



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: May 9, 2013
AGENDA DATE: May 15, 2013
PROJECT ADDRESS: 1611 Olive Street (MST2012-00442)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DG*

I. PROJECT DESCRIPTION

The 14,629 square foot lot is developed with a 1,679 square foot single family residence with attached garages, and an “as-built” dwelling unit and associated accessory structures. The project includes demolition of an existing, unpermitted 182 square foot carport, and permitting of the following “as-built” structures: a 415 square foot yurt (the “as-built” dwelling unit); a 55 square foot detached bathhouse; a ten foot diameter, six-foot tall meditation dome; and a second-story deck attached to the rear of the primary dwelling. Three covered automobile parking spaces would continue to be provided in existing garages.

The discretionary applications required for this project are:

1. A Parking Modification to provide three automobile parking spaces rather than the four parking spaces required (SBMC §28.92.110 & 28.90.100); and
2. A Setback Modification to allow the “as-built” meditation dome to encroach 3.5 feet into the required six foot interior setback (SBMC §28.92.110 & 28.21.060).

Date Application Accepted: April 3, 2013

Date Action Required: July 2, 2013

II. RECOMMENDATION

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

III. SITE INFORMATION AND LOT COVERAGE

A. SITE INFORMATION

Applicant:	Ben Werner	Property Owner:	JKR Olive Trust
Parcel Number:	027-202-013	Lot Area:	14,629 square feet
General Plan:	Medium High Density Residential	Zoning:	R-3

This property is located within two blocks of the Central Business District and within the Average Unit-Size Density Incentive Area, which would reduce the parking requirement for some residential development to one parking space per unit. Because of the small size of the yurt (415 square feet), its configuration as a studio, and its location close to downtown, Transportation Planning staff has determined that the parking demand for the yurt would be no more than one space.

The purpose of the Zoning Ordinance is to provide minimum parking ratios, ingress, egress and parking dimensions on private property for private development. The intent of the Zoning Ordinance is to provide adequate usable parking as not to overburden the streets with residential parking. To approve a Parking Modification, the Staff Hearing Officer must find that the modification would not be inconsistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in demand for parking space in the immediate area. While the Zoning Ordinance allows Public Works staff to grant waivers to design standards for new development, staff believes the original approximately 8.5 by 16 foot garage, is not adequately sized and requires excessive maneuvering to provide convenient parking for regular use. Staff, therefore, believes using the original garage bay as required parking would increase the demand for parking on the street.

There is, however, adequate area to provide a new uncovered parking space to meet the parking demand for the yurt. Staff recommends approval of a Parking Modification to provide one uncovered parking space for the yurt with the condition that the applicant work with Transportation Planning staff on locating the uncovered parking space prior to Project Design Approval.

The R-3 Zone allows for covered and uncovered parking to encroach up to three feet from an interior property line for lots less than 55 feet wide when certain standards are met. The subject lot is 50 feet wide and uncovered parking could be allowed to encroach up to three feet from the property line by the Architectural Board of Review.

Setback Modification

The ten foot diameter, six-foot tall meditation dome was constructed 2½ feet from the northwestern property line and encroaches 3½ feet into the six-foot interior setback in the R-3 Zone. The dome has no “net floor area” as defined by the Zoning Ordinance, because at no point the dome has a floor to ceiling height of more than five feet. The dome is not visible from the adjacent property since it is screened by an eight foot tall fence along the property line.

The Zoning Ordinance regulates interior setbacks as open space to be generally unoccupied and unobstructed from the ground upward. Interior setbacks provide space to allow for a minimum physical separation between buildings, natural light, air circulation, and privacy for occupants on either side of a property line.

Staff does not typically support modifications for “as-built” setback encroachments, especially in situations where alternative locations outside setbacks are available for desired improvements. However, staff does not expect that the diminutive dome structure and its quiet use would be detrimental to the privacy or enjoyment of the adjacent property, consistent with

the purposes and intent of the Zoning Ordinance. The concern expressed in the zoning complaint (ENF2011-00862) was safety-related associated with unpermitted utilities provided to the yurt and did not address the dome. The dome was constructed by hand with an ancient building material known as cob (a mixture of clay, sand and straw) and sited in a location which avoided impacts to mature vegetation. Removal of the dome would be considered a hardship to the owner due to its special custom construction and its use for meditation. Staff believes the dome conforms to the purposes and intent of the Zoning Ordinance, and would consider its demolition due to encroachment into the interior setback as an unreasonable hardship. Staff, therefore recommends approval of the setback encroachment to allow the meditation dome to remain.

Design Review

This project was reviewed by the Architectural Board of Review (ABR) on January 7, 2013 (see Exhibit C for meeting minutes). ABR stated that the interior setback encroachment of the meditation dome poses no aesthetic impact given its small size and height. Some Board members expressed concern with the possible impact of the yurt on adjacent neighbors and requested additional photos and details on the yurt. ABR also requested changes the bath house roof and the second story deck on the main house.

VI. FINDINGS AND RECOMMENDED CONDITIONS

Parking Modification

The Staff Hearing Officer finds that the Parking Modification to provide one uncovered parking space for the yurt is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area. The Parking Modification is appropriate because the yurt is expected to have a parking demand of no more than one parking space due to its small size and the proximity to downtown.

