



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 24, 2014  
**AGENDA DATE:** October 1, 2014  
**PROJECT ADDRESS:** 2012 Anacapa Street (MST2014-00096)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner  
 Suzanne Riegler, Associate Planner

### I. PROJECT DESCRIPTION

Proposal to demolish an 80 square foot, shed structure and construct a 916 square foot, detached, two-story, accessory structure to include a 500 square foot, two-car garage, with a 416 square foot, accessory room above the garage. The site is currently developed with an existing, 2,900 square foot, two-story residence, a 520 square foot, one-story residence, and a 285 square foot, accessory structure to remain. The proposal will provide a total of three parking spaces to include two-covered and one uncovered space. The proposed site development of 4,621 square feet, located on a 16,911 square foot lot, is 106% of the guideline floor-to-lot ratio (FAR). The proposal includes Staff Hearing Officer review for requested zoning modifications. This is a City Landmark: The Pearl Chase Residence.

The discretionary applications required for this project are:

1. A Lot Area Modification to permit the “as-built” conversion of the one-car garage to an artist studio and allow the construction of new home office. (SBMC § 28.15.080, SBMC § 28.87.030.E.1, and SBMC § 28.92.110);
2. An Accessory Floor Area Modification to allow the total aggregate floor area of detached accessory building to exceed the 500 square foot maximum (SBMC § 28.87.160 and SBMC § 28.92.110); and
3. An Interior Setback Modification to allow the “as-built” conversion of garage to a studio within the required ten-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110).

Date Application Accepted: 8/18/14

Date Action Required: 11/16/14

### 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:	Jarrett Gorin	Property Owner:	Ethan & Hsingyi Lin Reece
Parcel Number:	025-321-012	Lot Area:	16,911 square feet
General Plan:	Low Density Residential (max 3 du/acre)	Zoning:	E-1
Existing Use:	Residential	Topography:	7% est. avg. slope

#### B. **PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Main Residence	2,900 sq. ft.	No Change
Guest Unit	520 sq. ft.	No Change
Garage	285 sq. ft.	-285 + 500 sq. ft.
Accessory Space	0 sq. ft.	285 + 416 = 701 sq. ft.

#### C. **PROPOSED LOT AREA COVERAGE**

Building: 3,032 sf 18%      Hardscape: 3,454 sf 20.4%      Landscape: 10,425 sf 61.6%

### IV. BACKGROUND

The original residence was constructed circa 1904-1905 and was the former residence of the late Pearl Chase, an important community activist in Santa Barbara's history. The family of Pearl Chase resided in the residence from 1905 to 1979. The current owner purchased the property in 2013. At the time of purchase, a Zoning Information Report (ZIR2013-00540) prepared for the property disclosed violations that are subject to enforcement (ENF2013-01218). The violations included the following work without permit: 1) The removal of a portion of driveway and the conversion of a former one-car garage to a studio/home office within the interior setback; and 2) The addition of a second washer and dryer in the residence.

### V. ENVIRONMENTAL REVIEW

#### *Historic Structures Report*

The Urban Historian requested that the applicant submit a Phase 2 Historic Structure and Site Report for the proposed alterations to a City Landmark (Exhibit C). On June 4, 2014, the Historic Landmarks Commission reviewed and accepted a Phase I Historic Structures and Sites Report. The report states that the demolition of the studio (former garage) will negatively impact the City Landmark but the proposed window change to an operable window, the demolition of the shed, and the construction of the new garage will not have a negative impact on the historic resource. The report further states that spatial relationship between the residence, garage, and legal guest residence is significant. To avoid an adverse impact on the historic resource the applicant has amended the project to retain the "as-built" studio and

requested a modification to allow the conversion of the garage to studio within the interior setback which is discussed in section V of this staff report.

Phase I Archaeological Report

Due to the scope of work and the property's location within mapped archaeologically sensitive zones, the applicant was required to submit a Phase I Archaeological Report. On August 13, 2014, the HLC reviewed and accepted the Phase I Archaeological Resources Report prepared by David Stone of Dudek as submitted. The report stated a mitigation measure should be added requiring a City-qualified archaeological monitor be present during earthwork although the likelihood of encountering resources is low. Staff has included the proposed mitigation as a condition of approval.

