



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** February 14, 2013  
**AGENDA DATE:** February 20, 2013  
**PROJECT ADDRESS:** 2121 Garden Street (MST2012-00470)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner  
 Suzanne Riegle, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

The 25,500 square foot lot is currently developed with a 6,752 square-foot, two-story residence, a 749 square-foot detached garage, a 500 square-foot detached accessory building, and a 100 square-foot pump house. The proposed project involves an addition to the existing accessory building to create a 628 square foot, three-car garage, demolition of the existing pump house, and demolition and remodel of a portion of the existing garage to create a 500 square-foot accessory building with a 276 square-foot covered patio. The proposal also includes site improvements including the relocation of the driveway and apron, new site walls, entry gate, landscaping and a new pool. The proposal will abate violations listed in ZIR2012-00425.

The discretionary applications required for this project are:

1. A Modification to allow the existing accessory building to be converted to a garage within the required ten-foot interior setbacks (SBMC § 28.15.060 and §28.92.110); and
2. A Modification to allow a 128 square-foot addition to the proposed garage to be partially located within the required ten-foot interior setback (SBMC § 28.15.060 and §28.92.110).

Date Application Accepted: 1/28/2013

Date Action Required: 4/28/2013

### 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:	Tom Ochsner	Property Owner:	Steve Handleman
Parcel Number:	025-252-003	Lot Area:	25,500 sq ft
General Plan:	Low Density Residential	Zoning:	E-1

Existing Use: Residential Topography: 5% slope

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	6,752 sq. ft.	6,752 sq. ft.
Garage Conversion to Accessory	749 sq. ft.	-276 sq. ft. = 473 sq. ft.
Accessory Conversion to Garage	500 sq. ft.	+ 128 sq. ft. = 628 sq. ft.

**C. PROPOSED LOT AREA COVERAGE**

Building: 4,850 sq. ft. 19% Hardscape: 3,600 sq. ft. 14% Landscape: 17,014 sq. ft. 67%

**IV. DISCUSSION**

*Zoning Compliance*

The proposed project involves converting the existing storage room to a garage and adding 128 square feet to accommodate three cars, requiring two modifications. The proposal also includes the demolition of 276 square feet of internal floor area of the existing garage, while retaining the roof structure, to create a 473 square-foot accessory building and covered patio, to be used as a pool pavilion. Relocating the garage to the opposite side of the rear yard will reduce impervious surfaces by removing the large circular driveway and curb cut used to access the current garage. The former driveway area is proposed to be landscaped as a garden with a living arbor that will be maintained in compliance with SBMC § 28.87.170 with a maximum height of eight feet.

The first modification is requested to allow the conversion of a storage building to a garage located within the required interior setbacks, which requires the removal of an extended overhang and posts at the face of the new garage, and installation of three vehicular garage doors. Staff is supportive of the modification request because the proposed conversion will return the garage to its historical location and will result in a less intense use within the required interior setbacks that is not anticipated to adversely impact the adjacent neighbors.

The second modification is requested is to allow for a small portion of the 128 square-foot addition to the proposed garage (existing accessory building) to be located within the required ten-foot interior setback to the rear of the garage. The addition will result in a uniform addition to the garage that will allow a third covered off-street parking space. The plans reflect a new door at the rear of the garage addition; however, staff recommends that this door be relocated to the south elevation, eliminating new openings within the interior setback and the need for a new light source within the setback.

*Environmental Review*

This structure is on the City's List of Potential Resources for Designation as "The Olives" Brinkerhoff-Fenzi House. The original garage was converted to a storage room and the three-car garage that currently exists in the southwest corner of the lot was constructed under BLD2004-01666. At that time, a Historic Structures Report (HSR) was prepared by Fermina

Murray to assess potential impacts of the prior project to a historical resource. In addition, a Phase I Archaeological Resource Report was prepared by Larry Carbone to assess if the ground disturbance proposed by the project would have the potential to impact archaeological resources. The HSR and archaeological report were reviewed and accepted by the Historical Landmarks Commission (HLC) on March 31, 2004 and May 18, 2004 respectively. An addendum to the HSR was not required for the current proposal because the proposed work does not impact the character defining features of the potential historic resource. An addendum to the archaeological report was not required because the previous report adequately addresses the area where ground disturbance is currently proposed.