Interior Setback Modification

The Staff Hearing Officer finds that the Interior Setback Modification for the “as-built” meditation dome is consistent with the purposes and intent of the Zoning Ordinance and would prevent unreasonable hardship. The setback encroachment for “as-built” dome is consistent with the purposes and intent of the Zoning Ordinance because the physical presence and quiet use of the dome is not expected to negatively impact the use or enjoyment of the adjacent property due to the dome’s small size and the screening provided by the adjacent wall. The forced removal of the unique handmade meditation dome from the setback is considered unreasonable since its presence has negligible effects on the occupants of the neighboring property.

Said approval is subject to the following conditions:

1. **Uncovered Parking Space.** An uncovered parking space shall be provided for the yurt, subject to review and approval by ABR. The applicant and Transportation Planning staff shall determine and identify appropriate location for the uncovered space prior to ABR Project Design Approval.
2. **Carport Removal.** The area of the carport shall be landscaped, subject to review and approval by ABR. A minimum size vehicle turnaround area or uncovered parking, as allowed by the Zoning Ordinance, may be provided in the carport area subject to review and approval by Transportation Planning staff.
3. **Availability of Parking Spaces and Maneuvering Areas.** The required uncovered parking space, two garages from the 1955/56 addition and required vehicle maneuvering area shall be kept available for parking and maneuvering of motor vehicles and not be used for storage of any items inconsistent with such availability as required by SBMC Section 28.90.060.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated April 3, 2013
- C. Architectural Board of Review (ABR) Minutes

Contact/Case Planner: Daniel Gullett, Associate Planner
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Ben Werner
1611 Olive St. Santa Barbara 93101
805-308-6511

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CITY OF SANTA BARBARA
PLANNING DIVISION

April 3rd, 2013

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

Re: Modification Request for 1611 Olive St. Santa Barbara 93101; APN#: 027-202-013; Zone District: R-3; addressing enforcement case: ENF2011-00826

Dear Staff Hearing Officer,

At 1611 Olive St. there is an existing main house (1,738 sq. ft.) on the street front, an unfinished basement (1,183 sq. ft.) including an existing original garage parking space, three (555 sq. ft. ea.) carports (one of which is designated storage, but historically since 1956 was also used for parking), a yurt (452 sq. ft.) in the rear of the parcel, a bathhouse (67 sq. ft.) associated with the yurt, a portable metal shed (64 sq. ft.), and an earthen dome (78 sq. ft.). The dome currently sits approximately three feet within the side setback at the rear of the lot. Three covered parking spaces are currently provided on the property.

The first modification being requested is to allow a single covered parking space for the new living space comprised by the yurt and bathhouse. This modification would allow for the existing three permitted covered parking spaces on the parcel to satisfy the parking requirement for all the dwelling units currently on the parcel.

The second modification being requested is to allow the existing dome structure to remain within the side setback at the rear of the parcel.

The benefit of the first modification is that by avoiding the significant grading and paving that would be required to create an additional parking space, precious working garden space including productive fruit trees can be preserved. These living assets are highly valued by the property owner and residents, and serve as good examples for City land use.

The benefit of the second modification is that by allowing the dome to remain in place, it can continue to serve as a valuable teaching example of earthen natural building techniques. The dome was originally placed close to the wall/fence as an aesthetically sensible consideration in order to avoid its encroachment into common area of the surrounding oak grove. The dome is less than 5 ft. tall, and is not at all visible in its current location to neighbors in either of the adjacent lots.

Thank you for your consideration.

Sincerely,

Ben Werner

Architectural Board of Review Minutes

January 7, 2013 – Conceptual Review

1611 OLIVE ST

(5:15) Assessor's Parcel Number: 027-202-013
Application Number: MST2012-00442
Owner: JKR Olive Trust
Applicant: Ben Werner
Architect: Daphne Romani

(Proposal to permit an as-built dwelling unit located at the rear of the 14,629 square foot lot utilizing experimental sustainable development techniques. The project consists of a 415 square foot yurt structure and a 55 square foot detached bathhouse; permitting a small as-built dome structure and an as-built second story deck attached to the rear of the main dwelling; demolishing an existing unpermitted carport structure and providing one uncovered parking space. The project will address violations in enforcement case ENF2011-00862. Staff Hearing Officer review is requested of zoning modifications for the dome structure to encroach into the interior setback, and to provide three rather than the required four parking spaces.)

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

Actual time: 5:35 p.m.

Present: Daphne Romani, Architect; Ben Werner, Applicant; and Jack Reed, Owner.

Public comment opened at 5:46 p.m., and as no one wished to speak, public comment was closed.

A letter of support from Paul Vit was acknowledged.

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

1. The setback encroachment of the meditation dome poses no aesthetic impact given its small size and height.
2. Some Board members are concerned with the possible impact of the proposed yurt to adjacent neighbors. Provide photos showing relationship to adjacent neighbors and from the street.
3. Include floor plan details (electrical, plumbing, etc.) for the yurt, and show the height from finished grade.
4. Provide a more finished appearance for the roof material for the bath house, more appropriate to the site.
5. Provide revisions of the second-floor deck to match existing aesthetics of the house.

Action: Gradin/Hopkins, 6/0/0. Motion carried. (Poole absent).