In conclusion, with the recommendations outlined in the HSSR and the Phase I Archaeological Report, the project impacts have been reduced to a level of less than significant and the Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

**VI. DISCUSSION**

The proposed project involves the demolition of a storage shed, permitting the "as-built" conversion of the one-car garage to storage, construction of a new two-car garage with accessory space above, and permitting of an additional uncovered parking space. The proposed development occurs on a single-family residential zone lot that is considered legal non-conforming to residential density with two residential units.

The project will abate violations listed in the enforcement case by permitting the change of use in the setback, construction of replacement parking, and removal of one of the laundry facilities in the residence. The applicant proposes a total of three (two covered and one uncovered) on-site parking spaces which will not only abate the violation of eliminating the required parking but will reduce the non-conforming parking. The project as proposed includes the requests for three zoning modifications.

The first requested modification is a Lot Area Modification to allow the addition of floor area on a lot that is non-conforming to density. The "as-built" conversion of the one-car garage to accessory space and the addition of new accessory space over the proposed garage will result in additional floor area. The Zoning Ordinance (SBMC § 28.87.030.E.1.) states that a lot that is legal non-conforming with respect to density requirements may not increase the floor area of any main or accessory building (except garage or carports) or increase the amount of habitable space.

The second modification is an Accessory Floor Area Modification to allow the total aggregate floor area of accessory buildings to exceed the 500 square feet. The combined floor area of the 285 square foot, "as-built" studio and the proposed 416 square foot, accessory use above the garage exceeds the maximum allowable square footage by approximately 201 square feet. Generally, single-family lots that are developed with more than one unit require a Performance Standard Permit (PSP) and are allowed to have 500 square feet of accessory space per unit and

garage floor area of up to 500 square feet per unit. In this instance the lot size is not large enough to qualify for a PSP, is legal non-conforming to density and would not qualify for a PSP; however, the HLC and Staff have indicated that the proposed development is consistent with the pattern of development in the neighborhood and the additional accessory floor area is not anticipated to adversely impact the adjacent neighbors. Staff recommends a condition that the detached accessory spaces shall not be used as separate dwelling units.

The third modification is an Interior Setback Modification to allow the “as-built” conversion of the one-car garage to accessory floor area within the required ten-foot interior setback. The last legal use of the structure is a garage and it is unknown when the vehicular access was removed. The conversion of the structure to accessory use without a permit occurred sometime in the last 30 to 40 years. A review of City records finds that the conversion of use within the setback has not resulted in complaints; and therefore, it is presumed that the modification to permit the accessory use would not result in an adverse impact to the adjacent neighbor. The restoration of the buildings use in the garage would result in a significant increase in paving and changes to the topography to restore vehicular access to the building. The historic vehicular access to the property is presumed to have been from Green Lane through an adjacent parcel. In addition, as discussed in section V, the removal of the structure is considered a significant adverse impact to the City Landmark. Staff recommends that a condition the “studio” label on the plans should be revised on the plans to reflect that the building is an accessory use and not an additional dwelling unit.

## **VII. DESIGN REVIEW**

This project was reviewed by the Historic Landmarks Commission (HLC) on June 4, 2014, meeting minutes attached as Exhibit D. The Commission forwarded the project to the Staff Hearing Officer stating that the proposed modifications are aesthetically appropriate. The proposed modifications do not pose consistency issues with El Pueblo Viejo Design Guidelines. The Commission commented on the location, size, bulk, scale, and detailing of the proposed garage/accessory building. The Commission emphasized that the building should be subservient to the main residence.

### **VIII. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Lot Area Modification and the Accessory Floor Area Modification to allow the total aggregate floor area of the accessory structures to exceed 500 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed 701 square feet of accessory floor area is an appropriate improvement for the two existing single-family residences on the lot and the proposed development is consistent with the pattern of development in the neighborhood. The additional floor area is not anticipated to adversely impact the adjacent neighbors.

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 conversion of the garage to accessory space is appropriate because the demolition of the structure would result in a significant adverse environmental impact on the City Landmark, given that the driveway has been removed, the topography would be required to be modified to restore vehicular access, the building has substandard dimensions for a one-car garage, and the change of use is not anticipated to adversely impact the adjacent neighbor.

