



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** November 21, 2013  
**AGENDA DATE:** November 27, 2013  
**PROJECT ADDRESS:** 1816 Cleveland Ave (MST2013-00344)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Michelle Bedard, Planning Technician

### I. PROJECT DESCRIPTION

The 5,555 square foot lot is currently developed with a 621 square foot, one-story, single-family residence. The project proposes to permit "as-built" improvements including a 95 square foot, under-story utility room addition, alterations to the roof form, a 64 square foot entry addition, and a two-car carport and deck. The proposal will abate violations listed in ENF2013-00555. The discretionary application required for this project is an Interior Setback Modification to allow additions and alterations within the required 6-foot interior setback (SBMC § 28.18.060 and SBMC § 28.92.110).

Date Application Accepted: 9-26-2013

Date Action Required: 12-25-2013

### 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:	Peter Walker Hunt	Property Owner:	Sharon Gordon
Parcel Number:	027-061-010	Lot Area:	5,555 sq. ft.
General Plan:	Medium Density Residential 12 Du/Acre	Zoning:	R-2
Existing Use:	Residential	Topography:	23%

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	621 sq. ft.	+64 = 685 sq. ft.
Garage	N/A	320 sq. ft.
Accessory Space	183 sq. ft.	+95 = 278 sq. ft.
Deck	N/A	338 sq. ft.

**C. PROPOSED LOT AREA COVERAGE**

Building: 1,145 sf 21%      Hardscape: 1,490 sf 27%      Landscape: 2,920 sf 52%

**IV. BACKGROUND**

The subject parcel is currently identified as 1816 Cleveland Ave. Early records indicate that this subject residence was a second (rear) unit located on the parcel known as 1814 Cleveland Ave. In 2009 a Public Works permit (PBW2009-01349) was approved to formally change the address from 1814 ½ Cleveland Ave to 1816 Cleveland Ave. Staff has used various sources to determine the legality of both the subject parcel, the residence, and the “as-built” alterations and additions including archive plans, street files, photographic documentation, Sanborn maps, the County of Santa Barbara Assessor’s and Public Works Records for the subject property. Staff was unable to confirm the legality of the subject parcel. There are no archive plans available for the existing building known as 1816 Cleveland Ave. The earliest record available in the street file, for 1814 Cleveland Ave, dated 1927, was for additions and alterations to the “front dwelling” at which time it recognized two dwellings on one lot. Subsequent permit records are unclear, and Staff believes that a lot split most likely occurred legally at some time between 1927 and 1956. However, determining legality of a lot can be a time consuming process, and the requested Modification is for improvements in an interior setback would exist regardless of the legality of the lot split; therefore, Staff recommends a condition that the lot be determined to be legally created prior to the issuance of a building permit.

On the County Assessor’s Parcel Map, the subject lot is approximately 101-feet in length and 55-feet in width, including a 5-foot easement. It is an interior lot without frontage on a public road, and is accessed by a 10-foot wide public alley. The 1927 permit show a sketch of the subject residence to be located approximately 39-feet from the northerly property line, 3-feet from the easterly property line, and 27-feet from the westerly property line. The current proposal indicates the edge of the subject residence to be approximately 20-feet from what would be the present southerly property line. These dimensions appear to be fairly accurate with regards to the subject existing residence, not including the proposed carport/deck structure. It is unknown when the carport and deck were constructed, and it is Staff’s position that both the existing 286 square foot carport and deck were constructed without the benefit of a permit.

V. DISCUSSION

The proposal will abate the violations identified in enforcement case ENF2013-00555. The roof alterations and understory addition are located within the required setback and necessitate the requested zoning modification.

The proposed carport and deck do not require a zoning modification, as the carport will comply with the required 3-foot interior setbacks, and the deck will comply with the required 6-foot interior setbacks.

The alterations to the roof pitch result in a minor increase in height to the existing non-conforming dwelling within the interior setback. The maximum height of the original roof form was 15-feet 6-inches, and the maximum height of the "as-built" roof alteration is 16-feet 8-inches: an increase in height of 1-foot 2-inches. The areas of the roof that result in a slight increase in height are highlighted in yellow on plan sheet A-2. Staff supports this request as the alterations provide a simplified roof form and result in a minimal increase in height.

The "as-built" under-story, utility room addition also encroaches into the interior setback. The existing utility room is 182 square feet, and of that area approximately 26 square feet currently encroaches into the interior setback. While the total "as-built" utility room addition is 95 square feet, the area of setback encroachment is only about 5 square feet in size. Of the proposed total size of the utility room (287 square feet), the area of encroachment amounts to a little more than 10 percent in area. Because of the minimal amount of encroachment, and the fact that the utility room is located at an understory level, Staff supports the encroachment, and finds the addition is unlikely to cause any adverse impact to the adjacent residential neighbor.

*Design Review*

This project was reviewed by the Single Family Design Board (SFDB) on September 9, 2013, at which time the Board found the requested modifications to be aesthetically appropriate and do not pose consistency issues with the Single Family Residence Design Guidelines. During the review the Board discussed compatibility of and commented to the effect of the proposed upper-story deck above the proposed carport. As proposed the carport complies with the required 3-foot setback, per SBMC §28.18.060, however the proposed deck, for zoning purposes must comply with the required 6-foot interior setback. The deck as proposed is shown to comply with the required 6-foot interior zoning setbacks. However the Single Family Residence Design Guidelines establish a 15-foot setback for the effect of upper level decks greater than 20 square feet in size, to preserve privacy of the adjacent properties. This guideline setback is subject to the Boards authority, and is typically applied on a case-by-case basis depending upon site and topography conditions. Although the proposal does not comply with the 15-foot guideline setback, the Board was supportive of the proposed deck because it includes a 6-foot tall fence at the end of the usable deck area to provide a visual barrier to preserve privacy to the adjacent southerly property.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Interior Setback 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" roof alteration is appropriate because it will provide a simplified roof form, and results in only a minor increase in height within a portion of the interior setback. The proposed "as-built" utility room addition is appropriate because the resulting setback encroachment is only approximately 5-feet in area, located at the under-story level, and is not anticipated to adversely impact the adjacent residential neighbor.