#### *Design Review*

This project was reviewed by the Historic Landmarks Commission on three occasions with the last review occurring on January 16, 2013. The Commission continued the project to the Staff Hearing Officer with positive comments and found that the proposed modifications to allow the addition to and conversion of the existing accessory structure to garage did not pose an adverse aesthetic impact due to its location at the rear of the property and its relation to other existing structures. The HLC encouraged the applicant to pursue designation of the house as a historic resource.

## **V. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the interior setback Modifications to allow the existing accessory building to be converted to a three-car garage is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The garage conversion and addition to building will result in a uniform improvement on the lot with a less intense use within the required setback and, as conditioned, is not anticipated to adversely impact the adjacent neighbors. The relocation of the garage to the northwest corner of the property will restore the historical location of the garage, reduce the impervious pavement on the lot, and move the proposed accessory space (pool pavilion) away from the property line and outside of the setbacks.

Said approval is subject to the following conditions:

1. The door located at the rear of the proposed garage shall be eliminated from the scope of work, or relocated to the south elevation outside of the required interior setback.
2. The living arbor shall be maintained as a landscape feature consistent with the height and location requirements specified in SBMC § 28.87.170. If the vegetation portion of this feature is either not planted or subsequently removed, the underlying support structure shall be removed from the interior setback.
3. Requirements Prior to Permit Issuance. The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Community Department prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Community Development Department. Please note that these conditions are in addition to the standard submittal requirements for each department.

- a. Archaeological Monitoring Contract. Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Larry Carbone, dated 2004. The contract shall be subject to the review and approval of the Environmental Analyst.
- b. The following information shall be printed on the grading plans (site plan if no grading plan):

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated January 8, 2013
- C. HLC Minutes

Contact/Case Planner: Suzanne Riegle, Assistant Planner  
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RECEIVED  
JAN 22 2013  
CITY OF SANTA BARBARA  
PLANNING DIVISION

January 8, 2013

Re: Modification Requests for 2121 Garden Street; APN: 025-252-003; E-1

Dear Staff Hearing Officer:

The existing site consists of a large two-story house (6,752s.f. net) with a detached two-car garage (749s.f. net) , storage structure (500 s.f. net), pump-house/garden shed (100s.f. net), and trash enclosure. The single family residential lot is 25,464 s.f. . This proposed project includes a major re-landscaping of the property including the removal of the existing driveway and curb access from the southerly yard back to its historically original location, at the north side of the residence. Also included is the conversion of the existing storage structure back into its original use as a garage, and an addition to the newly converted garage for an additional vehicle bay. Furthermore, this project includes the conversion of the existing three car garage to an accessory structure (pool pavilion) and an open covered patio. Also included in this scope of work are a new swimming pool (14' x 38') and the remodeling of the garden walls fronting Garden Street. The remodeling of the Garden Street frontage will include a new vehicular entry, and a pedestrian gate (in the location of the old vehicular access). Additionally, new path ways and landscaping are proposed throughout the site. The new landscaping/hardscaping will include the removal an existing olive tree to the north of the existing storage structure. The landscape plan also includes a vine arbor located to the south of the residence and within the required side yard setback. Violations will be abated per ZIR2012-00425 which include the pump-house/garden shed and trash enclosure as they are located on the west side of the property within the require setback area.

Modifications Requested:

1. We are requesting a modification to convert an existing storage structure into a garage. The existing structure sits 2' within the westerly setback area. The resulting garage will be consistent with the structures historical use.
2. We are requesting a modification to encroach approximately 2'-0" into the westerly rear yard setback for the purposes of adding an additional bay to a garage. The garage will be the result of the existing storage building which will be converted back into its historical garage use.

## EXHIBIT B

The modification is primarily requested for architectural reasons, and will have a negligible impact on surrounding properties. The total area proposed to encroach into the setback is fourteen square feet.

Furthermore, this building is included in the City's Architectural and Historic Resources Survey, and is listed as a "potential historic structure". Granting these modifications will result in building use that will more closely adhere to the historical use of the property. Adding a bay to the garage will secure additional vehicular storage, to potentially avert the need for future owners to re-arrange the site again. The Historical Landmarks Committee has seen the project and they are in general support of it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Ochsner', written in a cursive style.