Said approval is subject to the following conditions:

1. The applicant shall clearly note on the plans both in the scope of work and on the floor plan that the second set of laundry hook-ups is to be removed from the residence.
2. A note shall be added to the accessory buildings' floor plans that these areas shall not be used as a separate dwelling units.
3. The applicant shall change the "Studio" and "Office" labels to an accessory use (e.g. art studio, home office, etc) that conveys that the building is not a separate dwelling unit or a commercial use.
4. Prior to final approval by the Historic Landmarks Commission, a drainage plan must be submitted that clearly shows compliance with Tier 2 Storm Water Management requirements.
5. A City-qualified archaeologist shall be retained to monitor ground disturbances during construction. If cultural resources are encountered, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological 2012 Anacapa Street - Archaeological Resources Report resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, (if the resource is prehistoric) 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 Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts, materials, or human remains, 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 Environmental Analyst grants authorization. The archaeologist shall determine the need for any other actions, including collecting a representative sample of prehistoric or historic remains, consistent with a Phase 3 Data Recovery excavation as defined in City MEA Guidelines for Archaeological Resources and Historic Structures and Sites criteria.

6. Archaeological Monitoring was required as a condition of the Phase 1 Arch report. Please provide the contract for review by the Environmental Analyst and the standard Archaeological Monitoring Language on the plans. See below for standard monitoring language. Any ground excavation on this site is required to have a qualified Archaeologist monitor the work in order to assess the importance of any artifacts that may be uncovered. A signed copy of the contract establishing a schedule for monitoring must be submitted prior to release of a building permit for this project, the contract shall be subject to review and approval of the Environmental Analyst. A final report on the results of the archaeological monitoring shall be submitted to the City's Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier. The information submitted will be evaluated and a decision will be made if additional analysis is required.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated June 9, 2014
- C. Phase 2 Historic Structures/ Sites Report, prepared by Post/ Hazeltine Associates
- D. HLC Minutes

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

June 9, 2014

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Ms. Susan Reardon, Staff Hearing Officer  
City of Santa Barbara  
PO Box 1990  
Santa Barbara, CA 93102-1990

Hand Delivered

**RECEIVED**

JUN 09 2014

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

**RE: Modification Request for 2012 Anacapa Street, APN 025-321-012, E-1 Zone**

Dear Ms. Reardon:

I represent Ethan and Hsingyi Reece (the "Owner") the owner of the above referenced property (the "Subject Property"). We are requesting three modifications to Santa Barbara Municipal Code (the "SBMC") standards in association with a proposed project to add a 2-car garage with 2<sup>nd</sup> floor accessory space to the Subject Property.

## 1.0 PROJECT DESCRIPTION

The Subject Property is rectangular 16,680 s.f. lot on the East side of Anacapa Street between Mission Street and Padre Street. The Subject Property has 112.4 linear feet of public street frontage on Anacapa Street. Three structures are present on the Subject Property: a 2,900 s.f. two-story single family residence; a 520 s.f. legal second residential unit (guest house); and a 285 s.f. "studio" structure. The studio structure was formerly a 1-car garage accessed from streets to the East that no longer exist. The exact date upon which the studio was converted from garage use is not known. The Subject Property, which has several uncovered off-street parking spaces, is non-conforming to current parking standards which require two covered parking spaces to serve the existing single family residence, and one uncovered space to serve the guest house.

A new two-story structure (the "Project") is proposed to the North of the existing single family residence. This structure would include a 2-car garage on the ground floor, and a 416 s.f. accessory space (to be used as a private office) on the 2<sup>nd</sup> floor. The new structure complies with all applicable SBMC requirements. However, due to the unique configuration of the Subject Property, and the fact that this property is a designated historic landmark, development of the new structure triggers a need for three modifications to SBMC standards, discussed in Section 2.0 below.

## 2.0 REQUESTED MODIFICATIONS

### 2.1 Lot Area (SBMC Sec. 28.87.030.E.1)

The Subject Property is located within the E-1 Single Family Residential zone district. However, two legal residences exist on the site. Therefore the Subject Property is currently non-conforming to residential density. As a result, no new habitable area may be added without a Lot Area modification. The Project includes the addition of 416 s.f. of accessory space above a 2-car garage. The Owner has two children and his family occupies all of the existing bedrooms in the existing single family residence. The Owner works from home and requires an office space on the Subject Property.

