



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** April 24, 2014  
**AGENDA DATE:** April 30, 2014  
**PROJECT ADDRESS:** 474 Scenic Drive (MST2013-00425)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Suzanne Riegle, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

The 15,833 square-foot site is located in the non-appealable jurisdiction of the Coastal Zone, and is developed with five unit apartment complex and a total of five covered parking spaces. The proposed project involves alterations to the existing apartment complex, relocation of an existing front site retaining wall to the front property line, re-grading of the driveway entries, replacement of a wood deck and stairs at the rear of the existing single-family residential unit, replacement of an existing two-car carport with a two-car garage, and replacement of an existing three-car carport with a new three-car garage. The existing carport structures are non-conforming to the required six-foot interior and rear setbacks and the minimum carport dimensions. This project will address the violations identified in enforcement case ENF2013-00676.

The discretionary applications required for this project are:

1. Three Interior Setback Modification to allow the construction of a two-car garage and three-car garage within the required six-foot interior setbacks to the east, south, and west (SBMC § 28.15.060 and SMBC § 28.92.110); and
2. An Open Yard Modification of the location and configuration requirements. (SBMC § 28.15.060 and SMBC § 28.92.110)

Date Application Accepted: 3/20/14

Date Action Required: 6/18/14

### 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:	Jonathan Villegas	Property Owner:	Edward Yates
Parcel Number:	015-272-003	Lot Area:	15,833 square feet
General Plan:	Residential (2 DU/Acre)	Zoning:	E-3/SD-3
Existing Use:	Multi-Family	Topography:	11% est. avg. slope

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Duplex 1	1,516 sf	No Change
Duplex 2	1,448 sf	No Change
Single Family	799 sf	No Change
3- Car Carport to Garage	485 sf	630 sf
2- Car Carport to Garage	296 sf	360 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 3,763 sf 29%      Hardscape: 4,091 sf 26%      Landscape: 7,119 sf 45%

**IV. HISTORY**

The proposed project involves the reconstruction of a detached two-car garage and detached three-car garage at the rear of the property, and the abatement of violations listed in the outstanding enforcement case for construction without permit. The original development was constructed in 1925 with two-duplexes and one single family residence prior to first permit on record in 1938. The historical Zoning Sectional Maps show that the property has been down-zoned at least two times. The property has been zoned as follows: R-2 Two-Family Residence Zone in 1930, R-1 One-Family Residence Zone in 1957, and E-3 One-Family Residence Zone in 1975. The original development complied with the Zoning Ordinance requirements for the R-2 Zone at the time of construction, and has become more non-conforming to density, setbacks, and parking with each subsequent down zoning.

The original carports are also non-conforming to the City's Parking Design Standards. The project will improve the non-conforming dimensions of the parking spaces, and will abate violations listed in ENF2013-00676, for work on the carports without a permit. The two-car carport was in disrepair, and was demolished due to safety concerns. The properties surrounding the subject parcel are developed as single-family residential homes, with the exception of the Montecito Country Club and Golf Course that abuts a portion of the property to the west (See Figure 1).



Figure 1

## V. DISCUSSION

The proposal includes the 'as-built' demolition of a non-conforming two-car carport, the demolition of a non-conforming, three-car carport, construction of a two-car and three-car garage, site improvements including alterations to the existing pavement along the U-shaped driveway to allow better vehicle maneuvering, and relocation of the existing site wall to the front property line.

### Site Constraints / City Utility Easements:

The existing three-car carport was partially constructed over a portion of the City's sewer easement (See Figure 1). The applicant is proposing to enlarge the building footprint, and create a building with three, one-car garages, large enough that the interior measurements of each garage will meet the City's Parking Design Standards. Staff and the applicant worked to determine if the building could be relocated to observe the City's utility easement. It was determined that an alternate location could not be achieved due to the constraints of the existing development on the site and necessity to maintain and comply with the City's Parking Design Standards for minimum garage size, parking maneuvers, and maintaining site circulation. The applicant has been advised that an application for a Minor Encroachment Permit (MEP) must be submitted to the City Public Works Department to allow the construction of the replacement

garage over the existing City sewer main. In addition, Staff has recommended the following conditions: 1) The owner shall execute a Minor Encroachment Permit (MEP) per Santa Barbara Municipal Code 10.55; 2) The site plan shall include the location of the sewer easement and a note that reads, "If future utility work within the easement causes the need for partial or complete demolition of the structure, all costs of repairs and/or reconstruction of the building within the easement will be the sole responsibility of the property owner." 3) If garage is required to be demolished as a result of the MEP agreement, replacement parking shall be provided.

