



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 21, 2015
AGENDA DATE: January 6, 2016
PROJECT ADDRESS: 508 E. Micheltorena Street (MST2015-00431)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The 5,194 square-foot site is currently developed with a 1,591 square foot two-story single family dwelling and an "as-built" detached 500 square foot garage with 233 square feet of "as-built" attic space above. The proposed project involves converting the "as-built" attic space above the garage to habitable space with exterior alterations, including new windows, and for construction of a new 68 square foot exterior stairway and landing to provide access to the area. The total development of 2,254 square feet is 91% of the maximum guideline floor-to-lot area ratio (FAR).

The discretionary applications required for this project are:

1. An Interior Setback Modification to allow the "as-built" garage with "as-built" attic space above in the required three-foot east interior setback (garage) and the required six-foot east interior setback (including the conversion of the attic space to habitable space with a new window) (SBMC § 28.18.060 and SBMC § 28.92.110); and,
2. An Interior Setback Modification to allow the "as-built" garage with "as-built" attic storage space above in the required three-foot south interior setback (garage) and the required six-foot south setback for the attic space (SBMC § 28.18.060 and SBMC § 28.92.110); and,
3. An Open Yard Modification to reduce the size of the required open yard area to allow for the new stairway with landing (SBMC § 28.18.060 and SBMC § 28.92.110).

Date Application Accepted: November 4, 2015 Date Action Required: February 2, 2016

II. RECOMMENDATION

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

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brian Miller	Property Owner:	Dan Bocek
Parcel Number:	029-031-002	Lot Area:	5,203 sq. ft.
General Plan:	Medium Density Residential (12 du/acre)	Zoning:	R-2
Existing Use:	Single Family Residence	Topography:	7%

Adjacent Land Uses:

North – Residential/Apartments	East - Single Family Residence
South – Single Family Residence	West – Single Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,521 sq. ft.	No Change
Garage	500 sq. ft.	No Change.
Accessory Space	233 sq. ft.	No Change

IV. BACKGROUND

The existing garage with attic storage space above was approved by the Single Family Design Board (SFDB) in 2011 and received final building permit approval. The approved plans for the 2011 project, showed the garage and attic space above to comply with the required setbacks.

In 2013, the property was added to the City’s Potential Historic Designation List as a contributing historic resource to the potential Bungalow Haven Historic District. The applicant submitted the current project for review by the Historic Landmarks Commission (HLC), including a request to convert the attic space above the garage to habitable space and to construct a new stairway to the space which required an Open Yard modification. However, a neighbor on De La Vista Avenue submitted a letter to the HLC with a survey of their property that showed the garage and attic space were located closer to the property line than shown on the plans.

V. DISCUSSION

The proposed project involves construction of a new stairway and landing to the accessory space above the detached garage, exterior changes to the space, which include two new dormers, a new skylight and a new window, converting the area that was attic space to habitable space and for interior alterations to the accessory space. The proposal also includes permitting the “as-built” garage and “as-built” accessory space location in the required east and south interior setbacks.

The proposal was reviewed by the HLC and was forwarded to the Staff Hearing Officer (SHO) with comments.

East Interior Setback Modification

The required interior setback for the garage is three feet and the required interior setback for the accessory space above is six feet. After the project approved in 2011 was constructed, it was discovered that the property line was shown incorrectly on the plans and the garage and accessory space wall with one upper story window are located 1'10" from the east interior property line, instead of the three feet required for a garage and the six feet required for accessory space. The proposal includes converting portions of the "as-built" accessory space above to habitable space, reducing the size of the upper story window in the setback, and allowing the garage to be located 1'10 inches from the interior property line. The proposed floor area for the accessory space is to be located five feet from the interior property line, and the "as-built" upper story window is proposed to be reduced in size and is located 1'10" from the east interior property line. The proposed dormer windows and exterior stairway for the accessory space will comply with the setback requirements.

Staff supports the requested east interior setback modification except for the upper story window and because the "as-built" garage and "as-built" accessory space above were constructed with the required permits and it was discovered after the structure was built that the property line was shown incorrectly on the plans. However, staff has included a condition that the upper story window in the required setback shall either be eliminated or shall be redesigned to be a clerestory window subject to review by the HLC. In addition, the Building and Fire codes have limitations for construction in proximity to other neighboring structures. Therefore, staff has also included a condition that the proposal shall meet Building and Fire code requirements.

South Interior Setback Modification

The "as-built" garage and "as-built" attic accessory space are located 2'6 ½" from the south interior property line, instead of the three feet required for the garage and the six feet required for the accessory space above. The "as-built" garage is proposed to remain at 2' 6 ½ inches from the interior property line, instead of the three feet required. The attic space is proposed to be converted to habitable space, and the habitable floor area will meet the required six foot south interior setback. The "as-built" attic space located in the required six foot setback is proposed to remain as attic space. Staff supports the requested south interior setback modification because the "as-built" garage and "as-built" accessory space above were constructed with the required permits, it was discovered after the structure was built that the property line was shown incorrectly on the plans and because no new openings are proposed in the south interior setback.

Open Yard Modification

The applicant is requesting an Open Yard Modification to reduce the size of the required open yard area to allow for the proposed stairway and landing. The Zoning Ordinance requires 1,250 square feet of open yard area, which may be provided in multiple areas with minimum dimensions of 20 feet by 20 feet. The property is currently conforming to open yard requirements. The proposal will reduce the size of the required Open Yard area to 1,189 square feet total, with approximately 1,100 square feet of Open Yard Area that meets the 20 foot by 20 foot requirements.