Said approval is subject to a condition that useable deck area remains compliant with the required 6-foot setbacks, that the deck maintains the 6-foot tall visual barrier to preserve the privacy of the southerly residential neighbor, and that the lot is determined to be legal.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated September 17, 2013
- C. SFDB Minutes

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Peter Hunt  
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September 17, 2013

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

RE: Modification Request for 1816 Cleveland Avenue APN027 061 010 R-2 Land Use Zone

Dear Staff Hearing Officer:

The existing situation is a 745 SF gross single family dwelling with a 302 SF gross underfloor utility room. There is a small 10'x12' accessory building on the property valued at under \$1000. The dwelling was there when a building permit A-2897 was issued March 5, 1927 for alterations. Along the easterly interior property line the structure is setback legally, but non-conforming to today's zoning designation, at 3'-0". Sometime in the past 86 years a carport with a deck on top of it was attached to the south side of the dwelling. More recently the roof was altered over the dwelling into a more simple shape (as seen in plans), the underfloor utility room increased by 95 SF, the 64 SF northwesterly covered porch became part of the kitchen, and the carport and deck increased to their present size of 320 SF.

The first Modification being requested is to allow two setback encroaching roof shapes of 24 SF each to have their slope (or roof pitch) altered to match the remaining roof within the current interior setback. See SBMC 28.87.030.D.1.a.(2).

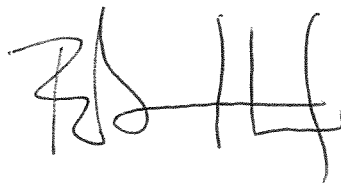
The justification of the first modification is that it makes a more simple roof shape (to which SFDB unanimously agreed September 9, 2013). A more simple shape sheds water more efficiently and consequently has greater benefit both economically as well as environmentally.

The second Modification being requested is to allow 5 SF of underfloor utility room to encroach one foot into the required interior yard setback of 6'-0". Two thirds, or 3.35 SF, of the encroachment consists of an exterior wall.

The second modification is justified because it allows access from Bedroom #2 onto the deck. Utility Room new addition is beneficial as a ceiling height of seven feet allows workable access. Because the utility room is largely subterranean, with thick vegetation directly adjacent to the utility room, and there are no windows or doors in the 5 lineal feet of wall; privacy issues are moot.

Sincerely

Peter W. Hunt



**EXHIBIT B**

- Motion:** **Continued indefinitely to the Full Board with comments:**
- 1) The Board appreciates the design; however, suggests the following items of study:
  - 2) Study lowering the height of the wall along the interior property adjacent to the public beach access.
  - 3) Study the tower element with the suggestion to either eliminate it or revise the design and reduce the height.
  - 4) Study manipulating plate heights, possibly a 7-foot plate height going into a higher plate height. Moody Sisters was suggested as a design reference.
  - 5) Study methods to reduce the overall size and mass as viewed from the public street. Suggestions included:
    - a. Providing an increased setback from the street;
    - b. Recessing the second floor;
  - 6) Revising entry design to the court yard to be neighborhood friendly, and recessing the court yard entry wall from the proposed residence.
  - 7) Provide two renderings of the front elevation; one of the elevation itself and the other to include plants at mature growth.
  - 8) Include more evergreen trees to increase neighborhood compatibility.
- Action:** Miller/James, 4/0/0. Motion carried. (Bernstein and Zimmerman stepped down, Woolery absent).

### **CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

- 3. 1816 CLEVELAND AVE** **R-2 Zone**  
**(4:00)** Assessor's Parcel Number: 027-061-010  
 Application Number: MST2013-00344  
 Owner: Gordon Family Survivors Trust  
 Architect: Peter Walk Hunt

(Proposal to permit the 'as-built' 64 square foot entry porch addition, an 'as-built' 95 square foot under-floor utility room addition, a remodel and addition to the existing two-car carport, and permit the 'as-built' approximately 342 square foot, uncovered, deck, located above the carport. The proposed total of 1,283 square feet, located on a 5,050 square foot lot in the Hillside Design District, is 53% of the guideline floor-to-lot area ratio (FAR). The proposal includes Staff Hearing Officer review for a requested zoning modification. The project will address violations identified in ENF2013-00555.)

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

Actual time: 4:59 p.m.

Present: Peter Hunt, Architect

Public comment opened at 5:19 p.m. As no one wished to speak, public comment was closed.

- Motion:** **Continued indefinitely to the Staff Hearing Officer and to return to the Consent Calendar with comments:**
- 1) The proposed modification is aesthetically appropriate and does not pose consistency issues with the Single Family Design Guidelines.
  - 2) The alteration to the roof form is acceptable.
  - 3) Replace the bamboo railing with standard wood construction railing to match existing.
- Action:** Bernstein/Pierce, 6/0/0. Motion carried. (Woolery absent).