Modifications:

The applicant is requesting Three Interior Setback Modifications to allow the 'as-built' demolition of a two-car carport, demolition of a three-car carport, and replacement of covered parking with larger and more conforming garages within the western, eastern, and southern six-foot interior setbacks. The existing two-car carport had exterior measurements of 16' deep by 18' 6" wide. The existing two-car carport was constructed parallel to the eastern interior property line, at a distance of approximately one-foot, and at a distance from southerly interior property line ranging from less than a foot to five feet. The replacement garage is to be rotated to the west and is proposed to be constructed parallel to the southern interior property line, at a distance of one-foot. The existing three-car carport was constructed parallel with the western interior property line. The replacement building is being rotated to be parallel with the southern property line. The majority of the replacement building will observe the six foot interior setback; however, a small portion of the building is located within 4.5 feet of the western interior property line. The building is proposed to be constructed one-foot from the southern interior property line.

Due to the location of the existing development and the need to retain site circulation, including adequate area for parking maneuvers, it is not possible to reconstruct the covered parking without requesting the interior setback modifications and parking design waiver for the two-car garage. The proposed two-car garage cannot meet the standard interior dimension of 20' foot deep; however, each garage bay meets the standard interior width. Transportation Staff has reviewed the proposed design, and has indicated that a parking design waiver will be approved for the minimum depth because it will improve the ability of residence to use the garage for parking. Staff supports the requested Eastern, Western, and Southern Interior Setback Modifications to allow the construction of more conforming two-car and three-car garages as they will improve on-site parking conditions and encourage residences to park off-street. The proposed garages are not anticipated to adversely impact the adjacent residential neighbor to the west or south or the golf course to the east.

The applicant is also requesting an Open Yard Modification of the location and configuration requirements. The property's non-conforming open yard is located to the south of the residential buildings, and is bisected by the existing driveway. Due to the enlargement of the covered parking and maneuvering areas, the open yard is proposed to be reduced. The applicant is revising a site wall at the front of the property to provide additional open space for the residents. There is approximately 1,250 square feet of open yard located in court yard between the units that is located in the remaining front yard. Staff recommends support of an

Open Yard Modification to reduce the non-conforming open yard at the rear of the property, because there are additional areas on the property for outdoor recreation for the residents. The reduction of the required open yard is not anticipated to adversely impact the adjacent neighbors or the visual openness of the public street frontage.

Environmental Review:

Staff has reviewed the proposed project with the City's Urban Historian and it was determined that the garages do not retain historic significance, and can be demolished and rebuilt to comply with current dimensional requirements.

Design Review:

This project was reviewed by the Architectural Board of Review on October 28, 2013, November 11, 2013, and February 3, 2014. At the February 3, 2014 hearing, the Board forwarded the project to the Staff Hearing. The Board found that the proposed setback modification acceptable and aesthetically appropriate, and does not pose consistency issues with the Architectural Board of Review Guidelines.

**VI. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Three Interior Setback Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed reconstruction of the two and three car garages is appropriate because it will allow the covered parking spaces to be used to store vehicles on-site, and is not anticipated to adversely impact the adjacent residential neighbors to the west and south or the golf course to the south and east

The Staff Hearing Officer finds that the Open Yard 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 reduction in the non-conforming open yard is necessary to provide adequate onsite parking and there are additional areas on the property, located in the remaining front yard, which can be utilized by the residents for outdoor recreation.

Said approval is subject to a condition the following conditions:

1. The Applicant shall execute a Minor Encroachment Permit (MEP) per Santa Barbara Municipal Code 10.55. The MEP will be for a new garage/carport construction over a portion of the City sewer main facility and easement, which construction and use is revocable upon 90 days notice or less by the City. Said notice shall cause removal and/or discontinuation of use of the encroachment by the owner. The owner shall also consent to the City's access to the facility for regular and ongoing maintenance, repairs, replacement, removals, inspections, and upgrades.
2. The applicant shall show the location of the City Easement and add the following note on the site plan: "If future utility work within the easement causes the need for partial or complete demolition of the structure, all costs of repairs and/or reconstruction of the building within the easement will be the sole responsibility of the property owner."