Substantial interior and exterior modifications of the existing studio would be required to make this structure usable as an office and to comply with current building code requirements. These would result in de-facto re-construction of the building, which has been determined to be historically significant. Large-scale alteration of the studio would be potentially significant adverse impact to a historic resource. Therefore, the best alternative is to provide a small new accessory space within the new structure that will also include a 2-car garage that is being built to bring the Subject Property into conformance with current SBMC parking standards

## *2.2 Interior Setback (28.15.060 and 28.92.110)*

The existing studio structure is located within the East ten foot interior yard setback. This structure was formerly a 1-car garage and was legal non-conforming as to setbacks when it remained a garage. As discussed above, the structure ceased to function as a garage when the roadway that provided vehicular access to the structure was eliminated as a result of properties to the East and North being subdivided sometime in the first half of the 1900's. There is currently no feasible means to provide vehicular access to the structure and convert it back to garage use. As noted above the entire Subject Property is designated a historic landmark. Demolition of the studio would represent a potentially significant adverse impact to historic resources. Therefore, the requested modification is required due to the "change of use" of the structure, which may not be demolished to eliminate the existing non-conformity to interior yard setback

## *2.3 Total Accessory Area In Excess of 500 s.f. (SBMC Sec 28.87.170 and 28.92.110)*

The Subject Property currently includes 285 s.f. of accessory structures (the Studio) that would be retained as part of the proposed Project. An existing 80 s.f. garden shed would be demolished, and 416 s.f. of new accessory space would be provided in the new garage/accessory structure located to the North of the single family residence. This exceeds the total of 500 s.f. accessory space allowed per SBMC standards. The Owner initially proposed to demolish the studio, which would have obviated the need for this modification. However, the Historic Sites and Structures Report (the "HSSR") prepared for the project, which was accepted by the Historic Landmarks Commission (the "HLC") on June 4, 2014, indicated that demolition of the studio would be a significant adverse impact to a historic resource. Therefore, the structure must be retained on the Subject Property. The justification for provision of new accessory space in addition to the studio, rather than using the studio itself, is discussed in Section 2.1 above.

## **3.0 BENEFITS OF THE PROJECT**

The proposed project will retain all historically significant structures on the Subject Property and bring the property into conformance with current SBMC parking requirements. The HLC reviewed both the HSSR and the proposed Project at its June 4, 2014 hearing, accepted the HSSR, and determined that all of the requested modifications discussed above are appropriate and would not adversely impact the historic resources onsite.

The requested modifications: 1) are required to secure an appropriate improvement on the Subject Property; 2) are necessary to prevent an unreasonable hardship otherwise generated by unique physical conditions that affect the Subject Property; and, 3) will promote uniformity of improvement by allowing development on the Subject Property to meet current off-street parking requirements. Therefore, we respectfully request that you approve all of the modifications discussed herein.



Thank you for taking the time to review this. If you have any questions, feel free to contact me via E-mail at [jarrett.gorin@vanguardplanning.com](mailto:jarrett.gorin@vanguardplanning.com) or at (805) 966-3966. I look forward to presenting our proposal in person at our hearing.

Sincerely,

VANGUARD PLANNING LLC

Jarrett Gorin, AICP  
Principal

cc: Ethan Reece (via E-mail)



# City of Santa Barbara California

Exhibit C: The Phase 2 Historic Structures/ Sites Report, prepared by Post/Hazeltine Associates, has been distributed separately.

A copy is available for viewing at:

- 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates; and
- Online at [www.SantaBarbaraCA.gov/SHO](http://www.SantaBarbaraCA.gov/SHO)



## DESIGN REVIEW ACTIVITIES SUMMARY

**2012 ANACAPA ST (MST2014-00096)**

**R-REMODEL**

*Proposal to demolish an 80 square foot shed structure and construct a 916 square foot, detached, two-story, accessory structure to include a 500 square foot, two-car garage, with a 416 square foot accessory room above the garage. The site is currently developed with an existing, 2,900 square foot, two-story residence, a 520 square foot, one-story residence, and a 285 square foot accessory structure to remain. The proposal will provide a total of three parking spaces to include two-covered and one-uncovered space. The proposed site development of 4,621 square feet, located on a 16,911 square foot lot, is 106% of the guideline floor-to-lot ratio (FAR). The proposal includes Staff Hearing Officer review for requested zoning modifications. This is a City Landmark: The Pearl Chase Residence.*

Status: Pending

DISP

Date 3

**HLC-Historic Structures Report**

**APVD**

**06/04/14**

(Review of Historic Structure/Sites Report prepared by Post/Hazeltine Associates. The report concluded that the proposed demolition of the studio (garage), would not meet the Secretary of Interior Standards for Rehabilitation and would have a Significant Class I impact on the City Landmark. However the other aspects of the proposed project will be consistent with the Secretary of Interior Standards for Rehabilitation and would have a less than significant impact on the City Landmark.)