The property is undersized for the R-2 Zone, as it is a 5,194 square foot lot, instead of the 7,000 square feet required today. Staff is in support of the Open Yard modification because of the undersized R-2 lot, and because approximately 1,100 square feet of the remaining open yard complies with the 20 foot minimum dimension, and is still useable. In addition, the open yard fulfills the intent of the requirements and allows for a minor expansion of a stairway and landing to allow access for the proposed conversion of the attic to habitable space above of garage.

Environmental Review

The project site is located within an area mapped as American City Archaeological and Early 2th Century Archaeological (1900-1920) sensitivity areas. A prior Archaeological Letter report prepared by David Stone, M.A., R.P.A., dated August 30, 2011, concluded that it is unlikely that artifacts will be encountered during the proposed construction but recommends that the standard unanticipated archaeological discovery condition be included. Therefore, staff has included a condition that the standard unanticipated archaeological discovery condition shall be reproduced on the plans prior to submittal for building permit

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the East Interior 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” garage and “as-built” accessory space above are appropriate because the proposed structures were constructed with the required permits, and with removal or redesign of the window, the proposal is not anticipated to adversely impact the adjacent neighbor.

The Staff Hearing Officer finds that the South Interior 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 garage and “as-built” accessory space are appropriate because the structures were constructed with the required building permits, no new openings are proposed in the required setback and the proposal is not anticipated to adversely impact the adjacent neighbor.

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 stairway and landing are appropriate on a small lot with a single-family residence, because the resulting open yard area is useable by the residents and will fulfill the intent of the Open Yard requirements.

Said approval is subject to the following conditions:

1. The roof overhangs, window and walls for the garage and accessory space above shall comply with Building and Fire Code requirements.
2. The proposed upper story window in the required east interior setback shall either be redesigned to be a clerestory window or shall be eliminated from the project and the exterior changes are subject to review and approval by the HLC
3. The following language shall be added to the plans submitted for building permit:

“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If a 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 a discovery consists of possible prehistoric or Native American artifacts or materials, 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.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated October 20, 2015
- C. HLC Minutes dated September 23, 2015

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
(JLaconte@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x3320



City of Santa Barbara California

Exhibit A: The site plan for 508 E. Micheltorena Street has been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 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 the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

Brian B. Miller
Brian B. Miller Design
1115 Coast Village Rd.
Santa Barbara CA 93108
(805) 407-9001

10/20/2015

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

1.

RECEIVED
OCT 29 2015

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: Two Modification Requests for 508 E. Micheltorena St.; APN: 029-031-002

There is an existing two story house (1,120 gross s.f.), a detached two-car garage (525 gross s.f.) with an upstairs (252 gross s.f.) attic storage area. The proposal is to convert the upstairs attic space into habitable space consisting of a bedroom, artist studio and half bath. Our first modification request is to grant existing non-conforming status for the current location of the garage which was mistakenly built inside the rear and side yard setbacks.

Our second modification request is we are proposing an exterior access stair to the upper livable space which will encroach into the open area yard space by approx. 75 s.f.

The current location of the detached garage was mistakenly constructed inside the 3' rear and side yard setbacks, this probably occurred as the original architectural construction drawings were somewhat confusing as to the accurate location of the property lines and fences. A recent new survey was drawn and as a consequence it was discovered the garage is 1'-10" from the property line on the Southeast (rear) yard and 2'-6.5" from the Southwest (side) yard property line. Due to the fact the garage is already permitted and built, to move the entire structure would cause undue hardship and expense, possibly damaging the existing yard area plantings and hardscape, creating more damage than good. We feel that this modification would be the best solution to this unfortunate and unexpected situation.

2.

The second modification that we are asking for, we feel, is the only safe and viable option to access the upper level of the garage. Due to the limited space of the yard and being able to maintain a 20' x 20' clear area in the interior of the garage, this was the only location a stair could be located that best suited the client's needs, allow simple construction requirements and create minimal visual impact to the adjoining neighbors. Please note, there will still be some open area *under* the stair as well –which is not counted.

The benefits of having the exterior stair located where proposed is, first and foremost, the safest and least aggressive way to access the upper level of the garage. Also note the stairs will be constructed outside the *current* 6' rear yard setback.

We feel the stair, when tied together with the new added dormers to the roof, makes for a very aesthetically, if not improved overall architectural look of the garage. As mentioned before, it also has minimal visual impact to the adjoining neighbors.

Sincerely,

A handwritten signature in cursive script that reads "Brian B. Miller". The signature is written in black ink and is positioned below the word "Sincerely,".

Brian B. Miller
Designer

NEW ITEM**E. 508 E MICHELTORENA ST****R-2 Zone**

Assessor's Parcel Number: 029-031-002
Application Number: MST2015-00431
Owner: Dan Bocek
Designer: Brian Miller

(Proposal to convert the existing 233 square feet of attic space above a 500 square foot detached garage to habitable space with a half bath. An exterior staircase to the new habitable space above the detached garage encroaches into the required open yard area. Additional exterior alterations to the detached garage include new roof dormers and a skylight. Staff Hearing Officer review is required for an open yard area modification to reduce the size of the required open yard. This project addresses violations associated with enforcement case (ENF2015-00355). This property is a contributing historic resource to The Potential Bungalow Haven Historic District.)

(Concept review; comments only. Project requires environmental assessment and Staff Hearing Officer review for requested open yard modification.)

Public Comment:

Terri Minshull, neighbor; expressed property line and massing concerns.
Joan Marshall, neighbor; expressed massing concerns.

Continued indefinitely to Staff Hearing Officer with the following comments:

1. The steps are acceptable.
2. The dormers are too massive. Provide perspective plans of dormers. The wide eave is problematic.
3. Reduce the size, bulk, and scale of the dormers.