3. If the garage is required to be demolished by Public Works, the applicant shall choose from the following options: a) obtain a permit to demolish and rebuild the garage in the same location as approved; or b) obtain the necessary approvals and permits for on-site replacement parking in a new location.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated March 19, 2014
- C. ABR Minutes

Contact/Case Planner: Suzanne Riegle, Associate Planner  
(SRiegle@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x **2687**



Edward Yates  
P.O. Box 4751  
Santa Barbara, CA 93140  
March 19, 2014

**RECEIVED**  
MAR 20 2014  
CITY OF SANTA BARBARA  
PLANNING DIVISION

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

**Re: Modification Request for 474 Scenic Drive, Santa Barbara CA 93103  
APN: 015-272-003**

Dear Staff Hearing Officer:

There are 3 existing buildings that house 5 residential units. Existing building 1 (1,516sf) has 2 residential units and is adjacent to the westerly property line. Existing building 2 (1,448sf) has 2 residential units and is adjacent to the easterly property line. Existing building 3 (799sf) has 1 residential unit on the top floor and an accessory area (laundry room) on the lower level. Building 3 is southerly property line. There are also two existing car ports within the side and rear setbacks. Existing carport 1 (485sf) is adjacent to the Southwest most property lines. Existing carport 2 (296sf) is adjacent to the Southeast most property lines. Both existing carports are in very bad condition showing signs of dry rot and moisture damage. The proposal is the demolish the existing carports and build new 3-car and 2-car garages.

The modification being requested is to allow the new garages to encroach in the rear and side yard setbacks to allow for car circulation and better drainage. The existing carports already are encroaching in the rear and side yard setbacks. The southeasterly property lines are adjacent to the golf course and to a residential home and their rear yard. The southwesterly property lines are adjacent to residential homes and their respected rear yards.

Another modification being requested is a reduction in the open yard space required because there is not enough open space to allow onsite parking and have a continuous flow of traffic. We request that part of the open yard space be allocated in the rear yard between the proposed garages and in the courtyard open area already existing encompassing the 3 residential buildings.

DARKMOON BUILDING DESIGN AND ENGINEERING

36 Touran Lane • Goleta • California 93117 • (805) 680-6874 • fax (805) 456-3854 • darkmooneng@gmail.com

**EXHIBIT B**

Re: Modification Request for 474 Scenic Drive, Santa Barbara CA 93103APN: 015-272-003  
March 19, 2014  
Page 2

The major benefit of having the new garages is that they will function better as garages and storage for potential tenants. The new garages will also be relocated to provide better traffic flow and less congestion. The garages will also have doors on them hiding and securing tenants items from public views. The new garages will also be more esthetically appealing. The new garages will be structurally more sound than the existing structures and provide a higher level of safety.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Villegas". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jonathan Villegas, P.E.  
DARKMOON  
BUILDING DESIGN AND ENGINEERING

DARKMOON BUILDING DESIGN AND ENGINEERING

36 Touran Lane • Goleta • California 93117 • (805) 680-6874 • fax (805) 456-3854 • darkmooneng@gmail.com





## DESIGN REVIEW ACTIVITIES SUMMARY

**474 SCENIC DR (MST2013-00425)**

**MF-MOD**

*Proposal for alterations to a one-story five-unit apartment complex. The proposal would relocate an existing front site retaining wall to the front property line, re-grade the driveway entries, replace a wood deck and stairs at the rear of the existing single-family residential unit, replace an existing two-car carport with a two-car garage, and replace an existing three-car carport with a new three-car garage. The existing carports and proposed garages are non-conforming to the interior and rear setbacks. This project will address the violations identified in enforcement case ENF2013-00676 including the as-built installation of vinyl windows. Staff Hearing Officer review is requested for zoning modifications.*

**Status:** *Pending*

**DISP**

**Date 3**

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

**CONT**

**10/28/13**

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

Actual time: 6:17 p.m.

Present: Jonathan Villegas, Architect.

Public comment opened at 6:24 p.m., and as no one wished to speak, public comment was closed.

Letters of concern from Paula Westbury and Stephen Pointer were received and acknowledged.