Actual time: 3:02 p.m.

Present: Jarrett Gorin, Land Use Planner, Vanguard Planning, LLC; and Dr. Pamela Post and Timothy Hazeltine, Historical Consultants

Staff comments: Nicole Hernández, Urban Historian, stated that Staff agrees with the report that demolition of the studio (former garage) will negatively impact the City Landmark. Staff recommended that the HLC accept the report and that the applicant request a modification to retain the studio (former garage) as part of the project. Staff agrees with changing the window to an operable one, and that the demolition of the shed and construction of the new garage will not have a negative impact on the historic resource.

Public comment opened at 3:04 p.m.

Kellam de Forest, local resident, commented on certain detail inaccuracies on Page 7 of the report. He also stated that he found it difficult to accept that a two-story building can become a garage, and questioned the original garage's ability to maintain the pre-existing spatial relationships.

Public comment closed at 3:08 p.m.

Motion: To accept the report as presented.

Action: Shallenberger/Drury, 5/0/0. (La Voie/Murray/Orías/Suding absent.) Motion carried.

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

Actual time: 3:12 p.m.

Present: Michelle McToldridge, Architect; Jarrett Gorin, Land Use Planner, Vanguard Planning, LLC; Ethan Reece, Property Owner; and Suzanne Riegle, Associate Planner

Public comment opened at 3:19 p.m.

**EXHIBIT D**

Kellam de Forest, local resident, commented that he would like a better explanation for what happened to the Green Lane alley, and suggested exploring whether the studio (former garage) could have a second story to avoid construction of additional buildings on the lot.

Public comment closed at 3:20 p.m.

Vice-Chair Winick acknowledged receipt of a letter in opposition from Deborah Rogow, and two public letters in support from Mindy Wolfe and Catherine Compere.

Motion: Continued indefinitely to the Staff Hearing Officer with comments:

1. The proposed modifications are aesthetically appropriate. The proposed modifications do not pose consistency issues with El Pueblo Viejo Design Guidelines.
2. Study moving the garage back to make it less visible from the street while still protecting the existing tree.
3. Show how much of the building would be hidden relative to the existing landscape.
4. Address the size, bulk and scale by lowering the plate height to eight feet (8'-0") at the lower level, the garage doors to seven feet (7'-0"), and lowering the garage slab.
5. Study emulating on the garage the horizontal board architectural feature located between the first and second floors.
6. Study to cantilever portions of the second floor of the garage.
7. The scale of the windows should have more wall surface in between and not have the windows at the eave line of the roof.
8. The garage building scale should be subservient to the main residence.
9. Study whether the garage level could be slightly smaller than the second level by looking at the size of the powder room to make the building more efficient.
10. The French doors in the back should be less contemporary.
11. Return with a full landscape design plan.
12. Applicant should provide accurate elevations on the drawings to express the building's correct overall height and mass.

Action: Mahan/Drury, 5/0/0. (La Voie/Murray/Orías/Suding absent.) Motion carried.

Phase 2 HSSR prepared by Post/Hazeltine Associates dated 5/5/2014 was accepted by the HLC as presented: designated City Landmark - proposed demolition of studio (garage) would have a Significant Class I impact, but could be reduced to a less than significant level through revising project ...

**HLC-Archaeology Report**

**APVD**

**08/13/14**

(Review of Phase I Archaeological Resources Report prepared by David Stone, with Dudek.)

Actual time: 1:58 p.m.

Present: David Stone, Archaeological Consultant

Staff comments: Michelle Bedard, Assistant Planner, stated that Dr. Glassow has reviewed the archaeological report pertaining to the above-mentioned property and concludes that the archaeological investigation supports the report's conclusions. However, he states he is not sure that an archaeological monitor would be necessary even though the house was occupied by Pearl Chase. The chances of encountering something that would illuminate some aspect of Pearl Chase's life are very low, although I admit that some chance exists.

Motion: To accept the report as presented.

Action: Murray/Mahan, 7/0/0. (Suding/Winick absent.) Motion carried.