Tom Ochsner, AIA



## DESIGN REVIEW ACTIVITIES SUMMARY

**2121 GARDEN ST (MST2012-00470)**

**R-ADDN & ALTS**

*Proposal for a minor addition and alterations to an existing, 6,752 square foot, three-story, single-family residence, detached garage, and detached accessory building. The proposal includes a 128 square foot addition to an existing 500 square foot storage structure to be converted to a one-story, three-car detached garage. Also proposed is the conversion of an existing 749 square foot garage to a 276 square foot covered patio, a 473 square foot swimming pool pavilion and a 27 square foot equipment enclosure. Additional improvements on this 25,500 square foot parcel will be a new swimming pool, relocated driveway with new vehicular entry gate, new pedestrian gate, new site walls, and landscape plan. The proposed floor-to-lot area ratio (FAR) will be .27, or 146% of the guideline maximum FAR. Total square footage on site will be 6,907 square feet. Staff Hearing Officer approval is requested for zoning modifications. This proposal will address violations outlined in enforcement case ENF2012-00425 including conversion of a storage building to habitable space and removal of illegal structures. This is on the City's List of Potential Historic Resources: "The Olives Brinkerhoff-Fenzi House."*

**Status: Pending**

**DISP**

**Date 3**

**HLC-Concept Review (New) - PH**

**CONT**

**12/19/12**

(Comments only, project requires Environmental Assessment and Historic Resource Findings.)

Actual time: 3:39 p.m.

Present: Thomas Ochsner, Architect, Tom Ochsner, Jr. AIA; and Derrick Eichelberger, Landscape Architect, Arcadia Studio

Public comment opened at 3:58 p.m. and, as no one wished to speak, it was closed.

Motion: Continued to the January 2, 2013, meeting with comments:

1. There is general support for the project.
2. The applicant's respect of the historic resource is greatly appreciated.
3. Applicant should provide a photograph of the Olive tree proposed to be removed, and provide a specific replacement and Arborist Report.
4. Provide footprints of adjoining structures for evaluation and modification support.
5. There is support for the modification to the South pergola structure and it was suggested using an iron support for the plant material.
6. There is tentative support for the side yard encroachments for the proposed garage reconversion in that the existing structure is being turned back to its original historic use.
7. Provide some simplification of the pedestrian entrance from Garden Street.

Action: Suding/Drury, 6/0/0. Motion carried. (Murray/Sharpe stepped down. Boucher absent.)

**\*\* MEETING ADJOURNED AT 4:15 P.M. \*\***

**HLC-Concept Review (Continued)**

**CONT**

**01/02/13**

(Second Concept Review. Comments only, project requires Environmental Assessment and Historic Resource Findings. Project was last reviewed December 19, 2012.)

Actual time: 2:04 p.m.

Present: Thomas Ochsner, Architect, Tom Ochsner, Jr. AIA; and Derrick Eichelberger, Landscape Architect, Arcadia Studio

### EXHIBIT C

Public comment opened at 2:15 p.m.

Kellam de Forest, local resident, commented on the Olive tree's historic significance, visibility of the house from the street, and possible removal of the hedge.

Public comment closed at 2:17 p.m.

Motion: Continued two weeks with comments:

1. Encourage designation of this structure.
2. There is general support for the project, including the revised pedestrian walkway gate.
3. Keep the house visible by not planting a hedge that would exceed the allowable height. Study making the pedestrian experience pleasant, to encourage walking within the neighborhood.
4. Return with a plan showing the structures located at the adjacent properties.
5. Provide a detail of the pergola arbor located on the south side as to whether the material will be vegetation, wood or steel.
6. Investigate the provenance of the Olive tree.
7. Propagation of the existing Olive tree is encouraged.

Action: La Voie/Boucher, 5/0/0. Motion carried. (Sharpe stepped down. Murray/Shallanberger/ Winick absent.)

**HLC-Concept Review (Continued)**

**CONT**

**01/16/13**

(Third Concept Review. Comments only; project requires Staff Hearing Officer review, Environmental Assessment, and Historic Resource Findings. Project was last reviewed January 2, 2013.)

Actual time: 4:34 p.m.

Present: Thomas Ochsner, Architect, Tom Ochsner, Jr. AIA; and Derrick Eichelberger, Landscape Architect, Arcadia Studio

Public comment opened at 4:38 p.m. and, as no one wished to speak, it was closed.

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

1. The Commission is in support of the modification for the pergola structure in that it is both temporary and sufficiently transparent to be an appropriate encroachment into the side yard setback.
2. Based on the location of the adjacent structures, the Commission is in support of the modification for the existing garage, its conversion, and minor addition into the back yard and side yard setbacks.
3. The applicant's effort to graft from the existing Olive tree is supportable.
4. The applicant is encouraged to pursue designation of the house as a historic resource.

Action: La Voie/Orfas, 4/0/1. (Sharpe abstained. Murray stepped down. Boucher/Drury/Winick absent.) Motion carried.