The letter in opposition from Stephen Pointer, adjacent neighbor, was summarized by staff with concerns regarding neighborhood incompatibility in size and density of the multi-family development, lack of roof material and color details in the plans, and concerns about blocking of his private views of the adjacent gold course. He requested relocating trash area and bins, and evaluation of the extent of proposed grading at the driveway entrances and retaining walls.

Motion: Continued two weeks to Full Board with comments:

- 1) Remove all or a majority of existing vinyl windows that are adversely affecting the overall aesthetics of the building, and replace with wood windows appropriate to the design style and era of the building.
- 2) The front wall and wooden gate should be simplified to match the handsome existing wall as a more appropriate design.
- 3) Simplify the use of the proposed wrought iron balustrade as opposed to wood.
- 4) The proposed garage encroachment in the setback poses no aesthetic concerns.
- 5) The open yard modification is more supportable if the three-car carport is shifted further to the setback property line for more efficient use of the open space between the two.
- 6) Refine the garage design for a flat level parapet detail. The parapet should be either without a cap or using a tile cap for a more acceptable and appropriate design element.
- 7) Study opportunities to increase the landscaping on the streetscape.
- 8) Provide a color board and materials board with colors and materials more appropriate to the design era of the buildings.

Action: Gradin/Wittausch, 5/0/0. Motion carried. (Cung and Poole absent).

**HLC-Archaeology Report**

**APVD**

**11/06/13**

(Review of Phase I Archaeological Resources Report prepared by Conejo Archaeological Consultants.)

Actual time: 2:36 p.m.

Present: Dan Lindsay, Owner Representative; and Jonathan Villegas, Architect

**EXHIBIT C**

Staff comment: Susan Gantz, Planning Technician, state that Dr. Glassow reviewed the report and concluded that the archaeological investigation supports the report's conclusions and recommendations that it is estimated that the potential for impacts to prehistoric or historic cultural resources is low; therefore no further archaeological investigation is warranted. However, the standard condition regarding the discovery of unanticipated archaeological resources applies to the project and shall be reproduced on the plans prior to issuance of building permit.

Motion: To accept the report as presented.

Action: Orías/Drury, 6/0/0. (Boucher/Shallanberger/Suding absent.) Motion carried.

Phase 1 Archaeological Resources Report, dated 9/30/13, prepared by Mary Maki, Conejo Archacological Consultants, 2321 Goldsmith Ave, Thousand Oaks, CA 91360 (805) 494-4309, was accepted: "It is estimated that the potential for impacts to prehistoric or historic cultural resources is low. Therefore, no further archaeological investigation is warranted [...]" as long as the Standard Condition regarding discovery of unanticipated archaeological resources are incorporated as a condition of project approval.

**ABR-Concept Review (Continued)** **POST** **11/11/13**

(Second Concept review: Comments only; project requires environmental assessment and Staff Hearing Officer review.)

Postponed indefinitely at the Applicant's request.

**ABR-Concept Review (Continued)** **CONT** **02/03/14**

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review.)

Actual time: 4:54 p.m.

Present: Jonathan Villegas, Designer; and Dan Lindsey, agent for owner.

Public comment opened at 5:05 p.m. As no one wished to speak, public comment was closed.

Mr. Limón reminded the Board that the proposed project should still be regarded as having historic significance even though the window materials have been changed to vinyl materials.

Straw vote: How many Board members can support the creation of additional floor area under the rear deck on this property that is non-conforming to residential density? 2/4.

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

- 1) The Board finds the proposed setback modification acceptable and aesthetically appropriate, and does not pose consistency issues with the Architectural Board of Review Guidelines.
- 2) A majority of the Board finds acceptable the proposed yellow building color.
- 3) Add a tile cap on all parapets, including the garage parapet to match the character of existing tile caps and previous older photographs.
- 4) Provide a full elevation of the front wall, and more closely match the existing curve of the original gate.
- 5) Provide a landscape plan. Provide vine plantings at the rear elevation of the garages.
- 6) Add screening for the understory of the rear deck.
- 7) Staff to verify if the existing vinyl windows were installed prior to the requirement for City review.
- 8) Return with any changes to the existing hardscape on the landscape plan.

Action: Hopkins/Wittausch, 6/0/0. Motion carried. (Cung absent).