



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 15, 2013
AGENDA DATE: August 21, 2013
PROJECT ADDRESS: 55 Chase Drive (MST2013-00297)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Suzanne Riegler, Assistant Planner *SR*

I. PROJECT DESCRIPTION

The 14,995 square foot site is currently developed with a 1,967 square foot, one-story residence with an attached two-car garage. The proposed project involves permitting the "as-built" 160 square foot enclosure of an existing breezeway to create a small room between the residence and the garage. The discretionary application required for this project is an Interior Setback Modification to allow the addition to be located within the required 10-foot interior setback. The proposed project will abate violations listed in ZIR2013-00246 and ENF2013-00643.

Date Application Accepted: 6/6/13

Date Action Required: 9/4/2013

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:	Chris Ottinger	Property Owner:	Chris Ottinger
Parcel Number:	015-020-010	Lot Area:	14,995 square foot
General Plan:	Low Density Residential 3 du/acre	Zoning:	E-1
Existing Use:	Residential	Topography:	12 % avg. slope

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,967 sq. ft. (gross)	+160 = 2,127 sq. ft. (gross)
Garage	525 sq. ft. (gross)	No Change.

IV. DISCUSSION

The proposed project involves the “as-built” enclosure of an existing breezeway to create a storage room between the residence and the garage resulting in a 160 square foot addition. The “as-built” addition is located under the existing roof form, and represents a uniform addition to an existing, nonconforming house and garage (located six feet from the interior property line, rather than the 10 feet required) that is not anticipated to adversely impact the adjacent residential neighbor to the west. Staff supports this request for these reasons, and because the lot is only about 40 feet wide, which is narrow for a lot zoned E-1 (current regulations require 90 feet of street frontage). This project is exempt from review by the Single Family Design Board. Staff has recommended a condition requiring that the lighting associated with the “as-built” door located in the west interior setback shall be replaced with a fixture that complies with the City’s Outdoor Lighting Ordinance (SBMC § 22.75).

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed “as-built” addition is appropriate because the addition is located under the existing roof form and in line with the existing development, on a lot with substandard width, as described in Section IV of the staff report.

Said approval is subject to a condition that any new or replaced lighting shall comply with SBMC§22.75. Specifically, the new lighting associated with the “as-built” addition and door located within the required setback shall be shielded and motion sensor activated.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated June 6, 2013

Contact/Case Planner: Suzanne Riegle, Assistant Planner
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Phone: (805) 564-5470 x 2687

Chris Ottinger/Kimberly Simi
750 Iliff St
Pacific Palisades, CA 90272

July 22, 2013

Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102 - 1990

RE: Modification Request for 55 Chase Dr., Santa Barbara 93108; APN 015-020-010;
E-1 (the "Property")

Dear Staff Hearing Officer,

We purchased the Property in June of 2013. It is a single-family home of approximately 2200 square feet and was originally built in 1961. It consists of a main house and garage that share a roof plane with a breezeway (covered) in-between. The entire west wall of the main house and garage (which when connected form a single plane) and the shared roof plane intrude into the 10ft interior setback but have building permits. An addition was constructed on the south side of the house in around 1981 that does not intrude into any setbacks and is permitted. Sometime after the addition, the previous owners constructed two walls connecting the west wall of the garage with the house and the south wall of the garage with the house enclosing the breezeway and creating a laundry room. This construction was done without a permit and the new west wall intrudes into the interior setback.

The modification being requested is that, subject to the unpermitted construction being brought up to building code standards, the "as-built" fully enclosed breezeway be permitted to intrude into the interior setback (approximately 3-4ft). The reasons in support are the following:

- 1) **No Additional Impact - Roofline:** The permitted roofline (built in 1961) already covers the breezeway and intrudes an additional two feet into the interior setback beyond the breezeway's west wall in the exact same location as the breezeway's west wall. There is no additional impact caused by the additional intrusion of the west wall of the breezeway as the permitted roof plane is far more visible and intrusive.
- 2) **No Additional Impact - Wall Plane:** The intruding west wall of the breezeway is part of a single plane forming the west walls of the house and garage of the original home, all of which intrudes into the 10 foot setback (a rule that must have been applied after the home was built.) There is no additional impact caused by the additional intrusion of the connecting west wall of the breezeway.

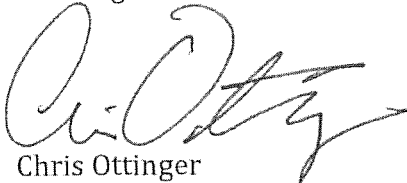
EXHIBIT B

- 3) **Danger – Wild Fire:** The home is in a high fire danger area and an open but covered breezeway is inherently more dangerous during a wild fire. If the walls were open, it would create an area that wind whipped embers could embed in and burn the structure. The covered breezeway would be essentially a 120 square foot wooden eave.
- 4) **Danger – Human Started Fire:** There is an active squatter attempting to enter the property (which has not been legally occupied since November 2012). We are currently enforcing our property rights against the squatter, including two 911 calls to Santa Barbara Police as recently as July 21st and July 19th. Requiring the breezeway walls to be torn down would create a dangerous situation by creating a covered hidden space where the squatter could break-in to the house or garage unseen from the street. Its also possible the squatter could start using the covered breezeway as a habitation. Tearing down the existing walls would enhance the ability of the squatter to enter the property posing an unacceptable risk of fire. Given the location of the home in a hire fire area, this risk would extend to the entire neighborhood, not just our home.
- 5) **No Neighbor Complaints:** Neighbors have not complained about the breezeway enclosure despite the fact that it has been in place for many years. This confirms the comments above about no additional impact.

As set forth above, the key benefits of the modification are largely the enhanced security and fire prevention aspects of eliminating the breezeway. Additionally, it does create finished storage and laundry space that are convenient to the use and enjoyment of the home.

Thank you very much for your consideration and the indications of support in our pre-application meeting. Also, thank you for allowing us to proceed with our remodel plans while this application is under consideration. I've also attached the court order regarding the squatter for you information and the required pictures. The required plans and drawings were submitted separately at the time of the pre-application meeting.

Kind regards,



Chris Ottinger
Owner

cc: Lauren Anderson (via email)
Suzanne Riegler (via email)