proposal includes Staff Hearing Officer review for requested zoning modifications. The project is 68% of the guideline floor-to-lot area ratio (FAR). The proposal will address violations identified in ENF2012-00824 and ENF2012-00954.)

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

Actual time: 4:08 p.m.

Present: Catherine Dunbar, Applicant; and Geoffrey Rockwell, Owner; and Suzanne Riegler, Assistant Planner.

Public comment opened at 4:15 p.m. As no one wished to speak, public comment was closed.

Petition letters of support were submitted from Haley Boots, Mark DePledge, Angel Puente and Brandon Hughes, and Jill Scala.

Motion: Continued indefinitely to Staff Hearing Officer for return to Consent with comments:

- 1) Recommendation to provide a higher quality door at the street elevation.
- 2) Add mortar in the tiles on the ridge of the wall to give it a more authentic tile experience and to match the existing tile roof on the residence.
- 3) The Board finds the proposed 'as-built' alterations acceptable and made positive comments regarding the project's consistency and appearance, neighborhood compatibility, quality of architecture and materials, and good neighbor guidelines.
- 4) Study opportunities to provide additional site landscaping and parkway landscaping. Suggestions include adding additional agave plantings.
- 5) The Board finds the proposed modification is aesthetically appropriate and does not pose consistency issues with the Single Family Residence Design Guidelines.

Action: Miller/Zimmerman, 6/0/0. Motion carried. (Woolery absent).